

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

NO. 2012-CA-001770-MR

JARROD DOOLIN

APPELLANT

v. APPEAL FROM BOONE CIRCUIT COURT  
HONORABLE GREGORY M. BARTLETT, JUDGE  
ACTION NO. 11-CR-00110

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION AND ORDER  
DISMISSING

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BEFORE: COMBS, DIXON, AND VANMETER, JUDGES.

VANMETER, JUDGE: On appeal, Jarrod Andrew Doolin requests that his two convictions of wanton endangerment in the first degree and concomitant sentence of three-years' probation be vacated due to the fact that his trial counsel allegedly rendered ineffective assistance. However, the proper vehicle for raising a claim of ineffective assistance of trial counsel is a motion for RCr<sup>1</sup> 11.42 relief; such a

<sup>1</sup> Kentucky Rules of Criminal Procedure.

motion was never presented to the Boone Circuit Court for consideration. Until so presented and denied, no error exists for appellate review. *See Gibbs v. Commonwealth*, 208 S.W.3d 848, 858 (Ky. 2006), *overruled on other grounds by Padgett v. Commonwealth*, 312 S.W.3d 336 (Ky. 2010); *Humphrey v. Commonwealth*, 962 S.W.2d 870, 872 (Ky. 1998); *Hennemeyer v. Commonwealth*, 580 S.W.2d 211, 216 (Ky. 1979). We must, therefore, decline to consider this issue until an RCr 11.42 motion is presented to the trial court, ruled on by the trial court, and an appeal from the trial court's decision is taken.

For the foregoing reasons, we order this appeal to be dismissed.

ALL CONCUR.

ENTERED: August 1, 2014

/s/ Laurance B. VanMeter  
JUDGE, COURT OF APPEALS

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