

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2006-CA-002530-MR

LLOYD CHRISTOPHER RICHARDSON

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT  
HONORABLE GARY PAYNE, JUDGE  
ACTION NO. 99-CR-00006

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: STUMBO AND TAYLOR, JUDGES; HENRY,<sup>1</sup> SENIOR JUDGE.

HENRY, SENIOR JUDGE: Lloyd Christopher Richardson appeals from an order of the Fayette Circuit Court denying his Kentucky Rules of Civil Procedure (CR) 60.02 motion for relief from that court's judgment and order of conviction entered March 12, 1999, whereby he was convicted of one count each of first-degree assault and first-degree unlawful imprisonment. Richardson was sentenced to

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<sup>1</sup> Senior Judge Michael L. Henry, sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

twenty years' imprisonment for the crimes, which involved restraining his pregnant girlfriend and her young son in her apartment over a period of several hours, beating her when she regained consciousness. Richardson's conviction was affirmed by the Kentucky Supreme Court on April 20, 2000. In this CR 60.02 motion Richardson alleges that the trial court erred by permitting the jury to consider incorrect information about his minimum and maximum parole eligibility during the sentencing phase of his trial. Because this is Richardson's third successive post-conviction motion, we decline to reach the merits and affirm.

In *Gross v. Commonwealth*, 648 S.W.2d 853 (Ky. 1983), the Supreme Court of Kentucky addressed Kentucky's post-conviction procedure this way:

The structure provided in Kentucky for attacking the final judgment of a trial court in a criminal case is not haphazard and overlapping, but is organized and complete. That structure is set out in the rules related to direct appeals, in RCr 11.42, and thereafter in CR 60.02. CR 60.02 is not intended merely as an additional opportunity to raise Boykin defenses. It is for relief that is not available by direct appeal and not available under RCr 11.42. The movant must demonstrate why he is entitled to this special, extraordinary relief.

*Id.* at 856. The matters raised in the present motion are "issues that could reasonably have been presented" in either his direct appeal or in one of his two previous post-conviction motions. Further review is therefore foreclosed. *Id.* at 857.

ALL CONCUR.

BRIEF FOR APPELLANT:

Lloyd Richardson, Pro Se  
LaGrange, Kentucky

BRIEF FOR APPELLEE:

Gregory D. Stumbo  
Attorney General of Kentucky

Perry T. Ryan  
Assistant Attorney General  
Frankfort, Kentucky