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COMMONWEALTH OF KENTUCKY  
LETCHER CIRCUIT COURT  
INDICTMENT NO. 24-CR-00204

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

**ORDER DENYING MOTION TO DISMISS INDICTMENT**

SHAWN M. STINES

DEFENDANT

In November 2024, a Letcher County Grand Jury indicted the defendant, Shawn Stines, for committing murder. The defendant seeks dismissal of the indictment on two grounds. The defendant alleges that 1) at the November 21, 2024 grand jury meeting, the prosecutor elicited false and misleading testimony which influenced the jury to return the murder indictment, and 2) at the preceding October 17, 2024 grand jury meeting, the prosecution intentionally failed to record the proceedings. The Commonwealth denies the allegations. For reasons expressed below, the defendant’s Motion to Dismiss Indictment is DENIED.

**RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

On September 19, 2024, the defendant, then the Letcher County Sheriff, shot and killed Letcher County District Judge Kevin Mullins. The event occurred in Judge Mullins’ chambers and was recorded on video. The defendant was arrested and charged with murder the same day. The video footage showing the defendant shooting Judge Mullins multiple times was played at the defendant’s October 1, 2024 preliminary hearing and entered into the record as an exhibit. The same video footage was played for the Letcher County Grand Jury convened November 21, 2024, the meeting at which the Commonwealth sought, and the grand jury returned, an indictment charging the defendant with murder.

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Prior to the Letcher County Grand Jury meeting in November, on October 17, 2024, the special prosecutors assigned to this case requested the Letcher County Grand jury issue a subpoena for the defendant's recent medical records, including mental health and pharmacy records, and Letcher County Detention Center records.<sup>1</sup> At the November 21, 2024 Grand Jury meeting, Kentucky State Police (KSP) Detective Stamper testified about the investigation of Judge Mullins' death and recounted the events shown on the video. Detective Stamper also testified about information provided by Judge Mullins' family, friends, colleagues and medical records. The medical records were provided to the grand jury.

On June 4, 2025, the defendant filed a motion to dismiss the indictment based upon the prosecutor's actions at both the October 17, 2024, and November 21, 2024, Letcher County Grand Jury proceedings. On June 27, 2025, the Commonwealth filed a response. Oral argument was held August 15, 2025. The defendant filed his Brief in Support of the Motion to Dismiss the Indictment on September 2, 2025. The defendant provided to this Court, in support of the motion for dismissal of the indictment, a transcript of Detective Stamper's November 21, 2024 Letcher County Grand Jury testimony. The transcript is filed under seal.<sup>2</sup> Reflected below, as allowed under RCr 5.24, the defendant and the Commonwealth cite portions of Detective Stamper's testimony in their filings.

#### ANALYSIS

The defendant presents two arguments for dismissal of the indictment. As to the November 21, 2024 Letcher County Grand Jury proceeding, citing *Baker v. Commonwealth*, 11

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<sup>1</sup> The handwritten and signed request, dated 10/17/24, states in full:

We the Letcher County Grand Jury hereby request all medical records, including but not limited to mental health records and pharmacy records, for Shawn Stines for June 19, 2024 – ~~Sept. 19, 2024~~. present

We also request any and all records from Leslie County Detention Center.

<sup>2</sup> The recording of the meeting has also been filed under seal.

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S.W.3d 585 (Ky. App. 2000), the defendant argues that the Commonwealth elicited false and misleading testimony which prejudiced the defendant and tainted the grand jury proceedings. As to the October 17, 2024 Letcher County Grand Jury proceeding, the defendant argues that the Commonwealth violated Kentucky Rule of Criminal Procedure (RCr) 5.16.

**A) The record does not support a conclusion that the defendant was prejudiced by prosecutorial misconduct before the grand jury.**

The defendant brings two claims related to Detective Stamper's testimony during the November 21, 2024 Letcher County Grand Jury meeting. He claims that 1) the statement by Detective Stamper that the defendant was in his sane mind, and that 2) the statement by Detective Stamper that the Ben Fields civil case was "not related in any way," are false and intentionally misleading.

