

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CRIMINAL PROCEDURE**

JUDGMENT; EXECUTION

RCr 11.42 Motion to vacate, set aside or correct sentence

- (1) A prisoner in custody under sentence or a defendant on probation, parole or conditional discharge who claims a right to be released on the ground that the sentence is subject to collateral attack may at any time proceed directly by motion in the court that imposed the sentence to vacate, set aside or correct it.
- (2) The motion shall be signed and verified by the movant and shall state specifically the grounds on which the sentence is being challenged and the facts on which the movant relies in support of such grounds. Failure to comply with this section shall warrant a summary dismissal of the motion.
- (3) The motion shall state all grounds for holding the sentence invalid of which the movant has knowledge. Final disposition of the motion shall conclude all issues that could reasonably have been presented in the same proceeding.
- (4) The clerk of the court shall notify the attorney general and the Commonwealth's attorney in writing that such motion (whether it be styled a motion, petition or otherwise) has been filed, and the Commonwealth's attorney shall have 20 days after the date of mailing of notice by the clerk to the Commonwealth's attorney in which to serve an answer on the movant.
- (5) Affirmative allegations contained in the answer shall be treated as controverted or avoided of record. If the answer raises a material issue of fact that cannot be determined on the face of the record the court shall grant a prompt hearing and, if the movant is without counsel of record and if financially unable to employ counsel, shall upon specific written request by the movant appoint counsel to represent the movant in the proceeding, including appeal.
- (6) At the conclusion of the hearing or hearings, the court shall make findings determinative of the material issues of fact and enter a final order accordingly. If it appears that the movant is entitled to relief, the court shall vacate the judgment and discharge, resentence, or grant him or her a new trial, or correct the sentence as may be appropriate. A final order shall not be reversed or remanded because of the failure of the court to make a finding of fact on an issue essential to the order unless such failure is brought to the attention of the court by a written request for a finding on that issue or by a motion pursuant to Civil Rule 52.02.
- (7) Either the movant or the Commonwealth may appeal from the final order or judgment of the trial court on a motion brought under this rule. If the trial court finds the movant received ineffective assistance of appellate counsel and the Commonwealth fails to pursue a timely appeal, the movant may appeal the trial court's order by filing a notice of appeal within sixty (60) days after the date of notation of service of the judgment or order under Criminal Rule 12.06(2). If neither party has filed a notice of appeal within this sixty (60) day period, the trial court shall issue to the movant an order to show cause within ten (10) days why the judgment vacated on his behalf should not be reinstated. If the movant fails to respond within ten (10) days or fails to show cause, the trial court shall reinstate the vacated judgment. If upon the movant's showing the trial court is satisfied that the movant's failure to appeal should not be deemed a waiver of his right to do so, it shall grant the movant an additional thirty (30) days in which to file notice of his appeal.
- (8) The final order of the trial court on the motion shall not be effective until expiration of time for notice of appeal under RCr 12.04 and shall remain suspended until final disposition of an appeal duly taken and perfected.

Kentucky Rules

John E. Kleber



Kentucky Rules:

