

# Commonwealth Of Kentucky

## Court Of Appeals

NO. 1998-CA-002970-MR,  
NO. 1998-CA-002971-MR, AND  
NO. 1998-CA-002972-MR

DAGAN M. HATTER;  
ROY O. ASHBY; AND  
CHARLES BURKHART

APPELLANTS

v. APPEALS FROM MARION CIRCUIT COURT  
HONORABLE DOUGLAS M. GEORGE, JUDGE  
INDICTMENT NOS. 98-CR-00067, 98-CR-00068, AND 98-CR-00069

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: DYCHE, GARDNER, AND KNOX, JUDGES.

DYCHE, JUDGE: Appellants were each, at separate times, found to be in possession of marijuana while an inmate at the Marion Adjustment Center, a correctional facility. They were each indicted for promoting contraband, first degree, and each entered a conditional plea of guilty, reserving the right to appeal the issue of whether an alleged failure of prison officials to follow Corrections Policies and Procedures affects the validity of the seizure of the evidence against them. We affirm.

Appellants argue that the officials either failed to complete a "chain of evidence form" for their respective violations, or, if the form was filled out, it was not given to the prisoner. They argue that either of these failures prevents the use of the seized contraband in their trials in Marion Circuit Court.

We find no authority for appellants' position. Unless the violation of internal operating policies of an administrative agency somehow infringes upon established constitutional or statutory rights of a criminal defendant, it will not have any effect on evidence otherwise admissible. The violation, in and of itself, cannot independently affect the operation of a court of law. To hold otherwise would invite chaos, and severely compromise the separation of powers doctrine established in sections 27 and 28 of the Constitution of Kentucky.

The judgments of the Marion Circuit Court are affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Michael C. Lemke  
Louisville, Kentucky

BRIEF FOR APPELLEE:

A. B. Chandler III  
Attorney General of Kentucky

John E. Zak  
Assistant Attorney General  
Frankfort, Kentucky