

A



Supreme Court of Kentucky

FILE NUMBER: 2021-SC-0048
ACTION NUMBER: 92-CR-00532

DONALD VIOLETT

v.

JOHN R. GRISE

FILING OF UNAUTHORIZED PLEADINGS

PURSUANT TO CR 79.06(6) THE PLEADING IDENTIFIED BELOW IS BEING RETURNED TO YOU BY THE CLERK BECAUSE IT IS NOT ALLOWED UNDER THE RULES. NO FILING FEE OR COMPLETED MOTION FOR IN FORMA PAUPERIS WAS SUBMITTED WITH FILING. FEE IS REQUIRED PER CR 76.42(2)(A)(X). FILER FAILED TO CORRECT DEFICIENCY WITH EARLIER MOTION FOR IN FORMA PAUPERIS.

ENTERED: 03/16/2021

KELLY STEPHENS
CLERK, SUPREME COURT

PLEADING: MOTION FOR REHEARING

Thus motion is covered under CR 76.32
but Kentucky does not follow its own rules

RECEIVED

MAR 15 2021

CLERK
SUPREME COURT

KENTUCKY SUPREME COURT
FILE NO. 2021-SC-00048
[Court of Appeals File No. 2021-CA-00075]

DONALD RAY VIOLETT

APPELLANT

On Appeal From Warren Circuit Court
Criminal Case No. 92-CR-00532 & 626

JOHN R. GRISE - Warren Circuit Court

APPELLEES

MOTION FOR REHEARING *en banc*

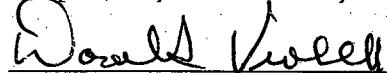
According to this Court's record, and the prison legal mail out log, Appellant's Motion for Discretionary Review was tendered for filing before the twenty (20) day deadline had expired. CR 59.05.

Appellant's Motion for an Extension in Time to file Motion for Discretionary Review was MOOT.

This Court listed the wrong court appeal come from; the wrong appeal number from the Court of Appeals as this is un-excusable mistake to warrant CR 59.05 relief.

WHEREFORE, Appellant moves this Court to vacate its March 3, 2021 Order and reinstate Appellant's appeal.

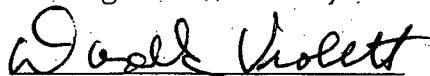
Respectfully Submitted By,



DONALD RAY VIOLETT
3001 West Highway 146
LaGrange, Kentucky 40032
APPELLANT, pro se

NOTICE OF SERVICE

This is to certify that copies of the foregoing was on this 10 day of March, 2021, mailed, first class, postage pre-paid, to Judge John R. Grise, Warren Circuit Court, 1001 Center Street, Bowling Green, Kentucky 40601.



Donald Nester
KSR 114842
3001 W Hwy 146
MGRANGE 40032

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2021-SC-00048

Kentucky Supreme Court
700 Capitol Ave Rm 209
Frankfort, Ky

40601

40601-341553



KENTUCKY SUPREME COURT
FILE NO. 2021-SC-00048
[Court of Appeals File No. 2021-CA-00075]

DONALD RAY VIOLETT

APPELLANT

On Appeal From Warren Circuit Court
Criminal Case No. 92-CR-00532 & 92-CR-00626

JOHN R. GRISE : Warren Circuit Court

APPELLEES

MOTION FOR SPECIFIC FINDINGS OF FACT AND CONCLUSION OF LAW

The motion for discretionary review rule requires that the moving party (Appellant) to prove a clear and concise statement of (i) the material facts; (ii) the question of law involved; and, (iii) the specific reason or reasons why the judgment should be granted. CR 76.20(3). If the grant of discretionary review is limited to the question of law raised by the moving party, it makes sense to require the respondent to file a cross-motion for discretionary review.

Appellant met that threshold - he stated his material facts [he was challenging an illegal sentence on a claim of actual innocence]; he alleged the question of law involved [a matter of first impression - can a person be convicted and prison incarcerated on dismissed and fabricated criminal charges]; and, he vehemently argues why the judgment should be granted [appellant has a void and nullity judgment of conviction because the sentencing was unlawful].

Appellant moves this Court to give a specific findings of fact and conclusion of law on each claim Appellant raised in his State Habeas Corpus application,

establishing he had a judgment of conviction ab initio. A findings of fact and conclusion of law, at a minimum, must:

1. Clearly state the grounds on which the case was determined that is: did the moving party present sufficient claims, proof, exhibits, to support his judgment of conviction is ab initio.
2. Whether a state or federal question of constitutionality was presented and answered by the respondents.
3. Identify each claim for relief that this Court considered and make a separate ruling on each claim.
4. Declare, with regard to each claim, whether the denial was based on the Appellant's failure to present sufficient facts, proof, exhibits, to establish the merits that the judgment of conviction is ab initio; and,
5. Make the legal basic for denial for relief, on each claim; why the judgment of conviction is not void.

WHEREFORE, Appellant moves for a prompt and full findings of fact and conclusion of law.

