

# Commonwealth Of Kentucky

## Court Of Appeals

NO. 1998-CA-003008-MR

LAWRENCE WAYNE MARTIN

APPELLANT

v. APPEAL FROM METCALFE CIRCUIT COURT  
HONORABLE BENJAMIN L. DICKINSON, JUDGE  
ACTION NO. 98-CR-00020

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING  
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BEFORE: DYCHE, McANULTY, AND SCHRODER, JUDGES.

SCHRODER, JUDGE: This is an appeal from a judgment convicting Lawrence Martin of incest pursuant to a guilty plea. Martin's attorney filed an "Anders" brief. Upon reviewing the record, we adjudge that this appeal is frivolous and, thus, affirm.

Lawrence Martin was indicted in June of 1998 on four counts of incest as a result of various instances in which he had sexual intercourse with his biological daughter, who was sixteen years of age at the time. On November 6, 1998, Martin entered into a plea agreement with the Commonwealth in which he agreed to plead guilty to the four counts of incest in exchange for the Commonwealth's recommended sentence of seven years' imprisonment

on each count, to be served concurrently. On that same date, Martin entered his plea of guilty to the four counts of incest. On November 30, 1998, the court entered the final judgment pursuant to the guilty plea, sentencing Martin in keeping with the Commonwealth's recommendation of seven years on each count to run concurrently. This direct appeal by Martin followed.

The appellate brief filed by Martin's counsel was submitted pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). Counsel maintains that there are no grounds for appeal and that the appeal is wholly frivolous. After conducting a review of the record, we agree that the appeal is baseless.

Martin entered an unconditional guilty plea in this case. As such, he has waived all defenses other than that the indictment did not charge an offense. Bush v. Commonwealth, Ky., 702 S.W.2d 46 (1986); Quarles v. Commonwealth, Ky., 456 S.W.2d 693 (1970). We see no defect in the indictment. We likewise see no grounds for appeal in the guilty plea proceeding. The court followed the dictates of Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969) in accepting the plea, and the plea appears to have been entered voluntarily and intelligently. See North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970) and Sparks v. Commonwealth, Ky. App., 721 S.W.2d 726 (1986). Further, the court accepted the terms of the plea agreement and sentenced Martin according to the recommendation of the Commonwealth.

For the reasons stated above, the judgment of the Metcalfe Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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