

SUPREME COURT OF KENTUCKY

Commonwealth of Kentucky v. Russell T. Amboree

2024-SC-0449-DG · No. 2024-SC-0449-DG · Decided February 19, 2026

SUMMARY

The Supreme Court of Kentucky affirmed the Court of Appeals' decision vacating Russell T. Amboree's six-year consecutive sentence for two first-degree possession of a controlled substance convictions. The Court held that KRS 218A.1415(2)(a) prohibits application of KRS Chapter 532 to impose an aggregate term of incarceration exceeding three years for those convictions, and remanded for resentencing.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Conley; Chief Justice Lambert; Justice Goodwine; Justice Thompson; Justice Nickell; Justice Bisig; Justice Keller
JURISDICTION	Supreme Court of Kentucky
DECIDED	February 19, 2026
DOCKET	2024-SC-0449-DG
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Kentucky Supreme Court granted discretionary review of a Court of Appeals decision vacating Amboree's six-year sentence for two first-degree possession-of-a-controlled-substance convictions.
STANDARD OF REVIEW	De novo review of statutory interpretation.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential.
PARTIES	Commonwealth of Kentucky v. Russell T. Amboree

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- appellate procedure
- plain meaning rule

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate law
- statutory interpretation
- sentencing

QUESTIONS PRESENTED

1. Whether KRS 218A.1415(2)(a) prohibits consecutive sentences for multiple first-degree possession-of-a-controlled-substance convictions from producing an aggregate term of incarceration greater than three years.
2. Whether provisions of KRS Chapter 532, including KRS 532.110(1)(c), may be applied to aggregate consecutive sentences beyond the three-year maximum stated in KRS 218A.1415(2)(a).

HOLDINGS

1. KRS 218A.1415(2)(a) unambiguously prohibits aggregating consecutive sentences for multiple first-degree possession-of-a-controlled-substance convictions when the aggregate term would exceed three years.
2. The statutory language is unambiguous, so the court must enforce it according to its text without resorting to unstated legislative intent or policy concerns.

KEY QUOTATIONS

“Our standard of review is de novo.” (3)

“The wording implies that no section of KRS Chapter 532 can increase the sentence beyond three years, including a PFO enhancement.” (5)

“When there is a conflict between statutes, the word “notwithstanding” has only one purpose: “the provision to which [it] accords priority prevails.”” (6)

“There is no authority for a trial court to impose consecutive sentences for multiple convictions of POCS, first degree under KRS 218A.1415 if doing so extends the term of incarceration beyond three years.” (8)

“The General Assembly has unambiguously declared that for POCS, first degree convictions under KRS 218A.1415(2)(a), the term of incarceration shall be no greater than three years notwithstanding any provision in KRS Chapter 532 that might make it greater.” (12)

FACTUAL BACKGROUND

Amboree was convicted by a jury of two counts of first-degree possession of a controlled substance, each a Class D felony, and possession of marijuana. The jury recommended three years for each controlled-substance conviction, to run consecutively, producing a six-year aggregate sentence, and forty-five days for the marijuana conviction, to run concurrently. Amboree objected at sentencing that the six-year term exceeded the three-year maximum in KRS 218A.1415(2)(a), but the trial court imposed the recommended sentence.

PROCEDURAL HISTORY

A jury convicted Amboree of two counts of first-degree possession of a controlled substance and misdemeanor marijuana possession. The trial court imposed consecutive three-year sentences for the two felony convictions, for an aggregate six-year term, despite Amboree's objection that KRS 218A.1415 capped incarceration at three years. The Court of Appeals vacated the sentence, and the Commonwealth sought discretionary review. The Supreme Court affirmed the Court of Appeals and remanded for resentencing.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case is remanded to the Henderson Circuit Court for resentencing consistent with the holding that the aggregate term of incarceration for the two first-degree possession convictions may not exceed three years.

CASES CITED

- Eldridge v. Commonwealth, 479 S.W.3d 614 (Ky. App. 2015)
- Gamble v. Commonwealth, 453 S.W.3d 716, 718-21 (Ky. 2015)
- Lynch v. Commonwealth, 902 S.W.2d 813, 814 (Ky. 1995)
- Barnett v. Central Kentucky Hauling, LLC, 617 S.W.3d 339, 341-42 (Ky. 2021)
- Griffin v. City of Bowling Green, 458 S.W.2d 456, 457 (Ky. 1970)
- Normandy Farm, LLC v. Kenneth McPeck Racing Stables, Inc., 701 S.W.3d 129, 137 (Ky. 2024)
- Cosby v. Commonwealth, 147 S.W.3d 56, 58-59 (Ky. 2004)
- Cawood v. Hensley, 247 S.W.2d 27, 29 (Ky. 1952)
- Landrum v. Commonwealth ex rel. Beshear, 599 S.W.3d 781, 791 (Ky. 2019)
- N.L.R.B. v. SW General, Inc., 580 U.S. 288, 301 (2017)
- McGlone v. Horton, 80 S.W.2d 522, 524-25 (Ky. 1935)
- Commonwealth v. Moore, 545 S.W.3d 848, 851-52 (Ky. 2018)
- McClanahan v. Commonwealth, 308 S.W.3d 694, 700 (Ky. 2010)
- Hoskins v. Maricle, 150 S.W.3d 1, 11 (Ky. 2004)
- Hampton v. Commonwealth, 666 S.W.2d 737, 741 (Ky. 1984)
- Rummel v. Estelle, 445 U.S. 263, 274 (1980)
- University of Louisville v. Rothstein, 532 S.W.3d 644, 648 (Ky. 2017)
- Lee v. Kentucky Department of Corrections, 610 S.W.3d 254, 262 (Ky. 2020)
- Owen v. University of Kentucky, 486 S.W.3d 266, 273 n.30 (Ky. 2016)
- Alleyne v. United States, 570 U.S. 99, 108 (2013)