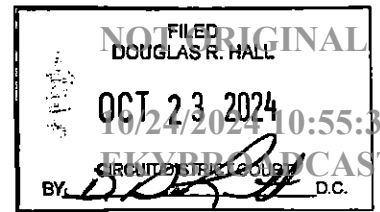


COMMONWEALTH OF KENTUCKY  
FLOYD CIRCUIT COURT  
CASE NO. 24-CR-326



COMMONWEALTH OF KENTUCKY,

PLAINTIFF

VS.

COMMONWEALTH'S RESPONSE TO  
DEFENDANT'S MOTION TO REDUCE BOND

MICHAEL K. MCKINNEY, III,

DEFENDANT.

\*\*\* \*\*

**COMES** the Commonwealth and for its response to the Defendant's motion for bond reduction, and states that the Commonwealth objects to any reduction to the bond for Defendant M.K. McKinney. Defendant's motion focuses primarily on the weight of the evidence and the Defendant's mental condition which they cite as factors to be considered when determining conditions of release. Accordingly, the Commonwealth would like to address those factors in more detail.

**EVIDENCE**

The Defendant selectively quotes parts of the Grand Jury testimony to support their claim that the evidence of the Defendant's guilt is lacking. While we cannot cover all the evidence, what follows is some of the evidence the Court should consider.

**A. DNA EVIDENCE**

The autopsy found that Amber Spradlin was stabbed at least 12 times in the head, neck, and torso. The attack was so violent that the blade from the knife used in the murder broke off in her neck and was only discovered at autopsy. The nature and pattern of the injuries would suggest she resisted her attacker.

Swabs from Amber Spradlin's fingernail clippings were sent for DNA testing.

After the initial test showed the possible presence of male DNA under her fingernails, a second more specialized test was conducted to test for Y chromosome short tandem repeat (Y-STR) DNA analysis. This test looks only for male DNA. Because the Y chromosome is inherited paternally, all males from the same paternal lineage share the same Y-STR profile.

Forensic testing of Amber Spradlin's right hand fingernail clippings found that the major Y-STR profile located under those nails was a match to Defendant Mickael McKinney, II and Defendant M.K. McKinney, and their paternal relatives. This match is estimated to be 463 times more likely to occur if Michael McKinney, II, or M.K. McKinney, or their paternal relative is a contributor to this Y-STR than if it came from a randomly selected male from the U.S. population. More importantly, the DNA profile from Amber Spradlin's right hand fingernail clippings did not match Defendant Josh Mullins or Roy Kidd.

There is no evidence, nor has any Defendant alleged, that someone outside of the home committed this murder. And there was no evidence of a break-in. Therefore, the question is not "who in the world does the DNA under the victim's fingernails point to", but rather, "who in the home does the DNA under the victim's fingernails point to"? Obviously, it could only have been Defendant Michael McKinney, II, or Defendant M.K. McKinney, as all other

males in the home, including Roy Kidd, are excluded as possible contributors.

A copy of the forensic report is attached as Commonwealth's Exhibit 1.

On the subject of DNA, there is another important finding. Roy Kidd fell and sustained a pretty large cut under his chin hours before the murder due to being so intoxicated that he could not stand up on his own. As a result, Roy Kidd was covered in blood. DNA testing of the blood on Roy's clothing shows that it was his own blood and not that of the victim Amber Spradlin.

**B. M. K. MCKINNEY'S INJURIES**

In addition to being the only person present that night who fled the scene before police arrived, Defendant M.K. McKinney is the only person who had any injuries to their hands or arms. More specifically, when police were finally able to photograph Defendant M.K. McKinney three (3) days after the murder, he was found to have numerous suspicious scratches to both forearms. So while the DNA profile could have come from either Defendant Michael McKinney or Defendant M.K. McKinney, it was only Defendant M.K. McKinney who had scratches. Photos of the scratches are attached as Commonwealth's exhibits 2a and 2b.

**C. CONDUCT OF MCKINNEY DEFENDENTS**

Defendant M.K. McKinney called 911 shortly before 6:00 a.m. On the morning of the murder and stated that a "family guest" was extremely intoxicated and asked if the police could send someone to take him to a drunk

tank. He did not name the individual, but it is obviously a reference to Roy Kidd. When asked by the dispatcher if Roy Kidd was fighting or otherwise committing some kind of arrestable offense, Defendant M.K. McKinney declined to say so. In fact, he said "I'm not saying arrest him". Loren Carlson was at the home with her boyfriend, Defendant Josh Mullins, that night. She gave a statement to police saying she and Josh left the victim Amber Spradlin alone in the living room when they went to bed around 7:00 a.m. the morning of the murder. It is also believed that Roy Kidd had passed out and gone to sleep in the basement bedroom at that point. This means the murder happened some time after 7:00 a.m.

