

63.120 Appeal to Court of Appeals.

- (1) Any peace officer removed from office under the provisions of KRS 63.110 may, within ten (10) days from the date of the entry of the order removing him, appeal to the Court of Appeals by obtaining from the Secretary of State a certified copy of all charges, findings of fact and orders entered in the proceedings against him and filing them with the clerk of the Court of Appeals, and entering a motion before the clerk for an appeal. The motion shall set forth the alleged errors of fact and law committed by the Governor. No response shall be filed to the motion. The Governor shall be made appellee in the appeal, and notice thereof shall be served upon the Governor immediately after the motion is filed with the clerk. If the Governor is out of his office or away from the seat of government, the notice shall be served on the Attorney General or one (1) of the assistants in his office. The Secretary of State shall, after the appeal has been filed, immediately deliver the original record to the clerk of the Court of Appeals, and append thereto a certificate showing that it is the entire record in the case on file.
- (2) The judgment of the court shall be final and shall be certified to the Secretary of State. If the order of removal entered by the Governor is affirmed it shall become effective immediately and the office held by the peace officer shall be deemed vacant.
- (3) The original papers in the case shall be returned to the Secretary of State after the case has been disposed of in the Court of Appeals.

History: Amended 1976 Ky. Acts ch. 62, sec. 58. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3766a-8.