

Commonwealth of Kentucky

Court of Appeals

NO. 2010-CA-001697-MR

CHRISTOPHER ANNESS

APPELLANT

v. APPEAL FROM KENTON CIRCUIT COURT
HONORABLE GREGORY M. BARTLETT, JUDGE
ACTION NO. 10-CR-00102

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

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BEFORE: DIXON, KELLER AND STUMBO, JUDGES.

STUMBO, JUDGE: Christopher Anness appeals from his conviction on a charge of receiving stolen property, a firearm, and his sentence of five years' imprisonment. Anness argues that the trial court erred when it denied his motion to separate his trial for the charge of receiving stolen property from charges of

trafficking in marijuana and possession of marijuana. We agree with the trial court that all of the charges were properly tried together and affirm.

The facts of this case are straightforward. Anness purchased a gun from Ronald Lucas. The gun had been stolen by Lucas. During the investigation of Lucas, the gun was eventually found in the possession of Anness. Anness argued at trial that he did not know the gun was stolen. The Commonwealth argued the opposite. Anness claimed that he paid \$350 for the gun while other evidence suggested he paid \$200 in cash and an amount of marijuana for the gun.

At a pretrial conference, the Commonwealth stated that it was going to try all three charges together. Defense counsel objected and requested separate trials, one for the stolen property charge and one for the drug charges. The trial court denied the request for separate trials. At trial, the jury found Anness guilty of receiving stolen property and possession of marijuana. It found him not guilty on the trafficking charge. This appeal followed.

Two or more offenses may be tried together if they are “of the same or similar character or are based on the same acts or transactions connected together or constitute parts of a common scheme or plan.” *Brown v. Commonwealth*, 458 S.W.2d 444, 447 (Ky. 1970); Kentucky Rule of Criminal Procedure (RCr) 6.18; RCr 9.12. Here, evidence was provided that Anness bought a stolen gun using cash and marijuana. The three offenses Anness was charged with are part of the same transaction.

The three charges were properly tried together as they were all part of the same transaction; therefore, we affirm Anness' conviction.

ALL CONCUR.

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