

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CRIMINAL PROCEDURE
GENERAL PROVISIONS**

RCr 1.10 Time

Whenever these Rules do not provide otherwise with respect to time, the following shall apply:

(a) In computing any period of time prescribed or allowed by these Rules, by order of court or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(b) Whenever by statute, by these Rules or by a notice given thereunder, or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion, (i) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (ii) upon motion made after the expiration of the specified period, permit the act to be done if the failure to act was the result of excusable neglect.

(c)(i) A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served a reasonable time before the time specified for the hearing unless a specific period is fixed by these Rules or by order of the court. Such an order may for cause shown be made on ex parte application.

(ii) When a motion is supported by affidavit, the affidavit shall be served with the motion; and, except as otherwise provided in Rule 10.08, opposing affidavits may be served not later than one (1) day before the hearing unless the court permits them to be served at some other time.

(d) Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon that party and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

(e) The time for a motion for a new trial or for taking an appeal or cross- appeal shall not be extended. The time for certification of the record on appeal shall not be extended except as provided in Civil Rule 73.08.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendments eff. 9-1-81 (Order 81-5), 1-1-78; adopted eff. 1-1-63