

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

**BAIL**

**RCr 4.43 Appellate review of bail; habeas corpus**

(1) Any defendant aggrieved by a decision of the circuit court on a motion to change the conditions of bail may appeal that decision to the Court of Appeals pursuant to the following procedures:

(a) The notice of appeal from the order of the trial court shall be filed in the manner and within the time fixed by Rule 12.04.

(b) Upon the filing of the notice of appeal the clerk of the circuit court shall prepare and certify the original or a copy of such portion of the record as relates to the question of bail and is needed for the purpose of deciding the issue on appeal. The abbreviated record shall be filed with the clerk of the appellate court within 30 days after filing of the notice of appeal.

(c) The appellant shall within 15 days after filing of the record file the statement of appeal and brief required by Civil Rules 76.06 and 76.12. The brief shall be abbreviated and shall not exceed five (5) double-spaced typewritten pages. It shall be served on the local Commonwealth's attorney and on the attorney general. No brief shall be required of the Commonwealth, but the Commonwealth may file a brief within 10 days after the date the appellant's statement of appeal and brief were filed, such brief not to exceed five (5) double-spaced typewritten pages. No other briefs shall be filed unless requested by the appellate court.

(d) The appeal shall stand submitted for final disposition 10 days after the date on which the appeal was perfected by the appellant. The court shall proceed immediately to a hearing thereof and complete the same as soon as practicable.

(e) Neither the filing of the notice of appeal nor the pendency of the appeal shall stay further proceedings in the prosecution.

(2) The writ of habeas corpus remains the proper method for seeking circuit court review of the action of a district court respecting bail.

(3) This Rule 4.43 shall apply only to appellate review of bail conditions prior to entry of a judgment of conviction. After entry of a judgment of conviction, appellate review of bail on appeal shall be by intermediate motion filed pursuant to RCr 12.82 in the appeal of the conviction.

HISTORY: Amended by Order 89-1, eff. 8-28-89; adopted eff. 9-1-81