

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2011-CA-000889-MR

LAWRENCE ROBERT STINNETT

APPELLANT

v. APPEAL FROM WARREN CIRCUIT COURT  
HONORABLE JOHN R. GRISE, JUDGE  
ACTION NO. 06-CR-00288

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION AND ORDER  
DISMISSING

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BEFORE: CAPERTON, LAMBERT AND NICKELL, JUDGES.

NICKELL, JUDGE: Lawrence Stinnett has appealed from the Warren Circuit Court's denial of his *pro se* motion for the return of property seized at the time of his arrest. Because Stinnett has failed to appeal from a final order, we dismiss the case for lack of jurisdiction.

At the end of a month-long trial, a Warren County jury found Stinnett guilty of the kidnapping and brutal murder of his girlfriend, Christina Renshaw.

He was sentenced to life imprisonment without the possibility of parole. His convictions were affirmed by the Supreme Court of Kentucky.<sup>1</sup>

On March 3, 2011, Stinnett moved for the return of several items of personal property which had been seized from him at the time of his arrest. These items included several watches, rings and necklaces, photographs, a sum of cash, and a musical keyboard. He argued the evidence had not been used against him at trial and had no evidentiary value.

The Commonwealth responded and indicated Stinnett's convictions were still on appeal. It requested the motion be held in abeyance until the conclusion of Stinnett's appellate and post-conviction claims. The Commonwealth further averred that it could not determine whether the items he was seeking to have returned could have potential relevance in the event a retrial was necessary.

A brief hearing was conducted on March 28, 2011. The trial court denied the motion on the grounds that Stinnett's direct appeal was still pending. It indicated the matter could be reconsidered following the "exhaustion of Movant's appellate remedies." No finality language pursuant to CR<sup>2</sup> 54.02 was included or requested. This appeal followed.

Before this Court, Stinnett contends he was denied due process and that the trial court abused its discretion in denying his motion. He argues the trial court's order equates to a forfeiture of the seized items without a proper foundation

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<sup>1</sup> *Stinnett v. Commonwealth*, 364 S.W.3d 70 (Ky. 2011).

<sup>2</sup> Kentucky Rules of Civil Procedure.

having been laid to do so. He believes the sole motivation of the Commonwealth in seeking to retain the items was to “twist the knife into [his] back” and to “add insult to injury” as it had no other discernible reason to take the position it did. Although we disagree with his assertions, we are unable to reach the merits of Stinnett’s claims because of a fatal jurisdictional flaw.

The order entered in this case denied Stinnett’s motion and specifically stated “[t]he Court will reconsider this motion upon the exhaustion of the Movant’s appellate remedies.” The order clearly did not adjudicate all of the rights of all of the parties as it left the matter open for reconsideration and was therefore not a final order. Because no final order denying the return of Stinnett’s property was entered, there is no final and appealable order from which he can appeal. As such, no proper appeal has been perfected in this case. *See Gosney v. Commonwealth*, 309 Ky. 187, 217 S.W.2d 225 (1949) (where no final judgment was entered into the record, this Court is without jurisdiction to entertain an appeal).

Accordingly, because there is no final order in the instant case from which Stinnett has properly appealed, we order this case dismissed for lack of jurisdiction.

ALL CONCUR.

ENTERED: September 28, 2012

/s/ C. Shea Nickell  
JUDGE, COURT OF APPEALS

BRIEFS FOR APPELLANT:

Gene Lewter  
Department of Public Advocacy  
Frankfort, Kentucky

BRIEF FOR APPELLEE:

Jack Conway  
Attorney General of Kentucky

W. Bryan Jones  
Assistant Attorney General  
Frankfort, Kentucky