

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2018-CA-000378-MR

LLOYD LEE

APPELLANT

v.

APPEAL FROM CARROLL CIRCUIT COURT  
HONORABLE R. LESLIE KNIGHT, JUDGE  
ACTION NO. 15-CR-00004

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: DIXON, LAMBERT, AND L. THOMPSON, JUDGES.

DIXON, JUDGE: Lloyd Lee appeals from the Carroll Circuit Court's December 13, 2017, order denying Lee's motion to waive fines and costs. After careful review of the record, briefs, and the law, we affirm.

Lee previously appealed to another panel of our court from the trial court's denial of his motion to waive fines, costs, and fees. In *Lee v.*

*Commonwealth*, 2016-CA-000329-MR, 2017 WL 4464341, at \*1 (Ky. App. Oct.

6, 2017),<sup>1</sup> Lee argued that the trial court erred in denying his motion because he was indigent at the time of his sentencing. That panel affirmed the imposition of court costs and the fine which Lee agreed to in his plea bargain, vacated the imposition of a public advocacy fee, and remanded the matter for entry of an order consistent with that opinion.

On November 6, 2017, Lee again moved the trial court to waive fines and costs claiming that because Lee's sole source of income is Social Security Benefits, he is unable to pay the money assessed by the trial court at the time of sentencing. On December 13, 2017, the trial court denied this motion stating:

[i]n regards to the court costs imposed herein, the Kentucky Court of Appeals found that a court's appointment of counsel for a needy person does not necessarily preclude an order requiring the Defendant to contribute to his defense. The Defendant did not request the trial court to determine his poverty status. The court herein found the Defendant to be indigent under the "needy person" standard of KRS<sup>[2]</sup> 31.100 R.41 and determined that the Defendant had the ability at the time of sentencing to pay for necessary legal expenses.

(Footnote added). This appeal followed.

In the instant appeal, Lee argues that the trial court erred in imposing court costs because he was declared disabled under the Social Security Act and

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<sup>1</sup> This opinion became final on December 19, 2017.

<sup>2</sup> Kentucky Revised Statutes.

was a *de facto* poor person, and that the Social Security anti-alienation provision also prevents imposition of court costs. These arguments were unsuccessfully raised in Lee’s first appeal. The law does not provide Lee a second bite at the apple simply by filing a second appeal from the trial court’s order on remand. Lee points us to no legal authority which would allow him such an exception. We will not search the record to construct Lee’s argument for him nor will we go on a fishing expedition to find support for his underdeveloped arguments. “Even when briefs have been filed, a reviewing court will generally confine itself to errors pointed out in the briefs and will not search the record for errors.” *Milby v. Mears*, 580 S.W.2d 724, 727 (Ky. App. 1979).

For the foregoing reasons, the judgment of the Carroll Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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