1) State of Mind

During the Commonwealth's presentation to the grand jury, the grand jurors asked Detective Stamper questions about the medical records received from the subpoena issued. In particular, a grand juror asked Detective Stamper if the doctor "document[ed] any type of hallucinations, psychosis, depression, any mental health issues?" The prosecutor then handed to Detective Stamper the medical records returned from the request and asked him to read the doctor's History of Present Illness comments. Another grand juror followed later with a similar mental-health question: "So [the doctor] said pretty much no mental health issues, but was there any major physical health issues that he was struggling with that might have affected his mental health? Detective Stamper responded, "No, not that I'm aware of." The last related question posed by a grand juror was, "So he was in a sane mind, as far as the investigation has gone?" Detective Stamper responded, "Yes."

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According to the defendant, the Commonwealth and its witness did not disclose that in the same records from the day before the shooting, the defendant's doctor diagnosed an "acute stress reaction."<sup>3</sup> The defendant views the Commonwealth as representing to the grand jurors that there was nothing to note in the medical records, and the diagnosis from the September 18, 2024 doctor visit makes it evident that representation was untrue.

The defendant also states that the Commonwealth's witness failed to report the contents of the "Jail Triage Clinical Follow-Up Risk Assessment," a suicide risk assessment, conducted on the defendant September 20, 23, and 24, 2024. The defendant describes the assessments as including observations of "active psychosis" and the jail records as informing that the defendant had been given Risperadal and Seroquel prior to the assessment.

The defendant claims that despite overwhelming evidence to the contrary, inclusive of Kentucky State Police interviews which the defendant summarizes in his brief as calling into question the defendant's mental status in the week proceeding the shooting, Detective Stamper and the Commonwealth put on testimony that the investigation showed the defendant was "in his sane mind." The defendant argues that when Detective Stamper stated agreement with the grand juror's question, "So he was in a sane mind, as far as the investigation has gone?" Detective Stamper's testimony was intentionally misleading and prejudicial to the defendant.

The defendant concedes that when seeking an indictment, the Commonwealth is not required to put on exculpatory evidence nor evidence demonstrating lack of criminal responsibility, that there is not a requirement for the Commonwealth to put on evidence absent a grand jury request, that the Commonwealth did not have to go into mental health at the charging juncture, and that Detective Stamper was not prohibited from commenting about the defendant's

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<sup>3</sup> These medical records were not provided as exhibits to the defendant's motion.

mental state. The defendant, however, argues that when the grand jury decided on its own that it wanted to investigate the defendant's mental health, the Commonwealth was not free to mislead or lie to the grand jurors. The defendant contends that as the grand jury sought additional information to make their decision whether to indict and upon what charge to indict, had the Commonwealth presented truthful and accurate testimony to the grand jury about the defendant's sanity, despite seeing a portion of the video evidence, the defendant likely would not have been indicted, or at least he would not have been indicted for murder.

## 2) *Fields Case*

During the course of answering the grand jurors' questions, Detective Stamper also informed the grand jury that there was an active lawsuit against the Letcher County Sheriff's Office. A grand juror asked Detective Stamper whether Judge Mullins had any relation to that lawsuit in any way that would matter. The Commonwealth then asked Detective Stamper, "To your knowledge, was Judge Mullins involved?" Detective Stamper stated, "No. To my knowledge, no. No, no involvement." The grand jurors did not ask further questions about the lawsuit.

As described by the defendant, the referenced federal civil litigation, *Adkins v. Fields*, 7:22-cv-00007 (E.D. Ky.), is about Ben Fields' improper sexual relationships with court participants.<sup>4</sup> The defendant lists sources of information, particularly KSP investigations and

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<sup>4</sup> As of September 28, 2022, a second amended complaint was filed in *Fields* and named the following defendants: Ben Fields, individually and in his official capacity as deputy sheriff with the Letcher County Sheriff's Department; Eastern Kentucky Correctional Services Inc.; and Mickey Stines, Letcher County Sheriff. The Introduction to the Second Amended Complaints describes the claims as follows:

Plaintiffs assert that the Defendant Ben Fields ("Defendant Fields"), in his individual and official capacities, violated Plaintiff's rights secured by the Fourth and Fourteenth Amendments to the United States Constitution by subjecting Plaintiffs to arbitrary action, unreasonable search and seizure, and deprivation of liberty. The Plaintiffs also allege that Defendant Fields is liable under state law for damages for false

interviews, he believes contradicts Detective Stamper's statement that to his knowledge, Judge

Mullins was not involved in the *Fields* case. The defendant states that the KSP investigation made it very clear that the events of the federal civil suit occurred in Judge Mullins' chambers. The defendant also describes KSP interviews which he believes imparts a basis for concluding that Detective Stamper and the Attorney General itself had at least constructive knowledge of related allegations which connected Judge Mullins to the *Fields* case. The defendant asserts that the Commonwealth's choice to not disclose the allegations and rephrase the grand juror's question to allow Detective Stamper "to state that there was no relation in any way between [Judge] Mullins and Fields' case" is a knowing presentation of misleading testimony.

