CAPITAL CASE

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM HARRY MEECE, Petitioner

v.

THE HONORABLE JOHN R. GRISE, JUDGE
WARREN COUNTY CIRCUIT COURT,
Respondent,

and

COMMONWEALTH OF KENTUCKY,

Real Party in Interest.

On Petition for Writ of Certiorari
to the Supreme Court of Kentucky

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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TO BE PUBLISHED

Supreme Court of Kentucky

2025-SC-0299-OA

WILLIAM MEECE — PETITIONER

IN SUPREME COURT

V.

HONORABLE JOHN R. GRISE, JUDGE, WARREN CIRCUIT COURT — RESPONDENT

AND

COMMONWEALTH OF KENTUCKY — REAL PARTY IN INTEREST/ APPELLEE

OPINION AND ORDER BY JUSTICE BISIG

DENYING PETITION FOR WRIT OF PROHIBITION

William Meece shot and killed three people during the commission of a robbery and burglary in Adair County in 1993. After the parties agreed to a transfer of venue, Meece was tried and convicted in Warren Circuit Court and sentenced to death. Meece appealed his conviction which was affirmed by this Court in 2011. In September 2013, Meece challenged his convictions and sentences pursuant to Kentucky Rule of Criminal Procedure (RCr) 11.42. Meece sought to waive his appearance at an evidentiary hearing regarding his RCr 11.42 claims. Thereafter, the Commonwealth notified his counsel that it intended to call Meece as a witness during the hearing.

Meece filed a motion to preclude the Commonwealth from calling him as a witness, relying on his Fifth Amendment privilege against self-incrimination. Ultimately, the Warren Circuit Court ruled that, by attaching an affidavit to his RCr 11.42 motion, Meece effectively waived his Fifth Amendment right. Therefore, the trial court held that the Commonwealth could call Meece as a witness. Meece now seeks a writ of prohibition from this Court prohibiting the trial court from allowing Meece to be called as a witness in the evidentiary hearing. After review, we hereby deny Meece's petition.[1]

FACTS AND PROCEDURAL HISTORY

In 2006, William Meece was found guilty and sentenced to death for the murder of three people. Raising forty-five claims of error, he appealed his conviction to this Court, which was affirmed. *Meece v. Commonwealth*, 348 S.W.3d 627 (Ky. 2011). On September 23, 2013, Meece, through counsel, filed a timely RCr 11.42 postconviction motion to vacate his convictions and sentences, raising numerous claims regarding the constitutional fairness of the proceedings. Given the number of claims made, the trial court split the evidentiary hearing into three parts: (1) pretrial and juror claims, (2) guilt phase claims, and (3) penalty phase claims. After two evidentiary hearings, the Warren Circuit Court denied Meece's RCr 11.42 claims regarding the pretrial,

[1] Because this matter involves a sentence of death, Meece's petition is properly filed in this Court without intervening review by the Court of Appeals.

juror, and guilt phases of trial. The trial court scheduled an evidentiary hearing on Meece's claims regarding the penalty phase for July 22, 2025.[2]

On June 24, 2025, Meece filed a motion to waive his appearance at the penalty phase evidentiary hearing. Meece stated the trip from the Kentucky State Penitentiary in Eddyville, Kentucky, was burdensome, travel was difficult, and, given the sensitive nature of the subjects to be discussed during the hearing, he did not wish to be present telephonically or by video. The Commonwealth objected to the motion, stating its intention to call Meece as a witness which necessitated his appearance. During a remote hearing, the trial court denied Meece's motion to waive his appearance.

