

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2006-CA-000453-MR

ZORIDA M. BLEWETT

APPELLANT

v. APPEAL FROM WARREN CIRCUIT COURT  
HONORABLE JOHN R. GRISE, JUDGE  
ACTION NO. 98-CR-00736

COMMONWEALTH OF KENTUCKY

APPELLEE

PER CURIAM OPINION  
AFFIRMING

\*\* \*\* \* \* \* \* \*

BEFORE: CLAYTON AND DIXON, JUDGES; GRAVES,<sup>1</sup> SENIOR JUDGE.

PER CURIAM: In February 1999, Appellant, Zorida Blewett, pled guilty to third-degree assault and disorderly conduct. He was sentenced to two years' imprisonment which, over the objection of the Commonwealth, was probated for a period of five years. Appellant's probation was subsequently revoked in April 2001.

---

<sup>1</sup> Senior Judge J. William Graves sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110 (5)(b) of the Kentucky Constitution and KRS 21.580.

Appellant, through counsel, filed an RCr 11.42 motion in December 2001, alleging ineffective assistance of trial counsel. Following an evidentiary hearing, the court denied Appellant's motion. Appellant did not appeal the order. In September 2003, Appellant filed a second *pro se* RCr 11.42 motion, again alleging ineffective assistance of trial counsel, as well as ineffective assistance of post-conviction counsel. The trial court again denied Appellant relief.

Appellant argues on appeal to this Court that both trial counsel and post-conviction counsel rendered ineffective assistance. However, we conclude that Appellant's successive motion was time barred since it was filed more than three years after the final judgment. RCr 11.42(10). Notwithstanding the procedural deficiency, Appellant's claims are without merit. The trial court considered and rejected Appellant's claim with respect to trial counsel in his first RCr 11.42 proceeding. The law is clear that since there is no constitutional right to an attorney in a post-conviction proceeding, a petitioner cannot claim ineffective assistance of counsel in such proceeding. *Coleman v. Thompson*, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991); *Bowling v. Commonwealth*, 981 S.W.2d 545 (Ky. 1998), *cert. denied*, 527 U.S. 1026 (1999).

The order of the Warren Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Zorida Blewett, Pro Se  
Forrest City, Arkansas

BRIEF FOR APPELLEE:

Gregory D. Stumbo  
Attorney General

James C. Shackelford  
Assistant Attorney General  
Frankfort, Kentucky