

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-002233-MR

AARON L. RIVERS

APPELLANT

v. APPEAL FROM FRANKLIN CIRCUIT COURT
HONORABLE ROGER L. CRITTENDEN
ACTION NO. 02-CI-00972

VERTNER L. TAYLOR

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: EMBERTON, CHIEF JUDGE; BAKER AND JOHNSON, JUDGES.

BAKER, JUDGE. Aaron L. Rivers (appellant) brings this *pro se* appeal from an August 29, 2002, order of the Franklin Circuit Court. We affirm.

On July 19, 2002, appellant filed a petition for declaration of rights in the Franklin Circuit Court. Therein, petitioner alleged that he was transferred to a Virginia state prison "that is infamous for the abuse of prisoners." He requested the circuit court to order "a Kentucky State Doctor to

examine Petitioner and remove any firearm projectile from his arm"; he also sought removal from the prison. On August 29, 2002, the circuit court entered an order dismissing the petition:

This matter is before the Court on a Petition for Declaration of Rights; the Respondent having filed a pleading in opposition; and the Court having reviewed this matter notes a Kentucky inmate has no constitutional right as to where he shall be housed during the term of his prison sentence; and, being otherwise sufficiently advised holds bringing this action in the Commonwealth of Kentucky is improper. This Court has no authority to order Virginia Department of Corrections to perform certain testing or medical procedures regarding the Petitioner's alleged condition.

This appeal follows.

We observe that appellant has filed a *pro se* brief with this Court. The brief fails to comply with Kentucky Civil Rule of Procedure 76.12. It does not include a statement of the case, an argument, or a conclusion. Most importantly, appellant has failed to cite a single case or statute in support of the arguments advanced in the brief. Moreover, the arguments are curt and unclear.

It is well established that "in order to secure a reversal of a judgment, it is incumbent upon the appellant to show error and to overcome the presumption that the trial court's decision was correct." Sloan v. Jewel Ridge Coal Corp.,

Ky., 347 S.W.2d 504, 506 (1961). Here, appellant has failed to demonstrate any error or to overcome the presumption that the trial court's decision was proper.

For the foregoing reasons, the judgment of the Franklin Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT - *Pro Se*: NO BRIEF FILED FOR APPELLEE

Aaron L. Rivers
Pound, Virginia