The Commonwealth counters that the defendant's motion is conflating the role of the grand jury proceeding with the criminal trial. The Commonwealth also asserts that, as reflected in the grand jury recording, the grand jurors were provided the opportunity to ask any questions, multiple grand jurors did in fact pose questions to the Detective Stamper, which he answered based upon his investigative knowledge, and only when there were no additional questions for the grand jurors, did Detective Stamper's testimony conclude. The Commonwealth states that upon reviewing the recording of Detective Stamper's grand jury testimony, it has been unable to identify any questions lodged by the grand jurors that were not answered by Detective Stamper within his personal knowledge. The Commonwealth argues that the defendant fails to demonstrate both the requisite conduct on the part of the prosecution and actual prejudice as required by *Baker* to merit dismissing the indictment.

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imprisonment, assault and battery, malicious prosecution, intentional infliction of emotional distress, negligence, and gross negligence. Defendant Eastern Kentucky Correctional Services Inc. ("EKCS") and Defendant Letcher County Sheriff Stines ("Defendant Stines") are alleged to be liable to Plaintiffs for deliberate indifference in failing to adequately train and supervise Defendant Fields, and for state law violations related to failure to supervise and train Defendant Fields.

The grand jury is “an investigative body acting independently of either prosecuting attorney or judge.” *United States v. Dionisio*, 410 U.S. 1, 16, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973) (internal quotation and citation omitted). “The hallmark of the grand jury is its independence from outside influence.” *Democratic Party of Ky. v. Graham, Ky.*, 976 S.W.2d 423, 426 (1998). “[I]t serves the invaluable function in our society of standing between the accuser and the accused, whether the latter be an individual, minority group, or other, to determine whether a charge is founded upon reason or was dictated by an intimidating power or by malice and personal ill will.” *Wood v. Georgia*, 370 U.S. 375, 390, 82 S.Ct. 1364, 1373, 8 L.Ed.2d 569 (1962).

*Hoskins v. Maricle*, 150 S.W.3d 1, 18 (Ky. 2004).

A grand jury's role is to determine whether a prosecutor's evidence provides probable cause to issue an indictment. *Wood*, 370 U.S. at 390. “The grand jurors shall find an indictment where they have received what they believe to be sufficient evidence to support it . . . .” RCr 5.10. Probable cause is not a high bar. *In re Ryan*, 709 S.W.3d 177, 189 (Ky. 2024). “In dealing with probable cause, [the grand jurors] deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. . . . The substance of all the definitions' of probable cause ‘is a reasonable ground for belief of guilt.’” *Brinegar v. United States*, 338 U.S. 160, 175, (1949) (citations omitted). Accordingly, as the grand jury is an accusatory body and not an adjudicatory body, it “has always been thought sufficient [for the grand jury] to hear only the prosecutor's side.” *United States v. Williams*, 504 U.S. 36, 51 (1992). The presentation of exculpatory evidence is not required, *see Williams*, 504 U.S. at 51, and the introduction of hearsay is allowed, *see Costello v. United States*, 350 U.S. 359, 362–364 (1956); Kentucky Rule of Evidence 1101.

While establishing probable cause is not a high bar, *In re Ryan*, 709 S.W.3d at 189, and “[a]n indictment returned by a legally constituted and unbiased grand jury, . . . if valid on its

face, is enough to call for trial of the charge on the merits. *Costello*, 350 U.S. 359 at 363, a trial court may dismiss an indictment for prosecutorial misconduct. However, the standard for dismissal is a high bar. *See Bank of Nova Scotia v. United States*, 487 U.S.250 (1988); *Baker*, 11 S.W.3d 585.

