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COMMONWEALTH OF KENTUCKY
LETCHER CIRCUIT COURT
CRIMINAL BRANCH
24-CR-00204

COMMONWEALTH OF KENTUCKY,

PLAINTIFF,

VS.

SHAWN STINES,

DEFENDANT.

PETITION FOR CHANGE OF VENUE

Comes the Commonwealth, by and through the undersigned Assistant Attorney General and Commonwealth’s Attorney for the 27th Judicial Circuit, and pursuant to KRS 452.210 and 452.220, and hereby petitions this honorable court for a change of venue.

KRS 452.210 requires a circuit judge to move the trial of a criminal action to an “adjacent county” if it appears the defendant **or** the state will not receive a “fair trial in the county where the prosecution is pending.” Further, KRS 452.210 states that “if the judge is satisfied that a fair trial cannot be had in an adjacent county, he may order the trial to be had in the most convenient county in which a fair trial can be had.”

This right to a change of venue is also inherent in the due-process clause of the 14th Amendment to the United States Constitution. *Brewster v. Commonwealth*, 568 S.W.2d 232, 235 (Ky. 1978). In *Brewster*, the Kentucky Supreme Court relied on the decision in *Sheppard v. Maxwell*, 384 U.S. 333, 363, 86 S. Ct. 1507, 16 L.Ed.2d 600 (1966), in which the U.S. Supreme Court held “where there is a reasonable likelihood that prejudicial news prior to trial will prevent a fair trial, the judge should continue the case until the threat abates, or transfer it to another county

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09/02/2025 11:32:24 AM
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not so permeated with publicity.” *Brewster*, 568 S.W.2d at 235. The *Brewster* Court interpreted *Sheppard* as requiring a change of venue when “(1) there has been prejudicial news coverage, (2) it occurred prior to trial, and (3) the effect of such news coverage is reasonably likely to prevent a fair trial.” *Id.*

This case is unique in that the scene of the crime happens to be the courthouse in which the Defendant is reporting for pretrial conferences, status hearings, and could potentially be tried in. Further, both the Defendant, Letcher County Sherriff, Shawn Stines, and the deceased victim, Letcher County District Court Judge, Kevin Mullins, are both public officials who were voted upon by the residents of Letcher County to serve in their prospective roles. Every eligible voter in Letcher County either had a reason to vote for or against the defendant and the victim at one time. The preconceived opinions as to the character and ability of these two men is likely to irreconcilably prejudice both the Commonwealth and the Defendant if this trial takes place in Letcher County.

Looking beyond any preconceived prejudice that Letcher Countians may have, the county has been inundated with media attention ranging from local to national news sources.¹ There have even been Go Fund Me pages established to monetarily support the Defendant’s family raising over \$9,000.² The pre-established opinions of the deceased victim and the Defendant accompanied by the mass pretrial publicity has prejudiced both parties and would likely prevent a fair trial from taking place in Letcher County.

Although this case has been given substantial attention by the media, “[i]t is not the amount of publicity which determines that venue should be changed; it is whether the public opinion is so

¹ Attached examples of National News articles.

² Attached Go Fund Me page in support of the Defendant’s family.

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aroused so as to preclude a fair trial.” *Foster v. Commonwealth, Ky.*, 827 S.W.2d 670, 675 (1992) citing *Kordenbrock v. Commonwealth, Ky.* 700 S.W.2d 384, 387 (1985), *cert. denied*, 476 U.S. 1153, 106 S.Ct. 2260, 90 L.Ed.2d 704 (1986). Kentuckians pride themselves on being part of not only their counties, but also their regional communities. Regional cable news networks such as WYMT, WCHS, and WOWK 13 have zeroed in on this case and are following closely to provide their Eastern Kentucky viewers with timelines of the day of the commission of the crime, opinions as to the Defendant’s possible defenses, and predictions as to what could transpire on the future court dates for this case.³ Print media and articles that are regionally based such as The Mountain Eagle and Mountain Top News provide their Eastern Kentucky followers with updates and opinions on the outcome of the case as well.⁴

Eastern Kentucky as a whole has been permeated with developments in this awaited trial to an extent that opinions as to the Defendant’s guilt and what punishment he should receive have been recorded and solicited across numerous social media platforms. Within the comment sections of news articles regarding this case, residents of Letcher County and other surrounding counties have indicated that they have some relation or personal connection to either the victim or the defendant.⁵ The pre-trial and ongoing publicity surrounding this case has aroused the public, specifically in the Eastern Kentucky area, in a way in which a fair and impartial trial held in the counties surrounding Letcher County would be unlikely.

WHEREFORE, the Commonwealth prays the Court to enter an order transferring this case for trial to some county other than Letcher County, Kentucky or surrounding counties.

³ Attached Articles from Regional News Networks such as WYMT, WCHS, and WOWK 13.

⁴ Attached Articles from The Mountain Eagle and Mountain Top News.

⁵ Attached Screenshots from Facebook comments.

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09/02/2025 11:32:24 AM

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RESPECTFULLY SUBMITTED,

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27th JUDICIAL CIRCUIT
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NOTICE OF HEARING

Please take notice that the foregoing Petition for Change of Venue shall be heard at the convenience of the Court or as soon as Counsel may be heard.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Petition was electronically filed with the Letcher Circuit Clerk and a true copy forwarded via electronic filing to counsel for the Defendant, Hon. Jeremy A. Bartley and Hon. Kerri N. Bartley, on August 29, 2025.

JACKIE STEELE
COMMONWEALTH'S ATTORNEY
27th JUDICIAL CIRCUIT