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M. Katherine Bing  
Clerk

Supreme Court of  
Kentucky

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Supreme Court of Kentucky

**CLERK'S  
CERTIFICATION**

I, M. Katherine Bing, Clerk of the Supreme Court of Kentucky, hereby certify that the Order Denying entered in ***Commonwealth of Kentucky v. Shawn Stines***, Letcher Circuit Court, Case No. 24-CR-00204, on April 18, 2026, consisting of 7 pages, and that is attached to this Certification is a full, true, and correct copy of the Order Denying as it appears on file in the Office of the Supreme Court Clerk.

So signed this 18th day of April, 2026.

A handwritten signature in blue ink, appearing to read "Katherine Bing".

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M. KATHERINE BING  
CLERK, SUPREME COURT OF KENTUCKY

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# Supreme Court of Kentucky

FROM THE 47TH JUDICIAL CIRCUIT  
LETCHER CIRCUIT COURT  
CASE NO. 24-CR-00204

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

SHAWN STINES

DEFENDANT

## ORDER DENYING

This matter is before the Deputy Chief Justice<sup>1</sup> upon the motion of Defendant, Shawn Stines (“Mr. Stines”), which seeks to disqualify the Honorable Christopher Cohron, Special Judge for the 47th Judicial Circuit, from presiding in the above-styled action.

On December 29, 2025, Mr. Stines filed a motion pursuant to KRS 26A.020 to recuse Judge Cohron. The matter was remanded to the Circuit Clerk for Judge Cohron to rule on the motion, and Judge Cohron denied the motion on March 6, 2026. On March 31, 2026, Mr. Stines renewed his KRS 26A.020 affidavit and the matter is now ripe for the Deputy Chief Justice’s consideration.

For simplicity’s sake, the relevant portions of the affidavit are set forth in full:

5. In December 2025, I became aware of a video from the Kentucky Judicial Commission on Mental Health meeting from September

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<sup>1</sup> Because Chief Justice Lambert is recused from this matter, the Plaintiff’s motion is before Deputy Chief Justice Conley for review.

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12, 2024, a mere seven (7) days prior to the shooting at issue in this matter. In the video, the presiding Judge and Kevin Mullins, the alleged victim in this case, are pictured sitting inches apart for the duration of the meeting.

6. The video at issue also shows Mullins' widow in attendance at the meeting.

7. It is my belief that in addition to the meeting shown in the video, there was a companion social or dinner event connected to the meeting.

8. In the video, Mullins is shown reporting on his involvement with legislative efforts as well as the "Womens[sic] with Dignity" bill. Mullins also highlights his recent recovery events and expungement efforts in Letcher County. Mullins then discusses his professional plans for the following week at the District Judge's College. When Mullins discusses the upcoming events, Judge Cohron appears to nod in approval.

9. Judge Cohron did not disclose this fact to the parties, despite the close connection in time to the events at issue, leading to an appearance of impropriety.

10. It is my belief that the trial of this matter will necessarily include evidence regarding the week's events Mullins discussed in the video. As such, it is difficult to believe that Judge Cohron's proximity with Mullins such a short time before the events at issue will not affect his judgment in my case.

11. It is also my belief that evidence presented at trial regarding Mullins will conflict with the Judge's professional knowledge of Mullins and that the presiding judge will not be impartial as a result.

12. The relationship between the presiding judge and the alleged victim, including their service together on the same committee and the proximity to the events at issue in this case, creates circumstances under which a reasonable person could question the presiding judge's impartiality.

13. Based upon the foregoing facts, I believe that I cannot receive a fair and impartial trial before the Honorable Christopher Cohron.

Under KRS 26A.020,<sup>2</sup> a party may file with the circuit clerk an affidavit “that the judge will not afford him a fair and impartial trial.” This affidavit prompts the Chief Justice “to review the facts and determine whether to designate a regular or retired justice or judge of the Court of Justice as special judge.”<sup>3</sup> About the authority given to the Chief Justice when making such a determination, KRS 26A.020 is vague, and a paucity of case law exists to guide the Chief Justice’s decision. However, KRS 26A.015 offers guidance regarding when disqualification is appropriate.

KRS 26A.015 provides, among other things, that a judge “shall disqualify himself in any proceeding...where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings, or has expressed an opinion concerning the merits of the proceeding...[or] where he has knowledge of any other circumstances in which his impartiality might reasonably be questioned.” Similarly, Rule 2.11 of the Kentucky Code of Judicial Conduct provides that “a judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.”

On appellate review of a trial court’s determination under KRS 26A.015, “an objective standard is appropriate for measuring whether a judge’s

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<sup>2</sup> It should be noted that this Court has held KRS 26A.020 to be an unconstitutional “encroachment by the legislature on the power of the judiciary to make rules.” But because it is a “‘statutorily acceptable’ substitute for current judicially mandated procedure” and “out of deference and respect,” the Court has extended comity to the legislature. *Foster v. Overstreet*, 905 S.W.2d 504, 506–07 (Ky. 1995).

<sup>3</sup> KRS 26A.020(1).

impartiality might reasonably be questioned from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.”<sup>4</sup> The question is not whether the judge is actually partial but whether the judge’s “impartiality might reasonably be questioned.”<sup>5</sup> The goal of these recusal provisions is to “avoid even the appearance of partiality so as to promote public confidence in the integrity of the judicial process.”<sup>6</sup> While the Chief Justice’s determination under KRS 26A.020 is not a review of a trial court’s decision, applying the objective standard to determine whether a judge’s impartiality might reasonably be questioned is similarly appropriate.

