

RENDERED: AUGUST 1, 2008; 2:00 P.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2007-CA-002341-MR

JOE RAY TURNER

APPELLANT

v.

APPEAL FROM ALLEN CIRCUIT COURT  
HONORABLE JANET J. CROCKER, JUDGE  
ACTION NO. 97-CR-00087

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: ACREE AND CLAYTON, JUDGES; GUIDUGLI,<sup>1</sup> SENIOR JUDGE.

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<sup>1</sup> Senior Judge Daniel T. Guidugli sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and Kentucky Revised Statute 21.580.

ACREE, JUDGE: Joe Ray Turner was convicted in the Allen Circuit Court of the murder of his father, Bill Turner, and was sentenced to imprisonment for ninety-nine years. On direct appeal, the Kentucky Supreme Court affirmed the conviction and sentence. *Turner v. Commonwealth*, 5 S.W.3d 119 (Ky. 1999).

After his direct appeal was unsuccessful, Turner filed multiple post-conviction motions pursuant to Kentucky Rules of Criminal Procedure (RCr) 11.42, Kentucky Rules of Civil Procedure (CR) 60.02, and RCr 10.10, all of which were denied by the circuit court.

Turner styled his current attempt for relief as a “motion to correct/amend final judgment.” Turner argues that both trial counsel and post-conviction counsel rendered ineffective assistance. We have reviewed the record and find Turner's claims against his trial counsel wholly without merit. Further, pertaining to his allegations against his appellate counsel, the law is clear that there is no constitutional right to an attorney in a post-conviction proceeding. *Coleman v. Thompson*, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991); *Bowling v. Commonwealth*, 981 S.W.2d 545 (Ky. 1998), cert. denied, 527 U.S. 1026 (1999). As such, a petitioner cannot claim ineffective assistance of counsel in this appellate proceeding.

The order of the Allen Circuit Court is affirmed.

ALL CONCUR.

BRIEFS FOR APPELLANT:

Joe Ray Turner, *pro se*  
Burgin, Kentucky

BRIEF FOR APPELLEE:

Jack Conway  
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Perry T. Ryan  
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