Defendant Michael McKinney, II was asked by numerous people when Defendant M.K. McKinney left since he was not there when the victim was found sometime before 10:00 A.M. Defendant Michael McKinney, II told Loren Carlson, Roy Kidd, and several other individuals that Defendant M.K. McKinney had left "during the night". However, surveillance video obtained by police shows Defendant M.K. McKinney's vehicle leaving much later than that. Attached as exhibit 3 are still shots of Defendant M.K. McKinney's blue Chevrolet truck leaving the area just before 8:30 A.M. Another surveillance still shot is attached as exhibit 4 showing Defendant M.K. McKinney's truck arriving back at the area where his girlfriend's home was in Morehead shortly before 10:00 a.m. Clearly, M.K. did not leave "during the night" as his father

has repeatedly suggested and would have been at the home when the murder occurred.

Roy Kidd woke up in the basement bedroom sometime before 10:00 a.m. that morning. He was so intoxicated that he had defecated and urinated on himself in the bed he was sleeping in. When he went upstairs, he discovered Amber Spradlin on the living room couch dead. He then knocked on the bedroom door of Defendant Michael McKinney, II, which was located only a few steps from where the murder occurred. When Defendant Michael McKinney, II came to the door, Roy Kidd told him that Amber Spradlin was dead and covered in blood. Kidd states that Defendant Michael McKinney, II merely glanced over at her from the door before going back in his bedroom and making phone calls. According to Kidd, Defendant McKinney did not even go over to look at her to see what had happened.

Instead of calling 911, Defendant Michael McKinney, II called his close friend, then Prestonsburg City Police Randy Woods. Phone records confirm a nearly eight (8) minute long phone call between the two. When questioned by police, Randy Woods would only say that he told Defendant McKinney to call 911.

Eventually, Defendant Michael McKinney, II finally called 911 around 10:30 a.m. This is the transcript of the entire call.

911 911, where is your emergency?

MCKINNEY Yes, so my name is Michael McKinney.  
I'm at 659 Arkansas Road.

911 Yes.

MCKINNEY I had some people come back to my house last  
night and there's a girl on my couch that's  
dead.

911 659 Arkansas Creek?

MCKINNEY Yes. So I need some assistance.

911 Alright. I'll get everybody out there.  
434-7897?

MCKINNEY That's my cell, yes.

911 Do you know who the female is?

MCKINNEY Roy, what's her name? What's her name? I know  
it's Amber, but what's . . . .

ROY Amber Spradlin.

MCKINNEY Amber Spradlin.

911 Is it obvious or was it . . you think it's  
drugs or. . .

MCKINNEY Dude, it looks like somebody's came into the  
house and fucking murdered her. Her fucking  
throat's slit. There's blood everywhere.

911 Okay. About how old is she?

MCKINNEY How old is she? 32. . 33.

911 Alright. I'll get everybody out there.

MCKINNEY Thank you.

911 You're welcome.

As you can see, Defendant Michael McKinney, II told the 911 Dispatcher that Amber Spradlin was murdered and that her throat had been slit. He was correct. The problem is that none of these injuries were visible or at all apparent upon observing the body at the scene. Because Amber Spradlin's body was leaning back into the couch with her chin pushed forward, you cannot see any injuries to her neck. In fact, the authorities who responded to the scene, along with the deputy coroner, all believed that she had died from some sort of hemorrhage or other medical event. It was not until many hours later when the victim's body was examined at the coroner's office that the injuries to her neck were able to be observed. Apparently, the Defendant Michael McKinney, II knew the exact nature of the victim's injuries even though they were not discernable to anyone else at the scene.

It's also notable that Defendant McKinney is with Roy Kidd at the time of the 911 call and even asked Kidd for Amber's name. So apparently he had no concerns about hanging out with Roy that morning even though he now says Roy is a deranged, homicidal maniac who had just slaughtered a woman for no reason on his couch.

**D. MISSING CAMERAS**

Both Defendant McKinney's longtime housekeeper and Josh Mullins' then girlfriend, Loren Carlson, say that the Defendant had a camera on the living room mantel aimed directly at the couch where the murder occurred. The housekeeper said it had been there as long as she could remember and was

there the week of the murder when she cleaned the home. Loren Carlson had been staying there and also confirmed the presence of the camera.