In conformity with the trial court's scheduling order, the Commonwealth filed its witness list, naming Meece as the only witness it intended to call. Shortly thereafter, Meece filed a motion to preclude the Commonwealth from calling him as a witness, citing his Fifth Amendment privilege against self-incrimination. The Commonwealth filed an objection, and the trial court entered an order denying Meece's motion. The court relied on *Gall v. Commonwealth*, 702 S.W.2d 37 (Ky. 1985), and *McQueen v. Commonwealth*, 721 S.W.2d 694 (Ky. 1986). In both cases, the defendants challenged the scope of the Commonwealth's cross-examination during RCr 11.42 evidentiary hearings, asserting that the questioning improperly implicated matters not covered on direct examination. Both cases held that, in the context of an RCr

[2] Because this is a writ proceeding, and we do not have the full record before us for review, it is unclear why nearly twelve years passed between the filing of the RCr 11.42 motion and the scheduled penalty phase evidentiary hearing.

11.42 hearing, a defendant is not entitled to invoke his right against self-incrimination where his conviction has already been upheld on direct appeal. The trial court also noted that Meece attached an affidavit to his RCr 11.42 motion, in which he made affirmative statements regarding his past, thereby putting those statements at issue in the RCr 11.42 proceeding.

The trial court denied Meece's motion to reconsider. Importantly, the trial court explained that a jury had already fixed Meece's punishment, and that no decision the court made would put him at risk of an increased penalty. Further, Meece waived his right against self-incrimination and the Commonwealth could question him. Meece's counsel informed the court that she would advise Meece not to answer any questions and that they were seeking a writ. The trial court and counsel agreed that the Commonwealth would ask its questions on the record, defense counsel would advise Meece not to answer and instead invoke his Fifth Amendment right, and Meece would then be asked if he adopted counsel's responses as his own. This procedure was followed. On July 28, 2025, Meece filed a petition for a writ of prohibition in this Court.

ANALYSIS

As often noted, writs of prohibition are "extraordinary in nature, and the courts of this Commonwealth 'have always been cautious and conservative both in entertaining petitions and in granting such relief.'" *Gilbert v. McDonald-Burkman,* 320 S.W.3d 79, 83 (Ky. 2010) (quoting *Bender v. Eaton,* 343 S.W.2d

799, 800 (1961)). This Court can grant a petition for a writ when the lower court is acting beyond the scope of its jurisdiction, or upon a showing that

> the lower court is acting or is about to act erroneously, although within its jurisdiction, and there exists no adequate remedy by appeal or otherwise and great injustice and irreparable injury will result if the petition is not granted.

Hoskins v. Maricle, 150 S.W.3d 1, 10 (Ky. 2004).

Here, the second category of writs is at issue. A writ may also be granted in "certain special cases" within this second class even absent a showing of irreparable harm, provided the petitioner demonstrates that "a substantial miscarriage of justice will result if the lower court is proceeding erroneously, and correction of the error is necessary and appropriate in the interest of orderly judicial administration." *Collins v. Braden*, 384 S.W.3d 154, 158 (Ky. 2012) (quoting *Bender*, 343 S.W.2d at 801). Because the trial court's ruling involved questions of law, our review is de novo. *Commonwealth v. B.H.,* 548 S.W.3d 238, 242 (Ky. 2018).

The plain language of the Fifth Amendment states: "[n]o person . . . shall be compelled in any criminal case to be a witness against himself . . . ." The Fifth Amendment creates a privilege against self-incrimination to protect individuals from having to testify if they may incriminate themselves through their testimony. The United States Supreme Court has explained the "essence" of the Fifth Amendment privilege as "the requirement that the State which proposes to convict and punish an individual produce the evidence against him

by the independent labor of its officers, not by the simple, cruel expedient of forcing it from his own lips." *Estelle v. Smith,* 451 U.S. 454, 462 (1981).

Given that the death penalty is unlike any other sanction the Commonwealth may seek to impose, we certainly appreciate this Court's rigorous adherence to ensuring due process rights are afforded in these cases.[3] While Meece thus enjoyed a Fifth Amendment right against self-incrimination, we nonetheless conclude that by providing testimony for his RCr 11.42 proceedings, Meece is precluded from now invoking his Fifth Amendment privilege against self-incrimination for the remaining duration of the proceeding. In *Mitchell v. United States*, the United States Supreme Court explained that "a witness, in a single proceeding, may not testify voluntarily about a subject and then invoke the privilege against self-incrimination when questioned about the details." 526 U.S. 314, 321 (1999).

