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COMMONWEALTH OF KENTUCKY
PIKE CIRCUIT COURT
DIVISION NO. I

INDICTMENT NO. 25-CR-00223
25-CR-00225
25-CR-00227

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

ORDER

MICHAEL K. MCKINNEY III
MICHAEL K. MCKINNEY II
JOSH MULLINS

DEFENDANTS

Co-Counsel for Michael K. McKinney, III, Hon. Randall O’Neal and counsel for
Defendant Josh Mullins, Hon. Whitney O’Neal, appear to be attorneys from the same law firm.

Pursuant to Kentucky Rule of Criminal Procedure 8.30 (3):

Upon receipt of any information reasonably suggesting that what is best for one client may not be best for another, counsel shall explain its significance to the defendant and disclose it to the court, and shall withdraw as counsel for one client or the other unless (a) each such client who is a defendant in the proceeding executes a written waiver setting forth the circumstances and reiterating the client's desire for continued representation by the same counsel and (b) such waiver is entered in the record of the proceeding.

This rule has been applied to co-defendants represented by attorneys who are from the same office/firm. *See Mitchell v. Com.*, 323 S.W.3d 755 (Ky. App. 2010), review denied. In responses to the Commonwealth’s Motion to Continue the Trial Defendant Josh Mullins has taken the position that a continuance would be best for him while Defendant Michael K. McKinney, III has repeatedly objected to continuance and reiterated his demand for Speedy Trial. Thus, as members of the same law firm, Randall O’Neal and Whitney O’Neal represent two co-defendants with a clear conflict of interest requiring the counsel to explain the significance to the

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defendants and withdraw their representation unless an executed waiver from each defendant is filed with the Court.

IT IS HEREBY ORDERED Hon. Randall O'Neal and Whitney O'Neal shall withdraw their representation of Defendants Micheal M.K. McKinney III and Josh Mullins or fully comply with the requirements of RCr 8.03 (3) prior to the Pre-Trial Hearing on May 11, 2026.



JUDGE

CERTIFICATE OF SERVICE:

I certify that a true and accurate copy of the foregoing order was mailed and/or hand delivered to all parties and/or attorneys of record on this _____ day of May 2026.

ANNA PINSON SPEARS, CLERK
PIKE CIRCUIT COURT
BY: D. C.: _____

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