When police arrived on the morning of the murder, this camera, along with another one in the basement bar area were both gone with no evidence that they had ever been there. The fact that there was a camera that would have filmed the murder was never mentioned by anyone to the police. They only learned of its existence through subsequent investigation and interviews. If McKinney had a camera that filmed the murder you would think that he would want authorities to see the footage if it exonerated his son.

#### **DEFENDANT M. K. MCKINNEY'S MENTAL CONDITION**

The Defendant's motion disputes the Commonwealth's claim that Defendant M.K. McKinney has a history of violent outbursts and mental instability. The following are some of the reasons the Commonwealth has made that statement.

##### **A. M.K.'s statements to Roy Kidd**

Defendant M.K. McKinney is Roy Kidd's second cousin and Roy Kidd had genuine affection for M.K. While Roy Kidd and Defendant M.K. McKinney were catching up in the early morning hours at Seasons Inn, M.K.'s mother, Ladonna, stopped by outside to bring M.K. a pill. Roy Kidd went out and spoke to Ladonna, who is his first cousin.

Once back inside, Roy asked M.K. why his mother needed to come in the middle of the night to bring him a pill. What followed was a lengthy discussion between the two where Defendant M.K. McKinney disclosed significant mental issues he had been dealing with.

M.K. stated that he had severe depression and was regularly suicidal. M.K. stated that he “heard voices” telling him to kill himself. M.K. mentioned that his grandmother had killed herself and that he was afraid he would end up like her. M.K. told Roy that “dark voices” told him to do bad things and put bad ideas in his head and that the voices were “taking control” of him. Roy was so concerned for M.K. that he texted his daughter around 4:03 a.m. while the conversation was occurring and said of M.K. “he’s suicidal”. Roy told M.K. that mental illness was prevalent in their family and tried to comfort him. Again, all of these statements made by defendant M.K. McKinney regarding his severe mental instability were made mere hours before the murder.

**B. M.K. PULLED KNIFE ON PEOPLE**

A witness named Timothy Lykins who was a friend to the McKinney family and an occasional employee at Seasons Inn provided information concerning a violent outburst he observed at the McKinney home. According to this witness, it is common for groups of people to leave Seasons Inn after the bar closes and go to Defendant Michael

McKinney's home to party and drink, just as Roy Kidd and Amber Spradlin did on the night she was murdered. Lykins was present in the same McKinney home in the same basement on one such night where twenty (20) or more people were gathered there. According to Lykins, Defendant M.K. McKinney pulled a knife and said he was going to kill everybody there. Everyone had to leave and M.K.'s father argued and fought with him to make him drop the knife. Lykins further described M.K. as a possible "ticking time bomb" whose moods could change like a "light switch".

**C. M.K.'S LENGTHY HISTORY OF MENTAL INSTABILITY**

When Defendant M.K. McKinney's truck was finally located and searched three (3) days after the murder, a document was discovered indicating M.K. was in treatment for "anger management". This discovery led to investigators obtaining treatment records for Defendant M.K. McKinney. These records are voluminous and go back many years. They document many incidents of suicidal ideations, attempts at self-harm, as well as Defendant M.K. McKinney's stated inability to control his anger. These records can be provided to the Court for review under seal if needed.

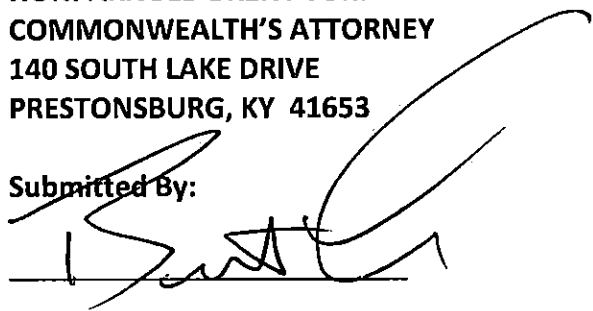
**D. CONCLUSION**

It is the Commonwealth's position that all the evidence in the case strongly implicates Defendant M.K. McKinney in the murder of Amber Spradlin. We also believe that there is significant evidence to suggest that the Defendant is mentally unstable and a danger to the community. Accordingly, the Commonwealth prays for appropriate orders of the Court denying the Defendant's motion for bond reduction.

Respectfully submitted this 23 day of October, 2024.

**HON. ARNOLD BRENT TURNER  
COMMONWEALTH'S ATTORNEY  
140 SOUTH LAKE DRIVE  
PRESTONSBURG, KY 41653**

Submitted By:



**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Response was duly served by email or mail, this the October 23rd, 2024 to the following: **Hon. Steven R. Romines, 600 West Main Street, Suite 100, Louisville, KY 40202 (502)587-8822.**

