

Commonwealth Of Kentucky

Court Of Appeals

NO. 1999-CA-002295-MR
and
NO. 1999-CA-002297-MR

BART A. VIA

APPELLANT

v. CONSOLIDATED APPEALS FROM MCCRACKEN CIRCUIT COURT
HONORABLE R. JEFFREY HINES, JUDGE
ACTION NOS. 98-CR-00203 & 98-CR-00280

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING
** **

BEFORE: COMBS, EMBERTON, and TACKETT, Judges.

COMBS, JUDGE: Bart Alan Via appeals from separate judgments of conviction entered by the McCracken Circuit Court on September 15, 1999, for operating a motor vehicle while under the influence, third offense and fourth offense. Via entered conditional pleas of guilty pursuant to Rule of Criminal Procedure (RCr) 8.09 claiming that Kentucky Revised Statute (KRS) 189A.010(4)(c) is arbitrary as contemplated by Section 2 of the Kentucky Constitution and that it violates both the state and federal constitutional guarantees of equal protection. We recently addressed these arguments under similar facts in

Cornelison v. Commonwealth, (1999-CA-001825-MR) 2000 Ky. App. Lexis 73, rendered July 7, 2000, in which we held that the statute is constitutional.

Therefore, the judgments of the McCracken Circuit Court are affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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