Here, Meece attached an affidavit to his RCr 11.42 motion which contains allegations regarding his family, childhood, and alleged ineffectiveness of trial counsel. This affidavit constituted testimony by Meece in support of his motion. Indeed, *Black's Law Dictionary* defines an "affidavit" as "[a] voluntary declaration of facts written down and sworn to by a declarant, usu[ally] before an officer authorized to administer oaths." (12th ed. 2024). "Testimony" is

[3] *See St. Clair v. Commonwealth*, 455 S.W.3d 869, 880 (Ky. 2015) ("[G]enerally speaking, death-penalty cases are subject to more expansive and searching review than ordinary criminal cases. . . . This is because '[d]eath is unlike all other sanctions the Commonwealth is permitted to visit upon wrongdoers.'" (quoting *Rogers v. Commonwealth*, 992 S.W.2d 183, 187 (Ky. 1999))).

defined as "*[e]vidence that a competent witness* under oath or affirmation *gives* at trial or *in an affidavit* or deposition." *Id.* (emphasis added). An affidavit is a form of written testimony which can be used as evidence in legal matters. Therefore, by filing an affidavit alongside his RCr 11.42 motion, Meece submitted testimony and thus waived his Fifth Amendment privilege. [4]

Put differently, because Meece is directly responsible for placing these allegations at issue, he cannot now, in the same proceeding, invoke his Fifth Amendment privilege. By filing the affidavit, Meece determined the area of disclosure and thereby determines the area of inquiry on cross-examination. The well-established ruled cited in *Mitchell,* that a witness may not testify voluntarily about a subject and then claim privilege when questioned about the details, is clearly justified:

> A witness may not pick and choose what aspects of a particular subject to discuss without casting doubt on the trustworthiness of the statements and diminishing the integrity of the factual inquiry. . . . [A] contrary rule would open the way to distortion of facts by permitting a witness to select any stopping place in the testimony . . . It would . . . make of the Fifth Amendment not only a humane safeguard against judicially coerced self-disclosure but a positive invitation to mutilate the truth a party offers to tell . . . The illogic of allowing a witness to offer only self-selected testimony should be obvious even to the witness, so there is no unfairness in allowing

[4] RCr 11.42 requires that a motion to vacate or set aside a sentence be **signed and verified by the movant**, and specifically state the grounds on which the sentence is being challenged, along with supporting facts. We acknowledge this creates some tension insofar as Meece is offering incriminating information as bases for the RCr 11.42 motion. Typically, an RCr 11.42 motion concerns matters such as alleged ineffectiveness of counsel, or other non-incriminating material. Rarely will defendants need to rely on incriminating information when seeking this type of postconviction relief. However, when they disclose such information as a basis for their motion, they necessarily waive their Fifth Amendment right against self-incrimination with respect to those matters.

> cross-examination when testimony is given without invoking the privilege.

526 U.S. at 322 (internal quotations and citations omitted).

We note, however, that by filing an affidavit in conjunction with his RCr 11.42 motion, Meece has waived the privilege for purposes of the RCr 11.42 proceedings **only**. Indeed, it would be patently unfair for a defendant to be required to disclose incriminating information to gain warranted post-conviction relief, only to then face the use of that same information against them on retrial. Thus, the disclosure of any incriminating information, if reasonably germane to a defendant's well-founded request for post-conviction relief, cannot be used in a potential retrial or resentencing of the defendant.

The Commonwealth cites *Gall,* 702 S.W.2d at 45, for the proposition that in circumstances where there can be no further incrimination, there is no basis for the assertion of the Fifth Amendment privilege. In *Gall,* the defendant filed an RCr 11.42 motion alleging ineffective assistance of counsel, which was ultimately overruled after an evidentiary hearing in the Boone Circuit Court. *Id.* at 39. Gall raised numerous issues on appeal of that ruling, including that his Fifth Amendment rights were violated when the Commonwealth cross-examined him on matters not covered in direct examination during the RCr 11.42 hearing. *Id.* at 45.

