

RENDERED: AUGUST 21, 2009; 10:00 A.M.  
NOT TO BE PUBLISHED

# Commonwealth of Kentucky

## Court of Appeals

NO. 2008-CA-002216-MR

PAUL KORDENBROCK

APPELLANT

v.

APPEAL FROM FRANKLIN CIRCUIT COURT  
HONORABLE PHILLIP J. SHEPHERD, JUDGE  
ACTION NO. 07-CI-00556

THEODORE KUSTER;  
LEE VAN HOOSE;  
AND JIM WAGNER

APPELLEES

OPINION  
AFFIRMING

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BEFORE: COMBS, CHIEF JUDGE; NICKELL AND TAYLOR, JUDGES.

TAYLOR, JUDGE: Paul Kordenbrock brings this *pro se* appeal from a September 10, 2008, order of the Franklin Circuit Court dismissing his petition for declaration of rights. We affirm.

Appellant is currently serving three concurrent life sentences for the offenses of capital murder, a twenty-year sentence for the offense of attempted

murder, and a twenty-year sentence for the offense of robbery from convictions in 1981. In January 2004, appellant appeared before the Kentucky Parole Board (Parole Board) seeking parole consideration.<sup>1</sup> The Parole Board denied appellant parole and specifically ordered appellant to serve out the remainder of his sentence of imprisonment. Consequently, appellant was henceforth ineligible for parole consideration.

Subsequently, appellant filed a petition for declaration of rights in the Franklin Circuit Court. Therein, appellant argued that the Parole Board's decision requiring him to serve out the remainder of his sentence of imprisonment was erroneous and violative of sundry constitutional provisions. By a September 10, 2008, order, the circuit court concluded that appellant had "no right to, or liberty interest in, parole" and thus, dismissed the petition for declaration of rights. This appeal follows.

Appellant contends the circuit court erroneously denied his petition for declaration of rights. In particular, he argues that the Parole Board's decision to require him to serve out his sentence of imprisonment without future parole consideration violated the constitutional protections of equal protection, due process of law, prohibition against *ex post facto* laws, and amounted to breach of contract.

In this Commonwealth, an inmate's entitlement to parole is purely a matter of legislative grace. *Land v. Com.*, 986 S.W.2d 440 (Ky. 1999). Simply

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<sup>1</sup> The record reflects this was appellant's third appearance before the Parole Board for parole consideration since his conviction in 1981.

stated, there exists no constitutional right to parole “in which inmates have a legitimate claim of entitlement.” *Belcher v. Ky. Parole Bd.*, 917 S.W.2d 584, 587 (Ky. 1996). Rather, a parole board must merely afford basic due process to an inmate. Thus, an inmate must be given an opportunity to be heard, be given reasons supporting any decision, and the decision must be based upon “relevant criteria.” *Id.* at 587.

In this case, it is clear that appellant was given an opportunity to be heard by the Parole Board, and there is no assertion that the Board’s decision was based upon insufficient reasons. Moreover, appellant was informed of the Parole Board’s decision and the underlying legal basis thereof. Based upon the record, we conclude that appellant was afforded adequate due process and that the court properly dismissed his petition for declaration of rights.

For the foregoing reasons, the order of the Franklin Circuit Court is affirmed.

ALL CONCUR.

BRIEFS FOR APPELLANT:

Paul Kordenbrock, *Pro Se*  
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BRIEF FOR APPELLEES:

Tyra L. Redus  
Frankfort, Kentucky