Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0075-OA

DAVID L. CARR — PETITIONER

v. AN ORIGINAL ACTION
ARISING FROM JEFFERSON CIRCUIT COURT
ACTION NO. 97-CR-003029-001

HON. ANNIE O'CONNELL, JUDGE
JEFFERSON CIRCUIT COURT — RESPONDENT

AND

COMMONWEALTH OF KENTUCKY — REAL PARTY IN INTEREST

ORDER

* * * * * *

BEFORE: ACREE, CALDWELL, AND L. JONES, JUDGES.

In 2024-CA-0178-OA, this Court granted Petitioner's *pro se* petition for a writ of mandamus and directed the Jefferson Circuit Court to adjudicate Petitioner's motion to vacate filed in Jefferson Circuit Court Action No. 97-CR-003029-001 within 60 days. To date, no ruling has been made.

In the above-styled action, Petitioner has filed another petition for a

writ of mandamus. No response to the petition has been filed.[1]

In support of his petition, Petitioner asserts there has still not been a ruling on his motion to vacate. Apparently, a large portion of the trial record cannot be located. Petitioner filed a motion for a ruling on August 21, 2025, and therein provided the Jefferson Circuit Court with what he believes is necessary for the Jefferson Circuit Court to issue a ruling on his motion to vacate. Most of documents tendered by Petitioner with his motion appear to be items that were filed of record. No ruling has been made on the August 21, 2025, motion.

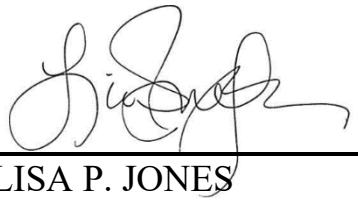
Petitioner has been awaiting a ruling on his motion to vacate for over three years. He has diligently pursued a ruling and has done everything within his power to enable the Jefferson Circuit Court to make a ruling.

Having reviewed the abbreviated record provided to this Court and the petition for a writ of mandamus filed herein by Petitioner, and being otherwise sufficiently advised, this Court ORDERS that the petition for a writ of mandamus is hereby GRANTED.

The Jefferson Circuit Court is hereby DIRECTED to adjudicate the motion filed by Petitioner on August 21, 2025, and the motion to vacate filed on July 13, 2023, in Jefferson Circuit Court Action No. 97-CR-003029-001 within 90

[1] Pursuant to Kentucky Rules of Appellate Procedure 60(D), Respondent has elected not to file a response.

days from the date of entry of this order.



HON. LISA P. JONES
JUDGE, COURT OF APPEALS

ENTERED: 11/16/2026