

IMPORTANT NOTICE
NOT TO BE PUBLISHED OPINION

THIS OPINION IS DESIGNATED "NOT TO BE PUBLISHED." PURSUANT TO THE RULES OF CIVIL PROCEDURE PROMULGATED BY THE SUPREME COURT, CR 76.28 (4) (c), THIS OPINION IS NOT TO BE PUBLISHED AND SHALL NOT BE CITED OR USED AS AUTHORITY IN ANY OTHER CASE IN ANY COURT OF THIS STATE.

RENDERED: OCTOBER 21, 2004
NOT TO BE PUBLISHED

Supreme Court of Kentucky **FINAL**

2004-SC-0163-MR

DATE 11-11-04 E. H. G. W. H. D. C.

LARRY R. ORDWAY

APPELLANT

V. APPEAL FROM COURT OF APPEALS
2003-CA-2031-OA
JEFFERSON CIRCUIT COURT NO. 2001-CR-2889

JAMES M. SHAKE, JUDGE,
JEFFERSON CIRCUIT COURT

APPELLEE

AND

COMMONWEALTH OF KENTUCKY

REAL PARTY IN INTEREST

MEMORANDUM OPINION OF THE COURT

AFFIRMING

Appellant, Larry Ordway, appeals a decision from the Court of Appeals denying his petition for a writ to prohibit the trial court from trying him. The trial is a retrial of a case that ended in a mistrial. Appellant argues that the retrial violates his constitutional right to not "be twice put in jeopardy" for the same offense. But the retrial is over, Appellant was convicted, and sentence has been imposed.

Therefore, we affirm the decision of the Court of Appeals.

All concur.

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