

RENDERED: November 21, 1997; 10:00 a.m.
NOT TO BE PUBLISHED

NO. 96-CA-2436-MR

KENDALL PARNELL

APPELLANT

v.

APPEAL FROM LARUE CIRCUIT COURT
HONORABLE LARRY D. RAIKES, JUDGE
ACTION NO. 94-CR-001

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION AND ORDER

DISMISSING

*** *** *** ***

BEFORE: COMBS, EMBERTON, and MILLER, Judges.

MILLER, JUDGE: Kendall Parnell (appellant) brings this pro se appeal from an August 21, 1996 order of the Larue Circuit Court. We dismiss this appeal.

On December 27, 1993, appellant was arrested for rape in the third degree (Ky. Rev. Stat. (KRS) 510.060). On January 11, 1994, a \$60,000.00 property bond was posted and appellant was released from custody. He pled guilty to third-degree rape on September 7, 1995, and was sentenced to 2-1/2 years' imprisonment. The appellant did not receive credit towards his sentence for the time he spent in custody prior to sentencing as required

by KRS 532.120(3). On August 19, 1996, appellant filed a motion to amend the final judgment to reflect custody credit of sixteen days. Said motion was overruled. This appeal followed.

Appellant filed his Notice of Appeal on August 26, 1996, and his pro se brief on September 20, 1996. On November 21, 1996, the Larue Circuit Court entered an order giving appellant sixteen days' credit towards his sentence. The Commonwealth, appellee, filed its response brief on February 24, 1997 and admitted appellant's entitlement thereto.

Appellant's sole argument is that, pursuant to KRS 532.120(3), a credit of sixteen days should be applied toward the 2-1/2 year sentence he is currently serving. It appears to this Court that the relief sought has been granted. Perforce we dismiss this appeal.

ALL CONCUR.

/s/ John D. Miller
JUDGE, COURT OF APPEALS

ENTERED: November 21, 1997

BRIEF FOR APPELLANT:

Kendall Parnell Pro Se
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BRIEF FOR APPELLEE:

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