This Court determined Gall's argument was meritless because his conviction had already been upheld on the prior direct appeal and, therefore, at the time of his 11.42 proceeding, he was not entitled to invoke this privilege

against self-incrimination. *Id.* A year later, in *McQueen,* the Court reaffirmed the holding that because a defendant's conviction had already been upheld on direct appeal, in the RCr 11.42 hearing he was not entitled to invoke the privilege against self-incrimination. 721 S.W.2d at 702-03. McQueen argued that the prosecution improperly cross-examined him on matters not covered during the direct examination. *Id.* at 702. The Court also held that McQueen was not exempt from answering questions about the underlying murder at the RCr 11.42 hearing because he "placed the entire question in issue and cannot escape the normal consequences of cross-examination." *Id.* at 703.

Both *Gall* and *McQueen* relied on *Reina v. United States*, which involved a federal statute granting immunity from prosecution for witnesses compelled to testify before a grand jury investigating alleged violations of federal narcotics laws. 364 U.S. 507, 508-09 (1960). The Court referenced authority for the "ordinary rule . . . that once a person is convicted of a crime, he no longer has the privilege against self-incrimination as he can no longer be incriminated by his testimony about said crime." *Id.* at 513. The Court reasoned that, under this proposition, "immunity, at least from federal prosecution, need not have been offered the petitioner at all." *Id.* Ultimately, the Court determined that the federal immunity statute was broad enough to overcome Reina's constitutional objection to answering the grand jury questions. *Id.* at 514.

Later, the Supreme Court examined the Fifth Amendment privilege again in *Estelle,* and rejected the contentions that "incrimination is complete once guilt has been adjudicated," and that the Fifth Amendment thus has no

relevance to the penalty phase of trial. 451 U.S at 462. In doing so, the Court reasoned that "the availability of the [Fifth Amendment] privilege does not turn upon the type of proceeding in which its protection is invoked, but upon the nature of the statement or admission and the exposure which it invites." *Id.* (citation omitted). Therefore, the type or phase of the proceeding is not the only relevant consideration in determining whether the Fifth Amendment privilege is available. *Gall* and *McQueen* relied upon *Reina's* passing reference to authority that because Gall and McQueen were already convicted, they were not entitled to the privilege. However, *Gall* and *McQueen* failed to apply the Supreme Court's later rationale in *Estelle* requiring consideration of the exposure that compelled testimony might invite.

After *Reina,* but before *Gall* and *McQueen*, in *United States v. Apfelbaum*, the United States Supreme Court acknowledged that while the application of the Fifth Amendment privilege to various types of claims had changed over the past thirty years, the basic principle reaffirmed in each case had remained the same:

> The central standard for the privilege's application has been whether the claimant is confronted by substantial and real, and not merely trifling or imaginary, hazards of incrimination.

445 U.S. 115, 128 (1980) (citations omitted). Thus, to determine whether the Fifth Amendment privilege is applicable, a court must consider whether there is a real threat of incrimination. Here, Meece is potentially subject to further incrimination by virtue of filing an RCr 11.42 motion because, if the court were to vacate his conviction, he could be subject to retrial. However, as previously

stated, any information gained only as a result of the RCr 11.42 proceeding could not be used in trial. To the extent that *Gall* and *McQueen* relied on *Reina* and failed to consider these subsequent binding and applicable federal standards, the *Gall* and *McQueen* decisions are inapplicable here.

To reiterate, "a witness, in a single proceeding, may not *testify voluntarily about a subject* and then invoke the privilege against self-incrimination when questioned about the details." *Mitchell,* 526 U.S. at 321 (emphasis added). With these cases in mind, we acknowledge that the *Reina* holding, i.e., that once convicted, the Fifth Amendment privilege is unavailable, is not true in the RCr 11.42 context. As previously discussed, when a defendant files an RCr 11.42 motion, there may potentially be a retrial, thus leaving the defendant open to incrimination. Therefore, when a defendant submits an affidavit to accompany his RCr 11.42 motion, that affidavit functions as a waiver of the Fifth Amendment privilege only as to information revealed in the affidavit that are germane to well-founded requests for RCr 11.42 relief. The affidavit and waiver do not serve to allow cross-examination on any matter pertaining to the underlying conviction or prosecution.

