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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

These indictments come before the Court on the Commonwealth’s Renewed Motion for a Continuance. The Defendant, Michael McKinney, III, has objected to every motion for continuance filed by the Commonwealth and maintained his demand for a speedy trial as guaranteed by both the Federal Constitution and our Commonwealth’s Constitution. Although just one of several factors the Court must consider, it is noted the Defendant’s right to a speedy trial does not disappear because he has made bail pending trial by securing an adequate bond.

So, how does this Court determine whether necessity and fairness to all parties requires another delay despite one defendant’s demand for speedy trial? By reviewing the circumstances alleged by the Commonwealth last fall and again now – half a year later and less than two weeks before trial is set to begin. This motion is not verified, supported by an affidavit, stipulated by the parties or by testimony at any prior hearing. The Commonwealth would have this Court make findings of fact based on bare allegations alone. The Court needs to hear evidence of what the state crime laboratory is doing and plans to do to complete the work requested of it.

Judges have a duty to dispose of matters before them promptly and efficiently giving due regard to the rights of all parties with a legal interest in the proceeding. Canon 2 of the Code of Judicial Conduct does not require a party to demand prompt resolution of a case for a judge to be obligated to resolve the issues before it in a timely manner. It occurs to the Court that while it may be ultimately shown that this additional laboratory testing of DNA necessarily requires a delay of the trial of Michael McKinney III, those results may not be necessary in a trial of the other Defendants in this case who are charged with tampering of the evidence. While it may require two trials, a trial of the tampering charges with fewer defendants and fewer issues could ultimately be a better use of judicial economy.

The Court could also proceed with the trial of the Defendant who has asserted his right to a speedy trial and continue the other two. Again, while requiring an additional trial, a trial with one defendant could be more efficient and ultimately more practical.

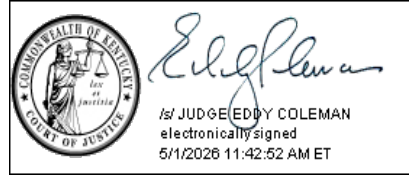
PURSUANT TO THE FOREGOING, IT IS HEREBY ORDERED BY THE COURT as follows:

1. All pretrial motions shall be heard on May 11, 2026, at the hour of 9:00 am. At that hearing, the Commonwealth shall secure a witness from the state crime laboratory who shall be prepared to testify regarding all outstanding forensic testing, the expected date of completion of said testing, and to explain the delay. Questioning of the witness will strictly be limited to those issues.
2. The parties shall be prepared to discuss a separate trial of one or two of the indictments.
3. Unless otherwise ordered by the Court, jury selection shall begin on Tuesday, May 12, 2026, at 9:00 am.

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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 _____ 2026.

ANNA PINSON SPEARS, CLERK
PIKE CIRCUIT COURT

BY: D. C.: _____