

SUPREME COURT OF KENTUCKY

Rosen v. Watson

103 S.W.3d 25 (Ky. 2003) · No. 2002-SC-0057-MR · Decided April 24, 2003

SUMMARY

The Supreme Court of Kentucky affirmed a writ of prohibition barring prosecution of Joseph Watson for second-degree escape. The court held that a request under KRS 500.110 was properly filed in the district court where the detainer charge was pending and was not premature merely because the request preceded the grand jury indictment. The court declined to construe KRS 500.110 identically to the Interstate Agreement on Detainers.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Cooper
JURISDICTION	Kentucky
DECIDED	April 24, 2003
DOCKET	2002-SC-0057-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Court of Appeals granted Joseph Watson's petition for a writ of prohibition under CR 76.36, prohibiting the Boyd Circuit Court from continuing prosecution of an escape charge. The Boyd Circuit Court and the Commonwealth appealed to the Supreme Court of Kentucky as a matter of right.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential.
PARTIES	Hon. Marc I. Rosen, Judge, Boyd Circuit Court, Commonwealth of Kentucky v. Joseph Watson

TOPICS

- criminal procedure
- speedy trial
- statutory interpretation
- appellate procedure
- remedies

PRACTICE AREAS

- criminal procedure
- speedy trial
- detainers
- extraordinary writs
- statutory interpretation

QUESTIONS PRESENTED

1. Whether a prisoner satisfies KRS 500.110 by delivering a request for final disposition to the court in which the detainer charge was pending when the detainer was lodged, even though the charge is later transferred to circuit court by indictment.
2. Whether a request for final disposition under KRS 500.110 is premature when filed after a detainer is lodged but before a grand jury indictment is issued.
3. Whether KRS 500.110 must be construed identically to the Interstate Agreement on Detainers, including its definition of appropriate court.

HOLDINGS

1. A prisoner satisfies KRS 500.110 by delivering the request for final disposition to the court in which the detainer charge was pending when the detainer was lodged and to the prosecuting officer responsible for that charge. The prisoner is not required to refile the request in circuit court after a subsequent grand jury indictment transfers the case.
2. A request for final disposition under KRS 500.110 is not premature when filed after a detainer has been lodged but before indictment; the filing of the detainer, rather than the issuance of an indictment, triggers the statute.
3. KRS 500.110 and the Interstate Agreement on Detainers are similar but not identical statutes, and courts may not engraft the IAD's circuit-court definition of appropriate court onto KRS 500.110.

KEY QUOTATIONS

"We interpret 'the prosecuting officer and the appropriate court of the prosecutor's jurisdiction' to mean the prosecutorial office which has lodged the detainer and the court in which the entered indictment, information or complaint forming the basis for the detainer was pending when the detainer was lodged." (103 S.W.3d at 28)

"We specifically decline to engraft KRS 440.460 onto the language of KRS 500.110." (103 S.W.3d at 29)

FACTUAL BACKGROUND

Watson's probation officer filed a criminal complaint alleging that Watson escaped from a halfway house, and the Boyd District Court later lodged a detainer against him while he was imprisoned at the Northpoint Training Center. Watson filed a pro se request for final disposition under KRS 500.110 in the Boyd District Court and served the Boyd County attorney. A grand jury subsequently indicted him in Boyd Circuit Court, but the Commonwealth did not bring him to trial within 180 days of his request.

PROCEDURAL HISTORY

Watson was charged in Boyd District Court with second-degree escape after a detainer was lodged against him while he was imprisoned on other charges. He requested final disposition under KRS 500.110, but the district court took no action; a grand jury later indicted him in circuit court. The circuit court denied Watson's motion to

dismiss, concluding that his request had been filed in the wrong court. The Court of Appeals issued a writ of prohibition, and the Supreme Court of Kentucky affirmed.

DISPOSITION

affirmed

CASES CITED

- Huddleston v. Jennings, 723 S.W.2d 381 (Ky. App. 1986)
- Rushin v. Commonwealth, 931 S.W.2d 456 (Ky. App. 1996)
- Schneider v. Commonwealth, 17 S.W.3d 530, 534 (Ky. App. 1999)
- Dunaway v. Commonwealth, 60 S.W.3d 563, 566-67 & n.3 (Ky. 2001)
- Fex v. Michigan, 507 U.S. 43, 113 S. Ct. 1085, 122 L. Ed. 2d 406 (1993)
- State ex rel. Butler v. Cullen, 253 So. 2d 861 (Fla. 1971)
- State v. Clark, 28 Utah 2d 272, 501 P.2d 274 (1972)
- State v. Moore, 521 P.2d 556 (Utah 1974)
- People v. Lopez, 41 Colo. App. 206, 587 P.2d 792, 795 (1978)
- Brooks v. State, 329 Md. 98, 617 A.2d 1049, 1053 (1993)
- State ex rel. Kemp v. Hodge, 629 S.W.2d 353, 360 (Mo. 1982) (en banc)
- Brimer v. State, 195 Kan. 107, 402 P.2d 789, 793-94 (1965)
- Barker v. Wingo, 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)
- Gabow v. Commonwealth, 34 S.W.3d 63, 69-70 (Ky. 2000)