We also note that at some point after submitting the affidavit, Meece withdrew the affidavit.[5] But the trial court's order denying Meece's motion to preclude the Commonwealth from calling him as a witness specifically acknowledges that the Commonwealth presented the affidavit to the trial court

[5] In this writ proceeding, we do not have the trial court record before us. It is certainly possible that withdrawal of the affidavit could result in a lack of requisite information to support the RCr 11.42 motion.

for consideration in ruling on Meece's motion. Meece asserts that he is not asking this Court to consider the affidavit as evidence in support of his claims. However, once Meece submitted the information via affidavit to the trial court, it could not be later withdrawn. *See U. S. ex rel. Carthan v. Sheriff, City of New York,* 330 F.2d 100, 102 (2d Cir. 1964) (holding that once the appellant submitted financial questionnaires to a grand jury, thereby waiving his Fifth Amendment privilege against self-incrimination, he could not later withdraw his waiver to prevent matters which he has already gone into from being explored in further detail); *see also Brown v. United States,* 356 U.S. 148, 157 (1958) (holding that by waiving the Fifth Amendment privilege and providing testimony on direct examination, petitioner opened herself up to cross-examination on matters raised by her testimony). Further, the Commonwealth attached the affidavit to its brief to this Court.

Meece also argues no evidence suggests that when he signed the affidavit attached to his original RCr 11.42 motion, he "voluntarily, knowingly and intelligently" intended to waive his Fifth Amendment rights, as required by *Miranda v. Arizona,* 384 U.S. 436, 444 (1966). Meece testified during both the guilt and penalty phases of his trial. *Meece*, 348 S.W.3d at 694. He placed a signed affidavit containing allegations before the trial court for consideration on the merits of his RCr 11.42 motion. Given his waiver of his Fifth Amendment privilege by testifying during both phases of his trial, we conclude that Meece understood the implications of asserting claims and affirming facts by submitting the affidavit to the trial court.

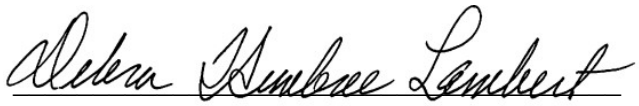
Returning to the writ standards applicable here, a second-class writ is never appropriate unless the trial court is about to act or has acted incorrectly. Meece waived his Fifth Amendment privilege and thus the trial court did not err in concluding that he is required to testify at the penalty phase RCr 11.42 evidentiary hearing. Because Meece failed to establish that the trial court acted erroneously in denying his motion to preclude the Commonwealth from calling him as a witness during this proceeding, he is not entitled to a writ.

CONCLUSION

For the foregoing reasons, we deny Meece's petition for a writ of prohibition.

All sitting. All concur.

ENTERED: February 19, 2026



CHIEF JUSTICE LAMBERT

Supreme Court of Kentucky

2025-SC-0299-OA

WILLIAM MEECE — PETITIONER

V. — IN SUPREME COURT

HONORABLE JOHN R. GRISE, JUDGE, WARREN CIRCUIT COURT — RESPONDENT

AND

COMMONWEALTH OF KENTUCKY — REAL PARTY IN INTEREST/ APPELLEE

ORDER DENYING PETITION FOR REHEARING

The Petition for Rehearing, filed by the Appellant, of the Opinion and Order of the Court, rendered February 19, 2026, is DENIED.

All sitting. All concur.

ENTERED: June 25, 2026.

