

SUPREME COURT OF KENTUCKY

Frederick Jones v. Commonwealth of Kentucky

2019-SC-0651-DG · No. 2019-SC-0651-DG · Decided December 14, 2021

SUMMARY

The Supreme Court of Kentucky held that an application for expungement constitutes an “action” under Kentucky’s in forma pauperis statute. The Court ruled that the statute permits an indigent applicant to proceed without paying both the \$50 filing fee and the \$250 expungement fee. The Court reversed the Court of Appeals and remanded the matter to the Jefferson Circuit Court.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Keller
JURISDICTION	Kentucky
DECIDED	December 14, 2021
DOCKET	2019-SC-0651-DG
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Jones sought discretionary review of the Court of Appeals' affirmance of the Jefferson Circuit Court's denial of his motion to proceed in forma pauperis in connection with an expungement application.
STANDARD OF REVIEW	De novo review of the lower courts' interpretations of the relevant statutes.
PRECEDENTIAL VALUE	Published opinion designated to be published.
PARTIES	Frederick Jones v. Commonwealth of Kentucky

TOPICS

statutory interpretation post-conviction relief appellate procedure standard of review criminal procedure

PRACTICE AREAS

criminal law post-conviction relief statutory interpretation appellate procedure

QUESTIONS PRESENTED

1. Whether an application for expungement under KRS 431.073 is an "action" within the meaning of Kentucky's in forma pauperis statute, KRS 453.190.
2. If the IFP statute applies to an expungement application, whether it waives both the \$50 filing fee and the \$250 expungement fee.

HOLDINGS

1. An application for expungement is an "action" under KRS 453.190 because KRS 446.010(1) broadly defines action to include all proceedings in any Kentucky court, and an expungement proceeding is separate from the underlying criminal case.
2. When a qualifying applicant proceeds in forma pauperis on an expungement application, the IFP statute applies to both the \$50 filing fee and the \$250 expungement fee.

KEY QUOTATIONS

"The interpretation of statutes is a matter of law which we review de novo." (3)

"The plain meaning of the statutory language is presumed to be what the legislature intended, and if the meaning is plain, then the court cannot base its interpretation on any other method or source." (3)

"Under the definition of "action" as provided by the legislature, we see no interpretation of the IFP statute that could preclude an expungement from being considered an "action" for purposes of that statute." (5)

"Because of this, the IFP statute applies to both the \$50 filing fee and the \$250 expungement fee." (8)

FACTUAL BACKGROUND

In 1998, Frederick Jones pleaded guilty to one felony count of theft by failure to make the required disposition of property and later completed incarceration and five years of supervised probation. In August 2018, he applied for expungement under KRS 431.073 and sought to proceed in forma pauperis under KRS 453.190 rather than pay the filing fee. The circuit court denied IFP status, and the Court of Appeals affirmed.

PROCEDURAL HISTORY

Jones filed an application for expungement and a motion to proceed in forma pauperis in Jefferson Circuit Court. The circuit court denied IFP status, concluding that the IFP statute did not apply to expungement applications. The Court of Appeals affirmed, and the Kentucky Supreme Court granted discretionary review, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Jefferson Circuit Court for proceedings consistent with the opinion.

CASES CITED

- Commonwealth v. Moore, 545 S.W.3d 848 (Ky. 2018)
- Spees v. Kentucky Legal Aid, 274 S.W.3d 447 (Ky. 2009)
- Stephenson v. Woodward, 182 S.W.3d 162 (Ky. 2005)
- Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1938) (Brandeis, J., concurring)
- Beach v. Commonwealth, 927 S.W.2d 826 (Ky. 1996)
- Ledford v. Faulkner, 661 S.W.2d 475 (Ky. 1983)
- Cummins v. Cox, 763 S.W.2d 135 (Ky. App. 1988)
- Stafford v. Bailey, 282 Ky. 525, 138 S.W.2d 998 (1940)
- Jenkins v. Commonwealth, 496 S.W.3d 435 (Ky. 2016)
- Schroeder v. Atkins, 657 S.W.2d 945 (Ky. 1983)
- Francis v. Taylor, 593 S.W.2d 514 (Ky. 1980)

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