Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0994-MR

ANELA BEHRIC — APPELLANT

v.

APPEAL FROM BOONE CIRCUIT COURT
HONORABLE JAMES R. SCHRAND, II, JUDGE
ACTION NO. 26-XX-00003

VINEYARD APARTMENTS, LLC
D/B/A THE BOULEVARD
APARTMENTS — APPELLEE

ORDER
DISMISSING

* * * * * *

BEFORE: CETRULO, A. JONES, AND KAREM, JUDGES.

The above-styled action is before the Court on an order directing Appellant to show cause why the appeal should not be dismissed as proceeding improperly.

On July 8, 2026, the Boone Circuit Court entered an order affirming the Boone District Court's judgment of forcible detainer in favor of Appellee. Appellant, *pro se*, filed a notice of appeal with the Boone Circuit Court on August

5, 2026. Because Appellant filed a notice of appeal instead of a motion for discretionary review, this Court issued an order directing Appellant to show cause why the appeal should not be dismissed as proceeding improperly. No response was filed.

Appeals from cases that began in district court are controlled by the procedures set out in RAP[1] 48. If a party seeks further review of a final order, they "may file a motion for discretionary review in the Court of Appeals pursuant to RAP 44." RAP 48(K)(2).

Appellant failed to follow the procedures of RAP 48, which require that a motion for discretionary review be filed in the Court of Appeals to appeal an action that began before a district court. *See* RAP 44. Failing to file a motion for discretionary review within 30 days of the order being appealed is entered is a jurisdictional issue that requires strict compliance. Therefore, the failure to follow RAP 48 requires the appeal be dismissed. *See* RAP 44 (B)(1) and RAP 44(B)(3).

Here, it is inescapable that Appellant filed a notice of appeal with the Boone Circuit Court instead of the proper motion for discretionary review with this Court. As a result, the appeal must be dismissed.

Having reviewed the record and being otherwise sufficiently advised, the Court FINDS Appellant has FAILED TO SHOW SUFFICIENT CAUSE as to

[1] Kentucky Rules of Appellate Procedure.

why the above-styled appeal should not be dismissed. The Court ORDERS that the appeal shall be, and is hereby, DISMISSED as proceeding improperly.

IT IS FURTHER ORDERED that Appellant's motion for additional time to file a brief is hereby DENIED as moot.

ENTERED: 11/12/2026



HON. ALLISON E. JONES
JUDGE, COURT OF APPEALS