In *Bank of Nova Scotia*, the United States Supreme Court considered the role of the federal harmless error rule, a rule comparable to Kentucky's, when the trial court is asked to dismiss an indictment for prosecutorial misconduct. The United States Supreme Court concluded that a district court exceeds its powers in dismissing an indictment for prosecutorial misconduct not prejudicial to the defendant. 487 U.S. at 255 (citing *United States v. Mechanik*, 475 U.S. 66 (1986)). The United States Supreme Court concluded that when dismissal is sought for nonconstitutional error, the dismissal may be properly granted "if it is established that the violation substantially influenced the grand jury's decision to indict," or "if there is 'grave doubt' that the decision to indict was free from the substantial influence of such violations." *Id.* at 256 (quoting and adopting the standard articulated by Justice O'Connor in her concurring opinion in *Mechanik*, 475 U.S. at 78).

In *Baker*, the Kentucky Court of Appeals adopted the harmless error standard pronounced in *Bank of Nova Scotia* and in consideration of other federal authority, explained that "[a] court may utilize its supervisory power to dismiss an indictment when a prosecutor knowingly or intentionally presents false, misleading or perjured testimony to the grand jury that results in actual prejudice to the defendant." 11 S.W.3d at 588-89 (citing *United States v. Adamo*, 742 F.2d 927 (6th Cir. 1984); *United States v. Soberon*, 929 F.2d 935 (3d Cir. 1991); and *United States v. Roth*, 777 F.2d 1200 (7th Cir. 1985)). "Generally, a defendant must demonstrate a flagrant abuse of the grand jury process that resulted in both actual prejudice and deprived the

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grand jury of autonomous and unbiased judgment.” *Id.* at 588 (citing *Bank of Nova Scotia*, 487 U.S. at 257–60; *United States v. Larrazolo*, 869 F.2d 1354, 1360 (9th Cir. 1989)).

In *Baker*, a mother was reported to the Division of Social Services for striking her two daughters, ages 14 and 16. 11 S.W.3d at 586. When the Commonwealth sought an indictment charging the mother with assault in the second degree, rather than the investigating officer appearing before the grand jury, his supervising officer appeared and testified about two beating incidents. *Id.* The prosecutor asked the officer if the mother “struck her children with a baseball bat” and if the mother “acknowledged that she did strike her children about the body with an aluminum bat.” The officer answered each question affirmatively. *See id.*, n.2. However, there was no evidence to support the testimony; evidence indicated the mother had used a wooden stick. *See id.* The grand jury returned an indictment charging the mother with six felony counts of assault in the second degree. *Id.* at 587. The indictment charged that the mother had committed the crimes by wantonly causing serious physical injury to her two daughters by means of a deadly weapon or dangerous instrument. *Id.*

The mother eventually moved to dismiss the indictment because the indictment was based on false testimony. *Id.* At an evidentiary hearing, the officer who testified before the grand jury admitted that he had little knowledge about the case and conceded that there was no evidence that a baseball bat was used. *Id.* The trial court dismissed the indictment. *Id.* at 587-88.<sup>5</sup>

The trial court concluded, in part, that the police officer’s testimony concerning the use of an aluminum baseball bat was materially false and that it affected the grand jury’s decision whether to indict the mother on the assault charge, which required the use of a deadly weapon.

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*Id.* at 588. The trial court also found that the Commonwealth’s Attorney had knowingly or recklessly elicited false testimony before the grand jury through leading and suggestive questions, and the police officer voluntarily testified even though he had no personal knowledge of the facts of the case. *Id.* at 588. The Kentucky Court of Appeals stated that the trial court’s finding that the prosecutor knowingly or intentionally presented false information to the grand jury was amply supported in the record. *Id.* at 590. The Court of Appeals also agreed with the trial court that the false testimony prejudiced the mother by influencing the grand jury to indict because the officer’s responses to the Commonwealth’s questions was the only evidence presented to the grand jury. *Id.*<sup>6</sup>

At base, *Baker* presents a two-part test: (1) Was there prosecutorial misconduct? 2) If so, was the misconduct actually prejudicial to the defendant? The defendant states within his Brief in Support of Motion to Dismiss Indictment that “the recklessly misleading information prejudiced the defendant in *Baker* and the facts in the case sub judice are significantly more prejudicial.” The defendant also alleges that the Commonwealth mislead the jury as a result of the reckless provision of information that is objectively untrue and that the Commonwealth “allowing the detective to make such a recklessly false statement [about the mental health evidence] falls well within what *Baker* describes as misconduct at the grand jury stage.” The defendant made similar oral arguments. However, it appears *Baker*’s application to recklessly false statements has yet to be addressed. While the trial court in *Baker* made a finding that the Commonwealth’s Attorney had knowingly or recklessly elicited false testimony before the grand jury through leading and suggestive questions, 11 S.W.3d at 588, the Court of Appeals concluded that the trial court’s finding that the prosecutor knowingly or intentionally presented

