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COMMONWEALTH OF KENTUCKY
LETCHER CIRCUIT COURT
INDICTMENT NUMBER 24-CR-00204

MEDIA5033

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

SHAWN MICKEY STINES

DEFENDANT

NOTICE PURSUANT TO RCR 8.07;
SUPPORT FOR PARTICIPATION OF DEFENSE EXPERT IN ANY STATE
REQUESTED EXAMINATION

Comes now the defendant, Shawn Mickey Stines, by and through counsel, and hereby states as follows:

A. Notice Pursuant to RCr 8.07

1. Defendant intends to present expert evidence relating to a mental disease or defect or mental condition bearing on the issue of guilt and punishment. RCr 8.07(2)
2. Defendant intends to present a defense of insanity, as well as a defense of extreme emotional disturbance. RCr 8.07(1)
3. The undersigned counsel does NOT raise the issue of competency to stand trial.

B. Support for Attendance of Expert

4. In the event that the Commonwealth elects to request an examination under RCr 8.07, then the Defendant is entitled to the participation of its expert in the Commonwealth's examination. This is not only permissible, but mandatory upon request.
5. KRS 504.080 (5) provides that: "An examiner retained by the defendant shall be permitted to participate in any examination under this chapter."

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6. KRS Chapter 504 governs examinations both for “incompetency to stand trial” and “insanity”. KRS 504.060.

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7. In *McCracken County Fiscal Court v. Graves*, 885 S.W.2d 307 (Ky. 1994), the Kentucky Supreme addressed the mandatory nature of this statutory right in finding that costs associated with a defense expert’s attendance during the state’s examination were reasonable.

8. The *McCracken* Court held: “In view of this statute [KRS 504.080], we believe that whether a defendant avails himself of this opportunity is strictly a matter of legal strategy to be decided by defendant and his counsel. It is not a question for the defense expert to decide; nor is it a question for the trial court. The **statute not only permits the defense expert to be present, but it mandates that the expert's presence be allowed.** In this case, Dr. Johnson was present at the defendant's interview with Dr. Skelton as provided by the statute. **Evidently the legislature envisioned circumstances in which a defense expert's presence at an interview with an opposing expert is important enough to provide for in the law.** We are unwilling to uphold the trial judge's ruling that the defendant's availing himself of what the law provides in his interest is not a necessary expense. *Id.* at 313.

WHEREFORE, Defendant respectfully submits the foregoing notice and support for attendance of expert pursuant to statute as well as the Order of this Honorable Court

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BY: */s/ Jeremy A. Bartley*

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I hereby certify that the original of the foregoing motion has been delivered to the following:

Cortney Shewmaker
Special Clerk
Boyle County Courthouse
321 W. Main St.
Danville, KY 40422
cortneysheemaker@kycourts.net

Hon. Christopher T. Cohron
Special Judge
1001 Center St., Suite 404
Bowling Green, KY 42101
christophercochron@kycourts.net

This the 27th day of February 2025.

*/s/ Jeremy A. Bartley***JEREMY A. BARTLEY****KERRI N. BARTLEY**