Kentucky Rules of Court Michie Company Editorial Staff, 1984-01-01 **Kentucky Rules of Civil Procedure** Kentucky. Court of Appeals, 1953 Kentucky Rules of Court, with Amendments , 2014 **The Kentucky Law Reporter** John Cleland Wells, Edward Warren Hines, Frank L. Wells, Horace C. Brannin, William Cromwell, William Pope Duvall Bush, William Jefferson Chinn, Findlay Ferguson Bush, Walter G. Chapman, R. G. Higdon, Thomas Robert.. McBeath, 1905 Kentucky Law Reporter and Journal J. C. Wells, Frank L. Wells, Edward Warren Hines, William Pope Duvall Bush, Findlay Ferguson Bush, Horace C. Brannin, William Cromwell, W. J. Chinn, Walter G. Chapman, R. G. Higdon, Thomas Robert McBeath, 1905 Kentucky Law Journal , 1913 Federal Register , 2013-02 Kentucky Court Rules Kentucky. Courts, 1979 *Kentucky Rules of Court* , 2013 Civil and Criminal Codes of Practice of Kentucky Kentucky, 1895 **Searching the Law - The States** Francis R Doyle, 2022-11-14 This revised two volume set reproduces the easy to use logically organized format of Searching the Law for each of the 50 U S states Arranged by state and by topic within each state it features a complete list of all the legal research materials available for each state jurisdiction thousands of citations to the legal literature of each state materials applicable to more than one topic listed under each topic repeated listings under each state and topic where they apply and author title publisher format and the latest known supplement for each citation Searching the Law The States is the companion text to Searching the Law Together the sets form one of the most comprehensive logical legal reference sources available Published under the Transnational Publishers imprint The print edition is available as a set of two volumes 9781571052872

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Including Those Passed at Session of 1898, with Notes of Decisions of the Court of Appeals, Prefixed by the Magna Charta, the Declaration of Independence, Articles of Confederation, Constitution of United States, Naturalization Laws of United States, Laws Relating to Removal of Actions and Prosecutions to United States Courts, Compact with Virginia, Act Admitting Kentucky Into Union, and Constitutions of Kentucky Kentucky, 1899 **The United States Catalog**, 1924 **Hearings, Reports, Public Laws** United States. Congress. House. Committee on Education and Labor, 1967 *Media Law and Ethics* Roy L. Moore, 2012 This is the first textbook to explicitly integrate both media law and ethics within one volume A truly comprehensive overview this text is a thoughtful introduction to media law principles and cases and the related ethical concerns relevant to the practice of professional communication With special attention made to key cases and practices authors Roy L Moore and Michael D Murray revisit the most timely and incendiary issues in modern American media Exploring where the law ends and ethics begin each chapter includes a discussion of the ethical dimensions of a specific legal topic The Fourth Edition includes new legal cases and emerging issues in media law and ethics as well as revised subject and case indexes In addition to a separate chapter devoted exclusively to media ethics by Michael Farrell a new chapter on international and foreign law by Dr Kyu Ho Youm has also been added Resources on the companion website include updated PowerPoint presentations an instructor manual and a sample syllabus for instructors and study guides practice quizzes and all seven of the book's original appendices for students An excellent integration of both law and ethics this is the ideal text for undergraduate and graduate courses in media law and ethics *Media Law and Ethics,, Third Edition* Roy L. Moore, Michael D. Murray, 2007-11-27 The third edition of *Media Law and Ethics* features a complete updating of all major U S Supreme Court cases and lower court decisions through 1998 more discussion throughout the book on media ethics and the role of ethics in media law and an updated appendix that now features a copy of the U S Constitution new sample copyright and trademark registration forms and the current versions of major media codes of ethics including the new code of the Society of Professional Journalists Extensively updated and expanded chapters provide more detailed explanations of the legal system the judicial process and the relationship between media ethics and media law new cases in this developing area of the law that has attracted renewed attention from the U S Supreme Court the new Telecommunications Act and the Communications Decency Act a discussion of telecommunications and the Internet new developments in access to courts records and meetings such as recent court decisions and statutory changes and more information about trademark and trade secret laws and recent changes in copyright laws as well as major court decisions on intellectual property The book has also been updated to include new developments in obscenity and indecency laws such as the Communications Decency Act and the U S Supreme Court decision in *Reno vs ACLU* In addition the instructor's manual includes a listing of electronic sources of information about media law sample exams and a sample syllabus *FCC Record* United States. Federal Communications Commission, 2017 **Catalog of Copyright Entries. Third Series** Library of Congress. Copyright Office, 1974

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adhesion cohesion viscosity compressibility 2 mercury does not wet glass this is due to property of liquid known as adhesion
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