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<sup>6</sup> The Court of Appeals concluded, however, that the trial court abused its discretion by dismissing the indictment with prejudice. *Id.* at 590.

false information to the grand jury was amply supported by the record, *id.* at 590, leaving the question whether recklessly elicited false testimony would require dismissal of the indictment. Nevertheless, for the purpose of this analysis, it is assumed that both intentionally misleading or recklessly misleading statements fall under the *Baker* test.

The facts in *Baker* are not comparable to the instant case. As a starting point, the Commonwealth's burden before the grand jury was to present evidence which provided probable cause to believe that the defendant committed murder, that is, with intent to cause the death of another person, here, Judge Mullins, he caused the death of such person. KRS 507.020(1)(a).<sup>7</sup> The Commonwealth satisfied that burden.

As noted above, the prosecutor played the video footage showing the defendant shooting Judge Mullins multiple times. That evidence alone removed the question of who shot and killed Judge Mullins. The video footage clearly serves as a reasonable ground for belief the defendant intended to cause the death when he shot and killed Judge Mullins.

The Commonwealth also addressed the grand jurors' questions, including those related to the defendant's mental and physical health. Although the testifying officer's express answers may not have been as complete as the defendant suggests they should have been based upon the defendant's review of discovery or the defendant's knowledge of the *Fields* investigation, Detective Stamper's answers were responsive to the grand jury's questions, the medical records were provided to the grand jury, and, as discussed during oral argument, the Commonwealth's

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<sup>7</sup> KRS 507.020(1)(a) also explains that "in any prosecution a person shall not be guilty under KRS 507.020(1)(a) if he acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be." The defendant has given notice that he intends to present a defense of extreme emotional disturbance and a defense of insanity, RCr 8.07(1), and that he intends to present expert evidence relating to a mental disease or defect of mental condition bearing on the issue of guilt and punishment, RCr 8.07(2).

rephrasing of a question so that its witness testifies based upon personal knowledge is not uncommon. Upon review of the grand jury hearing, there is no indication of an intentional or reckless misstatement or omission by Detective Stamper.

Taking the analysis a step further, even if it were concluded that the Commonwealth or its witness intentionally or recklessly omitted that the doctor diagnosed the defendant with an “acute stress reaction,” omitted that the detention center’s suicide risk assessment included observations of “active psychosis,” failed to provide the jail records to the grand jury, or misrepresented there was no relation between Judge Mullins and the *Fields* case, under the probable cause standard and the video evidence presented, the alleged omissions and misrepresentation, alone or together, cannot be viewed as making a difference in the grand jury decision to indict the defendant. That is, even when viewing the defendant’s allegations as true, the Court has no “grave doubt” that the Letcher County Grand Jury’s decision to indict the defendant for the murder of Judge Mullins was free from the substantial influence of such violations. *Bank of Nova Scotia*, 487 U.S. at 256. The defendant’s motion to dismiss the indictment based upon prosecutorial misconduct is DENIED. And accordingly, in light of the foregoing analysis, there is no basis for the evidentiary hearing which the defendant requests.

**B) The Commonwealth did not violate RCr 5.16.**

During the Letcher County Grand Jury meeting on October 17, 2024, the special prosecutors in this case asked the grand jury to issue a subpoena for medical records and jail records. The prosecutors’ meeting with the grand jury was not recorded. The defendant argues that RCr 5.16 was violated and the violation warrants dismissal of the indictment. The defendant asserts, without citing authority, that while the Commonwealth may classify the information presented to the grand jurors as something other than “testimony,” it is clearly related to the

nature of the investigation and whether sworn or unsworn, the information constitutes testimony and should have been recorded.

