Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-1241-MR

KENDRICK L. WILSON APPELLANT

APPEAL FROM BULLITT CIRCUIT COURT
v. HONORABLE HON. CHRISTOPHER T. COHRON, JUDGE
ACTION NO. 23-CR-00084

COMMONWEALTH OF KENTUCKY APPELLEE

ORDER

* * * * * *

The above-styled appeal is of an order holding Appellant in contempt and sentencing him to 90 days' incarceration. The contempt arose out of proceedings in Bullitt Circuit Court on August 24, 2026. The Court has reviewed the entirety of those proceedings. At one point during the proceedings, the circuit court instructed Appellant not to speak until he was called upon. When Appellant was asked whether he wanted to argue the pending motions or whether he wanted his standby counsel to argue the motions, Appellant responded as follows:

> I already told you, I don't even know what we're talking about. I don't have a copy of the motions. And he

> [pointing at his standby counsel] stated that he hasn't even been in contact with me since I last left your courtroom. And Mr. Tracy's not here. So how do I have any clue about what y'all talking about on these motions that you're—I have no what you're talking about. On top of that, I wish to have counsel, hired counsel, once you properly give me my case file and turn over discovery and exculpatory evidence that I've been requesting for three years now, so I can properly talk to counsel moving forward about obtaining and hiring their services. I don't know what's going on in this courtroom. And quite frankly, I don't believe you do either.

His tone was somewhat hostile, as it had been earlier during those proceedings. The court responded that "Okay. I don't need the commentary. I do know what's going on. You're now going to be held in contempt." The court then stated that Appellant was in custody and that he was sentenced to 90 days. As he was being cuffed, Appellant asked what he was being held in contempt for to which the court responded "[f]or your commentary that you do not believe that the court knows what is going on. I find that to be disrespectful and find you in contempt."

On October 26, 2026, Appellant filed an emergency motion for stay pending appeal and immediate release from incarceration pursuant to RAP[1] 21. The Commonwealth filed a response in opposition to the motion.

The Commonwealth first argues that Appellant's motion appears to have been filed, or at least served, by a non-attorney other than himself and is

[1] Kentucky Rules of Appellate Procedure.

therefore void. RAP 11 states that "[A] party who is not represented by an attorney shall sign the party's filing and state the party's address." Appellant signed his pleading. As to Appellant's address, he provided a mailing address that he apparently utilizes when he is not in custody and, given the short duration of his current incarceration, apparently still utilizes. As to the certificate of service, RAP 5(A) stats that "[a]ll documents filed pursuant to these rules shall be served as set forth in CR[2] 5.01 and 5.02 and shall contain a certificate indicating the date and manner of services signed by a party or its counsel as set forth in CR 5.03." CR 5.03 provides that proof of service "may be by certificate of a member of the bar of the court or by affidavit of the person who served the papers, *or by any other proof satisfactory to the court.*" (Emphasis added). For the purposes of the present motion, the Court finds that Appellant has substantially complied with the Rules and proceeds to the merits of the motion.

Under RAP 21(A)(1), after filing a notice of appeal, a party "may move the appellate court for intermediate relief upon a satisfactory showing that otherwise the movant will suffer immediate and irreparable injury before final disposition of the appeal." Kentucky courts have repeatedly defined "irreparable harm" as "something of a ruinous nature." *Brooks by Elderserve, Inc. v. Hagerty*, 614 S.W.3d 903, 909 (Ky. 2021). Our Supreme Court has further explained that

[2] Kentucky Rules of Civil Procedure.

irreparable harm involves "incalculable damage to the applicant ... either to the liberty of his person, or to his property rights, or other far-reaching and conjectural consequences." *Hoskins v. Maricle*, 150 S.W.3d 1, 19 (Ky. 2004).

Although the Court does not decide the ultimate merits of an appeal when considering a motion for intermediate relief under RAP 21(A)(1), some consideration of the underlying merits is necessarily required. Accordingly, at this preliminary stage, the Court considers whether Appellant has made a colorable showing that his continued incarceration may be unlawful and, if so, whether permitting that incarceration to continue pending disposition of his appeal would result in immediate and irreparable injury for which an appeal would provide no adequate remedy.

