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NO. 25-CR-223

PIKE CIRCUIT COURT

CRIMINAL DIVISION

JUDGE COLEMAN

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

NOTICE-MOTION-ORDER

MICHAEL K. MCKINNEY III

DEFENDANT

*** **

NOTICE

Please take notice that the Defendant, Michael K. McKinney, III, by and through counsel, will on **Friday, December 12, 2025, at 9:00 a.m.**, will make the following motion and tender the attached Order.

RENEWED MOTION TO REDUCE BOND

Comes now the Defendant, Michael K. McKinney III, by and through counsel, Steven R. Romines, and respectfully files this Renewed Motion to Reduce the Bond currently imposed upon him in the present case. In support thereof, Defendant states the following:

1. On December 1, 2025, this Court set the Defendant's bond at \$2,000,000.00 property and \$4,000,000.00 partially secured with 10 percent cash. The Court also included multiple additional conditions in connection with this bond. At that time, the Court also set a trial date for May 11, 2026 and a Pre-Trial Conference date of February 26, 2026.

In the present case, the Defendant has secured real property of \$1,000,000.00 and \$400,000.00 cash to post in the case herein. The Defendant does not have the ability to post

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\$2,000,000.00 in real property in addition to \$400,000.00 cash.

As this Court is aware, Kentucky Rules of Criminal Procedure, RCr 4.16(1) states: the amount of bail shall be sufficient to ensure compliance with the conditions of the offense set by the Court. It shall not be oppressive and shall be commensurate with the gravity of the offense charged. In determining such amount, the Court shall consider the Defendant's past criminal acts, if any, the Defendant's reasonably anticipated conduct, if released, and Defendant's financial ability to give bail. As the Court is also aware, KRS 431.525 states: "When a Court considers pre-trial release and bail from an arrested Defendant, the Court shall consider whether the Defendant would be considered a flight risk, is unlikely to appear for trial, or is likely to be a danger to the public, if released. In making this determination, the Court shall consider the pre-trial risk assessment for a verified and eligible Defendant along with factors set forth in KRS 431.525. The factors of KRS 431.525 again state, the amount of bail shall be sufficient to ensure compliance with conditions of release, not oppressive, in consideration of past criminal acts and considerate of the financial ability of the Defendant to pay. The Court is vested with great discretion in deciding matters of pre-trial release and it is well established that the Court's discretion is neither plenary nor without limitations.

In the case herein, there is no basis to believe that Mr. McKinney is a flight risk and ample evidence has been provided to show that he is not. In fact, it is submitted that the Commonwealth has not contested that the Defendant is not a flight risk. Additionally, pursuant to the non-financial conditions set by the Court, the Defendant would be subject to home incarceration, requiring 24 hour electronic monitor to confirm his whereabouts. Accordingly, this factor must weigh in favor for reduction of bond.

Aside from the case herein, for which the Court is required to presume Mr. McKinney

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innocent, there is no basis to believe that he is a danger to the community. Mr. McKinney scored a 0 out of 0 on the Pre-Trial Risk Assessment, the lowest possible score, indicating that he is neither a flight risk nor of re-offending. In fact, that report recommends that by Kentucky law, he should only be subject to pre-trial supervision.

The reality is that almost no Defendant could ever post a \$5,000,000.00 bond, a \$2,000,000.00 property bond, or a \$500,000.00 full cash bond. The law is crystal clear that a Court should not set a bond that it has reason to believe a Defendant cannot post, thereby virtually guaranteeing that he will not be released and will “suffer imprisonment” without having ever been convicted. This is exactly the same as assuming a person is guilty and setting a bond based on such an assumption. The law does not allow this, nor should it. The difference between freedom and confinement should never depend solely upon money. The time for punishment in the legal system is after conviction, not before. Again, the law does not allow the Court to set a bond that it knows cannot be posted. To do so, would fly directly in the face of “reasonable bonds”, which are constitutionally required, and then ignore the black letter requirement that the Court must consider the Defendant’s financial ability to post bond.

Based on the above, the Defendant moves that the bond in this case be reduced to a \$5,000,000.00 bond, partially secured with ten percent (10%) cash, or \$500,000.00 full cash, or in the alternative a \$1,000,000.00 property bond (requiring the posting of real property with a value of \$1,000,000.00, and \$4,000,00.00 partially secured with ten percent (10%) cash (\$400,000.00). All other bond conditions included in the Court’s Order dated December 1, 2025, would remain the same.

Respectfully submitted,

ROMINES WEIS & YOUNG PSC

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing, this 3rd day of December, 2025, has been served via eFiling and by electronic mail which will send notice to the following:

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 /s/ Steven R. Romines _____
STEVEN R. ROMINES