

Commonwealth of Kentucky
Court of Appeals

NO. 2008-CA-002374-MR

DONALD RAY VIOLETT

APPELLANT

v. APPEAL FROM WARREN CIRCUIT COURT
HONORABLE JOHN R. GRISE, JUDGE
ACTION NO. 92-CR-00532

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * * * *

BEFORE: DIXON AND MOORE, JUDGES; ISAAC,¹ SENIOR JUDGE.

ISAAC, SENIOR JUDGE: Donald Violet, pro se, appeals from the denial of his motions for post-conviction relief pursuant to Kentucky Rule of Criminal

¹ Senior Judge Sheila Isaac sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5) of the Kentucky Constitution and KRS 21.850.

Procedure (RCr) 11.42 and Kentucky Rule of Civil Procedure (CR) 60.02. We affirm.

Violett was sentenced to 754 years of imprisonment following his convictions on multiple counts of Rape and Sexual Abuse committed against two underage female family members. Those convictions were affirmed and the underlying facts were fully set forth by the Supreme Court of Kentucky in *Violett v. Commonwealth*, 902 S.W.2d 773, 775 (Ky. 1995). Subsequently, Violett has filed numerous unsuccessful collateral attacks on the judgment. *See Violett v. Watson*, 2007 WL 2342774 (Ky.App. 2007)(2006-CA-001346-MR); *Violett v. Commonwealth*, 2007 WL 1575343 (Ky.App. 2007)(2006-CA-000646-MR); *Violett v. Commonwealth*, 2004 WL 1103670 (Ky.App. 2004)(2003-CA-000466-MR); *Violett v. Peckler*, 2003 WL 1193797 (Ky. 2003)(2002-SC-0159-MR). Violett has again filed motions for post-conviction relief pursuant to RCr 11.42 and CR 60.02, which the trial court denied as redundant. This appeal followed.

Our case law has long held that we will not consider successive motions to vacate a conviction when those motions recite grounds for relief that have been or should have been raised earlier. *Butler v. Commonwealth*, 473 S.W.2d 108, 109 (Ky. 1971). “The courts have much more to do than occupy themselves with successive ‘reruns’ of RCr 11.42 motions stating grounds that have or should have been presented earlier.” *Hampton v. Commonwealth*, 454

S.W.2d 672, 673 (Ky. 1970), *quoting Kennedy v. Commonwealth*, 451 S.W.2d 158, 159 (Ky. 1970).

Previously, this Court has declined to entertain Violet's multiple successive RCr 11.42 and CR 60.02 motions. The issues raised in the present appeal could all have been properly presented in prior proceedings. Therefore, we decline to address them.

Accordingly, the order of the Warren Circuit Court is affirmed.

ALL CONCUR.

BRIEFS FOR APPELLANT:

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Central City, Kentucky

BRIEF FOR APPELLEE:

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