

RENDERED: DECEMBER 17, 2004; 2:00 p.m.
NOT TO BE PUBLISHED

Commonwealth Of Kentucky

Court of Appeals

NO. 2003-CA-002170-MR
AND
NO. 2003-CA-002404-MR

BUSTER CHANDLER

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE LAURANCE B. VANMETER, JUDGE
ACTION NO. 90-CR-00433

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION AFFIRMING

** ** * * *

BEFORE: BUCKINGHAM AND McANULTY, JUDGES; MILLER, SENIOR JUDGE.¹

BUCKINGHAM, JUDGE: Buster Chandler appeals from orders of the Fayette Circuit Court denying his motion to supplement and amend his previous RCr² 11.42 motion and denying his motions for findings of fact and for a default judgment. We affirm.

¹ Senior Judge John D. Miller sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

² Kentucky Rules of Criminal Procedure.

Chandler was convicted after a trial by jury in the Fayette Circuit Court in June 1991 of murdering his girlfriend, Glenda Hudson. Chandler confessed to the crime and also testified at his trial that he killed Hudson in Fayette County. His conviction was upheld on direct appeal by the Kentucky Supreme Court in 1993.

Chandler has filed numerous postconviction motions since that time. These include more than one RCr 11.42 motion, a CR³ 60.02 motion, a CR 59.05 motion, and numerous habeas corpus actions. In every instance, the courts have denied Chandler relief.

In his latest RCr 11.42 motion, Chandler argues that the Commonwealth did not have jurisdiction to try him for murder. He claims that he murdered Hudson in Knoxville, Tennessee, and then brought her corpse to Fayette County and hid it behind a commercial building on New Circle Road in Lexington. Chandler makes these arguments even though he confessed during questioning and testified at his trial that he killed Hudson in Fayette County.

Following the trial court's denial of his latest motions, Chandler filed this appeal raising numerous grounds. He argues that the circuit court erred by not granting him a default judgment against the Commonwealth, by not appointing

³ Kentucky Rules of Civil Procedure.

counsel to represent him, by denying him an evidentiary hearing, and by denying his motion for more specific findings of fact. Chandler further argues that the court erred by not letting him amend his original RCr 11.42 motion and by not holding a hearing concerning whether Fayette County had subject matter jurisdiction to try him. Additionally, Chandler argues that his conviction was in violation of KRS 500.060(2) because the crime was committed outside the territorial jurisdiction of Kentucky, that the Commonwealth did not prove that the crime occurred in Fayette County, and that the Commonwealth was guilty of prosecutorial misconduct. These matters have been raised repeatedly by Chandler in his prior motions.

RCr 11.42(3) states that "[t]he motion shall state all grounds for holding the sentence invalid of which the movant has knowledge. Final disposition of the motion shall conclude all issues that could reasonably have been presented in the same proceeding." Chandler has either presented or had the opportunity to present all of these issues in his prior RCr 11.42 motion. He is now barred from bringing a second motion that contains matters which either were or could have been presented originally. See McQueen v. Commonwealth, Ky., 949 S.W.2d 70, 71 (1997). The Fayette Circuit Court correctly denied Chandler's motions.

The order of the Fayette Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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