

RENDERED: SEPTEMBER 25, 2009; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky
Court of Appeals

NO. 2008-CA-002356-MR

WINSTON WRIGHT

APPELLANT

v. APPEAL FROM BOYLE CIRCUIT COURT
HONORABLE DARREN W. PECKLER, JUDGE
ACTION NO. 08-CI-00242

LT. BRIAN TAYLOR,
DEPUTY WARDEN DON BOTTOM

APPELLEES

OPINION
AFFIRMING

** ** * * * * *

BEFORE: CAPERTON, CLAYTON, AND DIXON, JUDGES.

CLAYTON, JUDGE: This is an appeal of a decision of the Boyle Circuit Court dismissing the appellant, Winston Wright's, complaint. For the reasons that follow, we affirm the decision of the trial court.

DISCUSSION

Wright is an inmate at the Northpoint Training Center (Northpoint) which is under the control of the Kentucky Department of Corrections (DOC). He brought an action in Boyle Circuit Court contending that certain personal items of his had been converted by the employees of the DOC, specifically appellees Lt. Brian Taylor and Deputy Warden Don Bottom. The trial court held that inmates are not a protected class and that the allowance of certain personal items in a minimum or medium facility but not allowing those same items in a maximum security facility was reasonable.

We begin by agreeing with the trial court that inmates are not a protected class for equal protection purposes. *See Hampton v. Hobbs*, 106 F.3d 1281, 1286 (6th Cir. 1997), and *Pryor v. Brennan*, 914 F.2d 921, 923 (7th Cir. 1990). Kentucky Revised Statutes (KRS) 196.030 provides that:

- (1) The department shall, unless otherwise provided by law, exercise all functions of the state in relation to:
 - (a) Management of penal, reform, and correctional institutions;

DOC Correctional Policy and Procedures (CPP) No. 17.1 (III)(E) provides that:

- (1) If an inmate is transferred by Corrections from one institution to another, all personal effects, personal and state issued clothing and property, including legal material, shall be inventoried and transferred with the inmate. . . .

The CPP also provides that it shall be limited to those items authorized at the institution. Clearly, the list of authorized items at a medium or

minimum facility could be different than those at a maximum security facility. Thus, we find that the trial court did not err in finding that the DOC's policies and procedures were proper. As to the specific items Wright contends were converted by the appellees, the correspondence from Deputy Bottom indicates that certain property belonging to Wright was confiscated due to its alteration. After Wright explained the reasons for the alteration, Deputy Bottom ordered the property returned with a warning to Wright that alteration was against policies and procedures.

For the reasons set forth above, we affirm the decision of the Boyle Circuit Court dismissing Wright's complaint based upon negligence and conversion.

ALL CONCUR.

BRIEF FOR APPELLANT:

Winston Wright, *pro se*
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BRIEF FOR APPELLEE:

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