The Commonwealth disputes the allegation, and states that when appearing before the grand jury, given the preceding preliminary hearing, local knowledge, and media coverage of the case, it did not require an introduction. The prosecutors informed the grand jury that they were investigating Judge Mullins' death and were requesting a grand jury subpoena for the defendant's mental health records. The prosecutors engaged in no peripheral commentary, and when the grand jury began asking questions, the prosecutors' responses were limited to explaining that the questions involved matters being investigated and the matters would be presented to the grand jury at a later date. The Commonwealth states that because no testimony was provided to the grand jury, there is no recording. The Commonwealth also states that the November 21, 2024 grand jury recording corroborates that the sole purpose of its attendance at grand jury in October was to obtain the grand jury subpoenas.

RCr 5.16(1) states in pertinent part that "[t]he attorney for the Commonwealth shall cause all of the testimony before a grand jury to be recorded." RCr 5.16(2) allows a trial court to consider dismissal of the indictment as a remedy for violation of RCr 5.16(1). RCr 5.16(2) states that "[f]ailure to have a record made, if required by paragraph (1) of this Rule 5.16, shall be ground for dismissal of the indictment unless the Commonwealth can show good cause for the failure."

The plain language of RCr 5.16(1) and statutory interpretation principles support the Commonwealth position that it did not provide "testimony" when it met with the grand jury and requested the subpoenas,<sup>8</sup> and therefore RCr 5.16(1) was not violated when a recording of its

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<sup>8</sup> "Testimony" is defined as "a solemn declaration usually made orally by a witness under oath in response to interrogation by a lawyer or authorized public official." *Merriam-Webster*,

request was not made. *See Parrish v. Commonwealth*, 283 S.W.3d 675, 677 (Ky. 2009);

*Commonwealth v. Johnson*, 910 S.W.2d 229, 230 (Ky. 1995); RCr 1.04; KRS 446.080(4) (“All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning.”). But additionally, *Jackson v. Commonwealth*, 20 S.W.3d 906 (Ky. 2000), cited by the Commonwealth, instructs that RCr 5.16(2) does not mandate dismissal of an indictment even in situations where testimony before a grand jury was not recorded.

*Jackson* explains:

The Commonwealth’s attorney offered no explanation for the failure to record the presentation of the PFO evidence to the grand jury. Appellant asserts that this omission *required* dismissal of the indictment. However, the rule provides that “[f]ailure to have a record made . . . *shall be ground for dismissal* of the indictment.” (Emphasis added.) If dismissal were *required* under those circumstances, the rule would read: “Failure to have a record made ... *shall result in dismissal* of the indictment.” The rule was not intended to require automatic dismissal, but only to establish a *ground* for dismissal with the ultimate decision in that regard left to the sound discretion of the trial court.

The PFO evidence consisted solely of the certified judgments of Appellant's prior convictions, not, *e.g.*, factual testimony of an eye-witness to an offense. The fact of the prior convictions was uncontroverted and Appellant does not assert that the information contained in the PFO indictment was incorrect. Thus, he was not prejudiced by the Commonwealth’s failure to record the grand jury evidence. We, therefore, conclude that the trial judge did not abuse his discretion in denying Appellant's motion to dismiss the indictment.

20 S.W.3d at 908–09. Thus, even if the Commonwealth’s request for a subpoena were viewed as testimony, like in *Jackson*, the Court finds no prejudice to the defendant from the

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<https://www.merriam-webster.com/dictionary/testimony>; see also *Black’s Law Dictionary* (12th ed. 2024) (defining “testimony” as “evidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition.”).

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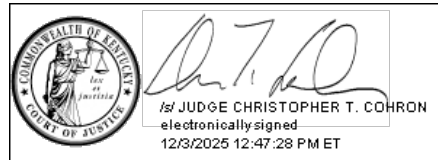
Commonwealth's failure to record the request. In consideration of the plain language of RC

5.16(2) and *Jackson*, the defendant's motion to dismiss the indictment is DENIED.

CONCLUSION

For the foregoing reasons, the defendant's Motion to Dismiss Indictment is DENIED.

This 3<sup>rd</sup> day of December, 2025.



CHRISTOPHER T. COHRON, SPECIAL JUDGE  
LETCHER CIRCUIT COURT

Clerk, send copies to:

- [ ] Hon. Jeremy Bartley and Hon. Kerri N. Bartley, Counsel for the Defendant
- [ ] Hon. James L. Cox, Counsel for the Defendant
- [ ] Hon. R. Ramsey Dallam, Assistant Attorney General
- [ ] Hon. Jackie Steele, Commonwealth's Attorney, 27th Judicial Circuit