

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2011-CA-002014-MR

JAMES C. MERIDA

APPELLANT

v. APPEAL FROM WHITLEY CIRCUIT COURT  
HONORABLE DANIEL BALLOU, JUDGE  
ACTION NO. 05-CR-00046

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: CLAYTON, MAZE, AND TAYLOR, JUDGES.

CLAYTON, JUDGE: James C. Merida appeals from the September 26, 2011, order of the Whitley Circuit Court denying his motion to convert costs and fines into a term of imprisonment. We affirm.

On November 18, 2005, Merida pled guilty to one count of escape in the second degree. By final judgment and sentence entered on December 5, 2005, the trial court accepted his plea and sentenced him to one year of incarceration to

be served consecutive to any other sentence then being served. In addition, the trial court ordered that Merida shall pay court costs in the amount of \$125 and attorney and administrative fees in the amount of \$450, at the rate of \$72 per month, with the first payment due the first day of the month after Merida had been released for thirty days. Merida did not appeal from the December 5, 2005, judgment and sentence nor seek further review from the trial court.

On May 1, 2011, Merida filed a motion to convert the fines and costs to a definite term of imprisonment to run concurrently with the twenty-year sentence he is currently serving. On September 26, 2011, his motion was denied. This appeal followed.

On appeal, Merida argues that the trial court's imposition of costs and fines was improper because he was indigent at the time of the December 5, 2005, judgment and sentence. However, Merida's argument is untimely. In general, a judgment becomes final ten days after its entry by the trial court. *See* Kentucky Rules of Civil Procedure (CR) 52.02, 59.04, 59.05. Therefore, "a court loses jurisdiction once its judgment is final." *Mullins v. Hess*, 131 S.W.3d 769, 774 (Ky. App. 2004). Merida's motion to the trial court came almost seven years after the entry of the trial court's final judgment and sentence. If he was dissatisfied with the imposition of fines and costs, the appropriate action would have been to file either a motion to alter, amend, or vacate within ten days or a notice of appeal within thirty days. CR 59.05; CR 73.02. Accordingly, we find no error with the trial court's denial of his motion for belated relief.

For the foregoing reasons, the September 26, 2011, order of the  
Whitley Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

James C. Merida, Pro Se  
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BRIEF FOR APPELLEE:

Jack Conway  
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