Respectfully Submitted By,

Donald R. Violette
DONALD RAY VIOLETT
3001 West Highway 146
LaGrange, Kentucky 40032
APPELLANT, pro se

NOTICE OF SERVICE

Notice is being given that a copy of the foregoing Motion was on this 10 day of March, 2021, mailed to Judge John R. Grise, Warren Circuit Court, 1001 Center St., Bowling Green, Ky. 42101.

B

Supreme Court of Kentucky

2021-SC-0048-D

DONALD VIOLETT

MOVANT

ON REVIEW FROM COURT OF APPEALS
V. NO. 2021-CA-0122
ESTILL CIRCUIT COURT NO. 92-CR-00532

JOHN R. GRISE

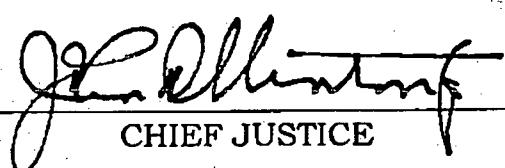
RESPONDENT

ORDER

Movant Donald Violett's motion for extension of time to file motion for discretionary review, filed in the above-styled matter, is DENIED, and the appeal is hereby dismissed.

Conley, Lambert, Nickell, and VanMeter, JJ., sitting. All concur.

ENTERED: [MARCH 3, 2021]


John D. Hartman
CHIEF JUSTICE



Supreme Court of Kentucky

FILE NUMBER: 2021-SC-0048

DONALD VIOLETT

v.

JOHN R. GRISE

THE MOVANT (DONALD VIOLETT) HAS TENDERED FOR FILING ON 02/24/2021 THE PLEADING IDENTIFIED BELOW WHICH CANNOT BE FILED BECAUSE IT IS DEFICIENT AS EXPLAINED BELOW. THE PLEADING MUST BE CORRECTED TO MEET MINIMUM FILING STANDARDS.

IT IS ORDERED THAT THE CLERK SHALL RETAIN THE PLEADING AND THE MOVANT (DONALD VIOLETT) SHALL HAVE FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER TO MAKE THE NECESSARY CORRECTIONS. TIME FOR ANY FURTHER STEPS WILL BEGIN TO RUN FROM THE DATE THIS PLEADING IS PROPERLY FILED, NOTICE OF WHICH WILL BE SENT. FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN THE DISMISSAL OF THIS ACTION.

ENTERED: 03/01/2021

JOHN D. MINTON, JR
CHIEF JUSTICE, SUPREME COURT

PLEADING: DEFICIENT MOTION FOR DISCRETIONARY REVIEW

DEFICIENCY REASON(S):

-CR 76.20(3) Motion Shall Not Exceed Fifteen (15) Pages in Length, Unless Otherwise Authorized By the Court.

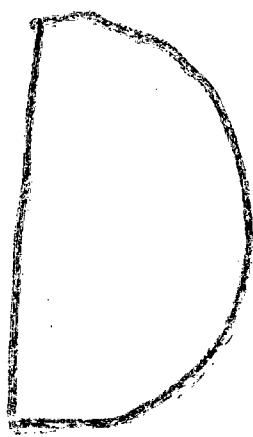
-CR 5.03 Proof of the Time and Manner of Service By Certificate of A Member of the Bar of the Court Or By Affidavit of the Person Who Served the Papers. Such Certificate Shall Identify By Name the Persons So Served

-CR 76.20(4) Ten (10) Copies of the Final Order Or Judgment, Any Findings of Fact, Conclusions of Law and Opinion of the Trial Court, and Any Opinion Or Final Order of the Appellate Court Required

-CR 76.20(6) Ten (10) Copies of Motion for Discretionary Review Required in the Supreme Court

-KRS 454.410 the inmate shall prepare an affidavit with a certified copy of the inmate's prison account statement (statement must be notarized.)

DONALD VIOLETT



Commonwealth of Kentucky

Court of Appeals

NO. 2021-CA-0075-ME

DONALD RAY VIOLETT

PETITIONER

v.

EXPEDITED HABEAS CORPUS APPEAL
FROM WARREN CIRCUIT COURT
HONORABLE JOHN T. ALEXANDER, JUDGE
ACTION NO. 20-CI-01280

JOHN R. GRISE

RESPONDENT

ORDER

* * * * *

BEFORE: CLAYTON, CHIEF JUDGE; JONES AND MAZE, JUDGES.

On January 15, 2020, appellant filed a notice of appeal from a December 17, 2020, order of the Warren Circuit Court which denied a petition for writ of habeas corpus.

By order entered on September 21, 2016, in 2015-CA-000670, this Court imposed a special sanction upon Donald Ray Violett. That sanction provided as follows:

If Mr. Violett files an appeal in circuit court, to the Court of Appeals, or if Mr. Violett files an original action in the Court of Appeals, the Clerk of the Court of Appeals is directed to present the documents to a three-judge panel for review of whether the matter is frivolous and should be summarily

dismissed.

This Court having reviewed this matter, finds it lacks any merit.

Therefore, this Court ORDERS that the above-styled appeal be, and it is hereby, DISMISSED AS FRIVOLOUS.

ENTERED: JAN 27 2021



JUDGE, COURT OF APPEALS

**Additional material
from this filing is
available in the
Clerk's Office.**