Debra Hembree Lambert

CHIEF JUSTICE

COMMONWEALTH OF KENTUCKY
WARREN CIRCUIT COURT, DIVISION 2
INDICTMENT NO. 06-CR-00656

COMMONWEALTH OF KENTUCKY PLAINTIFF

V. **ORDER DENYING MOTION TO PRECLUDE COMMONWEALTH FROM CALLING THE DEFENDANT AS A WITNESS**

WILLIAM HARRY MEECE DEFENDANT

This Court will soon be presiding over an RCr 11.42 evidentiary hearing regarding the penalty phase of the defendant's trial. The defendant presents a Motion to Preclude the Commonwealth From Calling Mr. Meece as a Witness Against Himself. The Commonwealth objects, but asserts that even if the Court allowed the defendant to invoke the Fifth Amendment right against self-incrimination, the defendant would still not be entitled to a blanket order preventing him from being called as a witness at all. Upon review of Gall v. Commonwealth, 702 S.W.2d 37 (Ky. 1985), and McQueen v. Commonwealth, 721 S.W.2d 694, 601 (Ky. 1986);

THE COURT ORDERS that the defendant's motion is DENIED.

In Gall, and soon thereafter, McQueen, the Kentucky Supreme Court considered whether the defendant's Fifth Amendment rights were violated when the Commonwealth in the RCr 11.42 hearing cross-examined that defendant on matters not covered on direct examination. Gall, 702 S.W.2d at 45; McQueen, 721 S.W.2d at 702. The Kentucky Supreme Court, citing Reina v. United States, 364 U.S. 507, 513 (1960) and United States v. Heldt, 668 F.2d 1238, (D.C. Cir. 1981), considered that the defendant's conviction had already been upheld and concluded that the defendant was not entitled to invoke the privilege against self-incrimination in the RCr 11.42 proceeding. Gall, 702 S.W.2d at 45; McQueen, 721 S.W.2d at 702 (also citing

Gall). While the defendant asserts that these cases do not directly address the question whether the Commonwealth may call a movant in the context of his postconviction proceeding, these cases provide guidance to this Court.

The Commonwealth presents the defendant's affidavit that the defendant introduced during the guilt phase of the hearing of his RCr 11.42 motion and points out that the defendant made numerous allegations about his family, childhood, and trial counsel. The Commonwealth states, contrary to the defendant's assertions, that it has no interest in questioning the defendant about details of the crime, and that there is no reason to believe that the defendant would be in any danger of further prosecution or incrimination from questions about his trial counsel, family, and childhood.

Based upon the Commonwealth's response, it intends to limit its questions to factual presentations put at issue by the defendant himself and which are relevant to the RCr 11.42 proceeding. See McQueen, 721 S.W.2d at 702. Nevertheless, to the extent self-incriminating statements may be made, Gall and McQueen advise that the defendant is not entitled to invoke the privilege against self-crimination. Accordingly,

THE COURT ORDERS that the defendant's Motion to Preclude the Commonwealth From Calling Mr. Meece as a Witness Against Himself is DENIED.

This 16 day of July, 2025.

JOHN R. GRISE, JUDGE
WARREN CIRCUIT COURT, DIVISION 2

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Kentucky Rules of Criminal Procedure (RCr) Rule 11.42

(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.

(9) Original applications for relief of the nature described in this Rule 11.42 that are addressed directly to a court other than the one in which the sentence was imposed shall be transmitted to the court in which the sentence was imposed for further disposition in the manner above set forth.

(10) Any motion under this rule shall be filed within three years after the judgment becomes final, unless the motion alleges and the movant proves either:

(a) that the facts upon which the claim is predicated were unknown to the movant and could not have been ascertained by the exercise of due diligence; or

(b) that the fundamental constitutional right asserted was not established within the period provided for herein and has been held to apply retroactively.

If the judgment becomes final before the effective date of this rule, the time for filing the motion shall commence upon the effective date of this rule. If the motion qualifies under one of the foregoing exceptions to the three year time limit, the motion shall be filed within three years after the event establishing the exception occurred. Nothing in this section shall preclude the Commonwealth from relying upon the defense of laches to bar a motion upon the ground of unreasonable delay in filing when the delay has prejudiced the Commonwealth's opportunity to present relevant evidence to contradict or impeach the movant's evidence.