The Kentucky Supreme Court has held that “every litigant is entitled to nothing less than the cold neutrality of an impartial judge and should be able to feel that his cause has been tried by a judge who is wholly free, disinterested, impartial and independent.”<sup>7</sup> However, “[t]here must be a showing of facts 'of a character calculated seriously to impair the judge's impartiality and sway his judgment.'”<sup>8</sup> “A party's mere belief that the judge will not afford a fair and impartial trial is not sufficient grounds to require recusal.”<sup>9</sup> The Kentucky Code of Judicial Conduct requires that, “[a] judge shall

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<sup>4</sup> *Phillip v. Rosquist*, 628 S.W.3d 41, 54 (Ky. 2021) (footnote omitted); *see also Abbott, Inc. v. Guirguis*, 626 S.W.3d 475, 484 (Ky. 2021)).

<sup>5</sup> *Abbott, Inc. v. Guirguis*, 626 S.W.3d 475, 483 (Ky. 2021)

<sup>6</sup> *Alred v. Commonwealth, Jud. Conduct Comm’n*, 395 S.W.3d 417, 430 (Ky. 2012) (citing *Petzold v. Kessler Homes, Inc.*, 303 S.W.3d 467, 472 (Ky. 2010)).

<sup>7</sup> *Petzold v. Kessler Homes, Inc.*, 303 S.W.3d 467,471 (Ky. 2010)(citations and internal quotation marks omitted).

<sup>8</sup> *Abbott*, 626 S.W.3d at 485.

<sup>9</sup> *Webb v. Com.*, 904 S.W.2d 226 (Ky. 1995), as modified on denial of reh'g (Aug. 24, 1995)

hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law."<sup>10</sup> A comment to the Rule states, in part, "[u]nwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues."<sup>11</sup> "Kentucky trial judges have a duty to sit in cases where no valid reason exists to merit recusal."<sup>12</sup>

Having established the standard for disqualification, the question turns to whether the Plaintiff has established facts to warrant the appointment of a special judge. It stretches the imagination to believe that mere joint attendance at a professional conference and the apparently random decision of Judge Cohron to sit next to the victim would be cause to question whether Judge Cohron could be unbiased. Judges frequently attend professional conferences in the same space as other judges and lawyers with whom they regularly practice. Finding this routine practice to create a disqualifying conflict amongst those in attendance would destroy the very purpose of these conferences: to promote joint and mutual learning of the law and the sharing of varied professional opinions in the greater interest of justice.

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<sup>10</sup> Supreme Court Rule (SCR) 4.300, Canon 2, Rule 2.7.

<sup>11</sup> *Id.*, Comment 1

<sup>12</sup> *Commonwealth of Kentucky, Revenue Cabinet v. Smith*, 875 S.W.2d 873, 879 (Ky. 1994).

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As this Court noted in *Alred v. Com., Jud. Conduct Comm'n*, 395 S.W.3d 417 (Ky. 2012), reh'g denied and opinion modified (Oct. 25, 2012)(quoting Judicial Ethics Opinion 119, 2010 WL 7080288 at \*1 (2010)):

[T]he intensity of a judge's relationships might be viewed on a continuum. On the one side is the judge's complete unfamiliarity with a lawyer, a witness[,] or a litigant, except in a judicial setting. No recusal is required. On the other extreme is a judge's close personal relationship with a lawyer, a party[,] or a witness, such as a family member or a spouse. Recusal is required under Canon 3E(1). At some point between these two extremes, a judge and a participant in a case may have such a close social relationship that a judge should disclose the relationship to attorneys and parties in a case and, if need be, recuse.

No evidence has been submitted suggesting Judge Cohron's relationship with Judge Mullins substantially departed from the "complete unfamiliarity" end of this continuum. As Judge Cohron states: "My peripheral contact with Judge Mullins falls on the continuum between mere familiarity and acquaintanceship, a level of relationship which does not generate bias or prejudice against a defendant."<sup>13</sup>

Mr. Stines' belief "that the trial of this matter will necessarily include evidence regarding the week's events Mullins discussed in the video" does not raise reasonable concern for Judge Cohron's impartiality, especially since there is no suggestion Circuit Judge Cohron attended the District Judge's College event. Nor would a reasonable person find that Judge Cohron simply hearing the victim discussing his professional plans for upcoming events in the week

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<sup>13</sup> Order Denying Recusal at 9.

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proceeding his death, being the same words spoken to all in attendance at the meeting, impute relevant extra-judicial information to Judge Cohron.

The facts as alleged simply do not support a conclusion that a reasonable person would question Judge Cohron's impartiality. For this same reason, it was not necessary for Judge Cohron to have disclosed this matter to the parties. Accordingly, the Deputy Chief Justice orders that this matter is DENIED without prejudice of any party to seek appellate review after entry of a final judgment. The Clerk of the Letcher Circuit Court shall place a copy of this order in the record of this case and shall serve copies on the parties or their counsel.

Entered this 18th day of April 2026.

  
 DEPUTY CHIEF JUSTICE

Copies to: Hon. Eddy Coleman, Chief Regional Circuit Judge  
 Hon. Christopher Cohron, Special Judge, 47th Judicial Circuit  
 Cortney Shewmaker, Special Clerk, Letcher County Circuit Clerk's Office  
 Hon. Jeremy Bartley jbartlelaw@gmail.com and Hon. Kerri N. Bartley kerri@bartlelawky.com, Counsel for the Defendant  
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