

RENDERED: NOVEMBER 15, 2019; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky
Court of Appeals

NO. 2018-CA-000236-MR

JEREMY BELL

APPELLANT

v. APPEAL FROM RUSSELL CIRCUIT COURT
HONORABLE VERNON MINIARD, JR., JUDGE
ACTION NO. 11-CR-00095

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * ** * **

BEFORE: DIXON, SPALDING, AND TAYLOR, JUDGES.

TAYLOR, JUDGE: Jeremy Bell, *pro se*, brings this appeal from a January 30, 2018, order of the Russell Circuit Court denying Bell's Motion to Dismiss Case Due to Illegal Arrest. We affirm.

Bell was indicted in 2011 by a Russell County Grand Jury on fourteen counts of second-degree sodomy and one count of fourth-degree sodomy.

Pursuant to a plea agreement, the Commonwealth dismissed the one count of

fourth-degree sodomy. Bell entered a guilty plea to the remaining indicted offenses and was sentenced to a total of twelve-years' imprisonment on November 27, 2012.

On January 5, 2018, Bell filed a *pro se* motion styled "Motion to Dismiss Case Due to Illegal Arrest Without Probable Cause and Thereafter Conducted a Search Collecting Evidence to Form an Arrest in Violation of the Exclusionary Rule." Therein, Bell maintained that his arrest was illegal because the police failed to obtain an arrest warrant and that his confession should have been excluded as it resulted from the illegal arrest. He also argued that police improperly seized his property without a search warrant. By order entered January 30, 2018, the circuit court denied Bell's motion. This appeal follows.

Bell contends that his guilty plea was involuntary because there was insufficient evidence demonstrating that he committed the offense of second-degree sodomy. Bell also maintains that his arrest was without probable cause and without an arrest warrant. And, he alleges that the police searched his parents' home and seized his property without probable cause or a search warrant.

A valid guilty plea "must be knowing, intelligent and voluntary[.]" *Williams v. Commonwealth*, 229 S.W.3d 49, 50 (Ky. 2007). While Bell has alleged that his guilty plea was not voluntarily or knowingly entered, he has failed to set forth any valid grounds to justify setting it aside. Bell did not allege

ineffective assistance of counsel in relation to his guilty plea but rather has advanced arguments challenging the sufficiency of evidence and alleged improper conduct of police concerning his arrest and seizure of his personal property. These are not proper grounds to challenge the voluntariness of a guilty plea. *See King v. Commonwealth*, 408 S.W.2d 622 (Ky. 1966).

Additionally, in its January 30, 2018, order, the circuit court held that Bell's motion "deals with issues that should be (and many were) raised prior to trial or plea. The defendant's entry of a guilty plea in this case ends the litigation of these issues." Order at 1. It is well-recognized that "a guilty plea constitutes an admission of all facts alleged and a waiver of all nonjurisdictional and procedural defects and constitutional infirmities in any prior stage of the proceeding." 8 Leslie W. Abramson, 8 Ky. Prac. Crim. Prac. & Proc. § 22:14 (5th ed. 2019); *see also Jackson v. Commonwealth*, 363 S.W.3d 11, 15-17 (Ky. 2012); *Centers v. Commonwealth*, 799 S.W.2d 51, 55 (Ky. App. 1990). Accordingly, we conclude that the circuit court properly determined that Bell's allegations of error were waived by entry of his guilty plea.

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

ALL CONCUR.

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