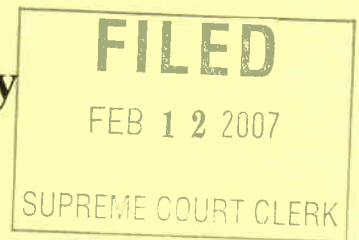


**Commonwealth of Kentucky**  
**Kentucky Supreme Court**  
No. 06-SC-460



**COMMONWEALTH OF KENTUCKY**

**APPELLANT**

Appeal from Jefferson Court  
Hon. Geoffrey P. Morris, Judge  
Indictment No. 00-CR-50

**CAROLYN HUFFINES**

**APPELLEE**

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**Reply Brief for Commonwealth**

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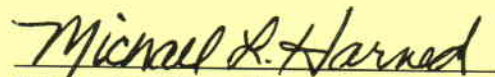
Submitted by,

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**CERTIFICATE OF SERVICE**

I certify that the record had not been checked out from the Clerk of this Court and that a copy of the Reply Brief for Commonwealth has been delivered via U.S. Mail, postage prepaid, to the Hon. Geoffrey P. Morris, Judge, Jefferson Circuit Court, Division Thirteen, Judicial Center, 700 West Jefferson St., Louisville, Kentucky 40202; Hon. Barry M. Trifiletti, 721 West Market St., Louisville, Kentucky 40202, *counsel for appellee*; and via electronic mail to the Hon. David Stengel, Commonwealth's Attorney, 514 West Liberty, Louisville, Kentucky 40202-2887, this 12th day of February 2007.

  
Michael L. Harned  
Assistant Attorney General

## **PURPOSE OF REPLY BRIEF**

The purpose of this reply brief is to address the arguments raised in appellee's responsive brief.

## ARGUMENT

### ANY DELAY IN APPELLEE'S CASE WAS CAUSED SOLELY BY HER OWN ACTIONS

In her responsive brief, appellee attempts to deflect responsibility for the delay in her case. However, the record does not support this strategy. First, appellee contends she never asked for a continuance in the case. The revocation hearing was originally scheduled for December 6, 2004. As pointed out in the Commonwealth's original brief, an order entered that same day reflected that appellee's counsel had contacted the trial court and requested that the hearing be passed for a week. (TR 58.)

Appellee also attempts to dodge responsibility for the delay by pointing out that the Assistant Commonwealth's Attorney who was handling the revocation was not present at the February 7, 2005 hearing. While this may be true, the record reveals that another Assistant Commonwealth's Attorney *was* present at the hearing presenting the Commonwealth's case. (VR: 2/7/05; 12:01:17.) Thus, if appellee had brought counsel on February 7, nothing would have prevented the revocation hearing from occurring on that date.

It should also be noted that appellee never objected to any of the continuances and that it seems somewhat coincidental that while counsel was not appearing with appellee in the instant case, he *was* appearing for appellee in a separate revocation proceeding advancing the same argument that appellee now seeks to escape revocation with - - that the trial court cannot conduct a revocation hearing outside the probationary period.

**CONCLUSION**

For the above-stated reasons and the reasons stated in the Commonwealth's original brief, the Court of Appeals opinion should be reversed and the trial court's order revoking appellee's probation should be reinstated.

Respectfully submitted,

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