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COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
SPECIAL JUDGE

INDICTMENT NO. 24-CR-00326

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

ORDER

MICHAEL K. MCKINNEY III

DEFENDANT

This matter came for hearing upon Defendant Michael McKinney III’s *Motion to Reduce Bond* on October 24, 2023. Having heard the argument of counsel for Defendant and the Commonwealth, reviewed the parties’ briefs and papers, and being otherwise sufficiently advised, the Defendant’s Motion is HEREBY DENIED for the following reasons:

On July 30, 2024, indictment of the Defendant was returned for the murder of Amber Spradlin pursuant to KRS 507.020 and seven (7) counts of Complicity to Tampering with Physical Evidence pursuant to KRS 524.100 On July 31, 2024, the Court set bond for the Defendant at five million dollars (\$5,000,000) full cash with condition of home incarceration with GPS tracking. Defendant argues the bond is excessive and effectively denies him bail.

Kentucky circuit courts have very wide latitude in setting bail. See RCr 4.12; KRS 431.520(2). Whether bail is “excessive” depends on certain factors which must be considered by the Court when determining the amount of bail to set. The Kentucky Court of Appeals held in

Long v. Hamilton:

It is manifest that the amount of the bail should be that which in the judgment of the court will insure compliance with the terms of the bond. In determining that amount the trial court should give and circumstances of the offense charged, the weight of the evidence against him, and the due regard to the ability of the

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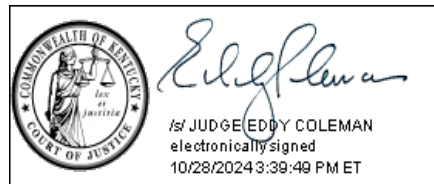
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defendant to give bail, the nature character and reputation of the defendant, but he should regard these factors only to the extent that they have a bearing upon the likelihood that the defendant will flee from the jurisdiction of the court or that he will comply with the terms of the bond.

467 S.W.2d 139, 141 (Ky. 1971). Additional factors for consideration are listed in *United States v. Beaman*, 631 F.d2 85, 87 (6th Cir.) including the accused’s family ties to the community, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, record of appearance at court proceedings, or of flight to avoid prosecution or failure to appear at court proceedings.

While the Court has given due consideration to the pretrial risk assessment but believes it does not account for the circumstances of this indictment. Murder is a capital offense the most serious classification of crime in this Commonwealth, whether the death penalty is available or not. The Commonwealth alleges that the DNA results and other evidence now available would support their indictment of the Defendant’s guilt. The Commonwealth also alleges that the Defendant may have violent tendencies or some kind of questionable mental status, but the Court notes that he does not have a criminal record. It does appear that the Defendant’s father and co-defendant has adequate means to post a significant bond to secure his son’s bail. Looking at the allegations as argued by the parties and supported by exhibits to their briefs, it is a finding of this Court that the current bail set by the Court is reasonable, and, accordingly, the Defendant’s Motion to Reduce Bond is DENIED.

The image shows a rectangular box containing an electronic signature. On the left is the official seal of the Commonwealth of Kentucky Court of Justice, featuring a figure with scales and a sword. To the right of the seal is a handwritten signature in cursive. Below the signature, the text reads: "/s/ JUDGE EDDY COLEMAN", "electronically signed", and "10/28/2024 3:39:49 PM ET".

Special Judge

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CERTIFICATE OF SERVICE

I hereby 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 the _____ day of October 2024.

DOUGLAS RAY HALL, CLERK
FLOYD CIRCUIT COURT

By: D.C.

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