RENDERED: NOVEMBER 6, 2026; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2025-CA-1278-MR

JACKIE CLINTON DOOM — APPELLANT

v.

APPEAL FROM LIVINGSTON CIRCUIT COURT
HONORABLE JAMES R. REDD, III, JUDGE
ACTION NO. 19-CR-00007

COMMONWEALTH OF KENTUCKY — APPELLEE

OPINION
AFFIRMING

** ** ** ** **

BEFORE: THOMPSON, CHIEF JUDGE; A. JONES AND KAREM, JUDGES.

KAREM, JUDGE: Jackie Clinton Doom ("Doom") appeals from the Livingston Circuit Court's order denying his Kentucky Rule of Civil Procedure ("CR") 60.02 motion. Finding no error, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On February 20, 2019, the Livingston Grand Jury indicted Doom on three (3) counts of murder. On May 13, 2019, the Commonwealth entered a notice

of aggravating circumstances and indicated its intent to seek the death penalty. In August 2020, Doom and the Commonwealth entered into a plea agreement whereby Doom would plead guilty to the three (3) murder charges and the Commonwealth would recommend three (3) concurrent life imprisonment sentences for each count with the possibility of parole after twenty-five (25) years. On September 21, 2020, Doom pled guilty, and the trial court sentenced him according to the terms of the plea agreement.

Approximately four and a half years later, on April 28, 2025, Doom filed a CR 60.02 motion claiming that his depression and alcoholism had rendered him unable to enter a knowing, intelligent, and voluntary plea. He further argued that he should be allowed to present an extreme emotional disturbance ("EED") defense to the crimes and requested a hearing on his CR 60.02 motion. On May 7, 2025, the Commonwealth responded, arguing that the motion was untimely and procedurally barred because Doom had failed to file a Kentucky Rule of Criminal Procedure ("RCr") 11.42 motion.

On September 3, 2025, the circuit court denied the CR 60.02 motion. This appeal followed.

We will discuss further facts as they become relevant.

ANALYSIS

We review a circuit court's denial of a CR 60.02 motion to determine whether the court abused its discretion. *Brown v. Commonwealth*, 932 S.W.2d 359, 362 (Ky. 1996) (citation omitted); *Stoker v. Commonwealth*, 289 S.W.3d 592, 596 (Ky. App. 2009) (citations omitted). "The test for abuse of discretion is whether the trial judge's decision was arbitrary, unreasonable, unfair, or unsupported by sound legal principles." *Commonwealth v. English*, 993 S.W.2d 941, 945 (Ky. 1999) (citations omitted).

CR 60.02 states:

> On motion a court may, upon such terms as are just, relieve a party or his legal representative from its final judgment, order, or proceeding upon the following grounds: (a) mistake, inadvertence, surprise or excusable neglect; (b) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59.02; (c) perjury or falsified evidence; (d) fraud affecting the proceedings, other than perjury or falsified evidence; (e) the judgment is void, or has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (f) any other reason of an extraordinary nature justifying relief. The motion shall be made within a reasonable time, and on grounds (a), (b), and (c) not more than one year after the judgment, order, or proceeding was entered or taken.

As discussed by this Court, "CR 60.02 is an extraordinary remedy [that] is available only when a substantial miscarriage of justice will result from the effect

of the final judgment." *Wilson v. Commonwealth*, 403 S.W.2d 710, 712 (Ky. 1966). Indeed, "we will affirm the lower court's decision unless there is a showing of some flagrant miscarriage of justice." *Stoker*, 289 S.W.3d at 596 (internal quotation marks and citation omitted). Moreover, "[a] criminal judgment may be set aside only in extraordinary and emergency cases where the showing made is of such a conclusive character as to indicate the verdict most probably would not have been rendered and there is a strong probability of a miscarriage of justice." *Harris v. Commonwealth*, 296 S.W.2d 700, 702 (Ky. 1956) (citation omitted).

In this case, we agree that Doom's CR 60.02 is procedurally barred. The Kentucky Supreme Court has stated the following:

> The interrelationship between CR 60.02 and RCr 11.42 was carefully delineated in *Gross v. Commonwealth*, Ky., 648 S.W.2d 853 (1983). In a criminal case, these rules are not overlapping, but separate and distinct. A defendant who is in custody under sentence or on probation, parole or conditional discharge, is required to avail himself of RCr 11.42 as to any ground of which he is aware, or should be aware, during the period when the remedy is available to him. Civil Rule 60.02 is not intended merely as an additional opportunity to relitigate the same issues which could "reasonably have been presented" by direct appeal or RCr 11.42 proceedings. RCr 11.42(3); *Gross v. Commonwealth*, *supra*, at 855, 856. The obvious purpose of this principle is to prevent the relitigation of issues which either were or could have been litigated in a similar proceeding.

McQueen v. Commonwealth, 948 S.W.2d 415, 416 (Ky. 1997). Indeed, the failure to raise issues that could have been raised in an RCr 11.42 motion precludes those

issues from being raised in a CR 60.02 motion. *Meece v. Commonwealth*, 529 S.W.3d 281, 285-86 (Ky. 2017); *McQueen*, 948 S.W.2d at 416. "In summary, CR 60.02 is not a separate avenue of appeal to be pursued in addition to other remedies, but is available only to raise issues which cannot be raised in other proceedings." *McQueen*, 948 S.W.2d at 416.

Here, Doom could have raised his claims in an RCr 11.42 motion. He knew what his state of mind was when he entered his plea, he knew of his depression and alcoholism when he entered his plea, and he knew of his EED defense when he entered his plea. Indeed, there was nothing "newly discovered" about this evidence. Therefore, the circuit court did not abuse its discretion in denying Doom's CR 60.02 motion.

Further, Doom did not bring his CR 60.02 motion within a reasonable time. "What constitutes a reasonable time in which to move to vacate a judgment under CR 60.02 is a matter that addresses itself to the discretion of the trial court." *Gross*, 648 S.W.2d at 858. Here, Doom waited over four (4) years following his sentencing before filing the CR 60.02 motion. His complaints were known to him before he entered his plea. CR 60.02 motions must be filed within a reasonable time, and four years after sentencing is not a reasonable time to wait before raising these claims. *See Reyna v. Commonwealth*, 217 S.W.3d 274, 276 (Ky. App. 2007) (finding that a four-year delay was untimely). The circuit court did not abuse its

discretion in denying Doom's CR 60.02 motion for failure to file in a timely fashion.

CONCLUSION

Based upon the foregoing, we affirm the Livingston Circuit Court's order.

ALL CONCUR.

BRIEF FOR APPELLANT:

Jackie Clinton Doom, *Pro Se*
LaGrange, Kentucky

BRIEF FOR APPELLEE:

Rusell Coleman
Attorney General of Kentucky

Todd D. Ferguson
Assistant Attorney General
Frankfort, Kentucky