In support of his motion, Appellant relies on this Court's September 16, 2026, order in *Bevin v. Johnson*, No. 2026-OA-1146, in which the Court granted emergency relief to a litigant sentenced to sixty days' incarceration for allegedly failing to produce certain discovery-related documents. There, the Court concluded that the movant had presented a colorable claim of unlawful incarceration because the lower court neither established a purge condition nor afforded the movant a criminal contempt hearing at which he could contest the allegations of indirect criminal contempt. The critical distinction between *Bevin*

and the present matter, however, is that Appellant was adjudged guilty of *direct criminal contempt.*

Criminal contempt may be either direct or indirect. "A direct contempt is committed in the presence of the court and is an affront to the dignity of the court. It may be punished summarily by the court, and requires no fact-finding function, as all the elements of the offense are matters within the personal knowledge of the court." *Commonwealth v. Burge*, 947 S.W.2d 805, 808 (Ky. 1996). As this Court has explained, "[t]he idea behind this summary proceeding is that an emergency of sorts exists and needs to be dealt with immediately in order to maintain control of the courtroom." *Schroering v. Hickman*, 229 S.W.3d 591, 594 (Ky. App. 2007). Consequently, the procedural protections ordinarily associated with criminal proceedings are necessarily more limited when a court exercises its authority to punish direct contempt summarily. *Id.*

Although Appellant's arguments are somewhat difficult to discern, he appears to contend that his conduct toward the trial judge was either insufficient to constitute criminal contempt or did not warrant the severity of the sanction imposed. Neither contention, however, establishes at this preliminary stage, a sufficiently substantial question concerning the lawfulness of his incarceration to warrant intermediate relief.

In *Meskimen v. Commonwealth*, 435 S.W.3d 526, 537 (Ky. 2013), the Supreme Court explained:

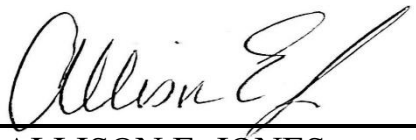
> We have noted that criminal contempt includes those acts done in disrespect of the court or its processes or which obstruct the administration of justice or tend to bring the court into disrepute. "It covers not only acts which directly and openly insult or resist the powers of the court or the persons of the judges, but to consequential, indirect, and constructive contempts which obstruct the process, degrade the authority, and contaminate the purity of the court."

Id. (quoting *Mitchell v. Commonwealth*, 268 S.W. 313, 313 (Ky. 1925)). Moreover, the United States Supreme Court has recognized that, where the circumstances warrant summary punishment for direct criminal contempt, a sentence not exceeding six months may be imposed without a jury trial. *Codispoti v. Pennsylvania*, 418 U.S. 506, 514, 94 S. Ct. 2687, 2692, 41 L. Ed. 2d 912 (1974).

Thus, unlike the circumstances presented in *Bevin*, the summary nature of the contempt proceedings against Appellant does not, standing alone, call into question the lawfulness of his incarceration. Nor has Appellant demonstrated, on the present record, that the circuit court's characterization of his conduct as direct criminal contempt or its selection of the sanction imposed presents a sufficiently substantial likelihood of error to justify intermediate relief. "When a court exercises its contempt powers, it has nearly unlimited discretion." *Meyers v. Petrie*, 233 S.W.3d 212, 215 (Ky. App. 2007). "Moreover, a court not only has the

right but also the duty to protects its authority and dignity against contemptuous conduct." *Id*. at 216.

These matters remain subject to review on appeal, but has on the present record, Appellant has not made the showing necessary to warrant relief under RAP 21(A)(1).[3] Thus, having considered Appellant's emergency motion for stay pending appeal and immediate release from incarceration pursuant to RAP 21(A), this Court ORDERS that the motion be and hereby is DENIED.



ENTERED: 11/02/2026

HON. ALLISON E. JONES
JUDGE, COURT OF APPEALS

[3] The denial of this motion does not reflect any assessment as to the ultimate merits of this appeal which will be decided by a three-judge panel of this Court after briefing.