

PAC MEMBERS PRESENT

Amy Burke, Proxy for Attorney General Cameron  
Christopher Cohron, Commonwealth's Attorney, 8<sup>th</sup> Judicial Circuit  
Courtney Baxter, Commonwealth's Attorney, 12<sup>th</sup> Judicial Circuit  
John Soyars, Christian County Attorney  
Joe Ross, Logan County Attorney  
Martin Hatfield, Pulaski County Attorney  
Margaret Daniel, Citizen Member

PAC/OAG STAFF PRESENT

Bobby Stokes  
Gina Carey  
Madeline Wise  
Rachel Conyers  
Penny Quatman  
Sheila Kratzer  
Julie Cox  
Susan Blake  
Thomas Lockridge  
Chad Coleman  
Carol Ray  
Denise Durbin

GUESTS PRESENT

Brian Wright, Commonwealth's Attorney, 29<sup>th</sup> Judicial Circuit  
Mike Stacy, Commonwealth's Attorney, 1<sup>st</sup> Judicial Circuit  
Lou Anna Red Corn, Commonwealth's Attorney, 22<sup>nd</sup> Judicial Circuit  
Kyle Burns, Office of the Commonwealth's Attorney, 17<sup>th</sup> Judicial Circuit  
Ben Harrison, Lewis County Attorney  
Ingrid Geiser, Office of the Commonwealth's Attorney, 30<sup>th</sup> Judicial Circuit  
Harry Rothgerber, Office of the Commonwealth's Attorney, 8<sup>th</sup> Judicial Circuit  
Jennie Haymond, Madison County Attorney  
Richie Kemp, Commonwealth's Attorney, 52<sup>nd</sup> Judicial Circuit  
Michelle Snodgrass, Commonwealth's Attorney, 17<sup>th</sup> Judicial Circuit  
Sharon Muse, Commonwealth's Attorney, 14<sup>th</sup> Judicial Circuit  
Carrie Ovey-Wiggins, Commonwealth's Attorney, 56<sup>th</sup> Judicial Circuit  
Rob Sanders, Commonwealth's Attorney, 16<sup>th</sup> Judicial Circuit  
Tom Wine, Commonwealth's Attorney, 30<sup>th</sup> Judicial Circuit  
Robert Wiedo, Anderson County Attorney  
Louis Kelly, Commonwealth's Attorney, 54<sup>th</sup> Judicial Circuit  
Crystal Thompson, Office of the Commonwealth's Attorney Office, 42<sup>nd</sup> Judicial Circuit  
Dennis Foust, Commonwealth's Attorney, 42<sup>nd</sup> Judicial Circuit  
James Burkeen, Office of the Commonwealth's Attorney, 42<sup>nd</sup> Judicial Circuit  
John Gardner, Commonwealth's Attorney, 43<sup>rd</sup> Judicial Court

Bill Slone, Commonwealth's Attorney, 35<sup>th</sup> Judicial Circuit

A. Williams Ohio

Ali V.

Alicia

Alicia Awkward

Amy Livingston

Andrea

Angel Williams

Anita Wise

Ava N.

Becca

Ben Tobin

BH

Bia Medious

Bob Bogardus

Bri

Brittani Caudill

Brwynn Ostren

Bryan C

Caitlyn

Campbel

Carlen

Chelsea

Cheryl P.

Chymez Bradshaw

Claire

Cynthia McCall

Dan R.

Dani

Danielle DuCre

David

DB

Dean

Deborah LePorte

Defiel, Kellogg Bu

Deni Kamper

Denise

Di Kerrigan

Donna

Duvall

E. Johnson

Emily Gentry

Erica

Exsted

Eze

Gebregi  
Ginger P.  
Grace  
Guest  
Hannah  
Hazel  
Hira Mirza  
Honesty  
Ivory  
J. Aguiar  
Jane  
Janelle Aguiar  
Jared  
Jennifer Yeates  
Jess  
Jessica Fleet  
Jessica Huber  
Jillian Aguiar  
JK  
JLH  
Joe White  
John Judie  
Johnson  
Jordan  
Julia & Inner C  
Julie  
Karen  
Katie  
Katrina W.  
Kay  
Keith  
Kelly  
Kennedy  
Kenya Tyler  
Kenysha Clear  
Kiana  
KJ  
Kristen  
Kristian  
L. Williams  
Laura  
Laura Hill  
Leah Limacher  
Leila Akahloun  
Leila C.

Lejoi Higgins  
Lexi  
Lila  
Lizzy  
Lloyd  
Logan Wood  
Lonita K. Baker  
Lovan  
Lucy Xiong  
Macon  
Maggie  
Marcus Green  
Mariah Shafer  
Marsha Moza  
Mathew Ballard  
Monique Joseph  
Mya W.  
Nadine  
Nathalie Cadlini  
Nduwi  
Niccole  
Nicole Barnett  
P. Ahmann, WLKY  
Patrice  
Paul  
Philip Geheber  
Guest  
Rachel Skaggs  
Raymond  
Rebecca Lerol  
Regina Gradess  
Rita  
Robert Hakes Jr.  
Rochelle  
Ruth Gary  
Sadae  
Saeed  
Sam A.  
Sara  
Sarah J.  
Shameka Parris  
Shaun King  
Sherri Smith  
Sherri Thompson  
Souhila

Spark  
Stephanie  
Stephanie Baskin  
Stephen  
Stewart  
Stringer  
Susan Sherman  
T  
T Lister  
Tahasha  
Tamika Palmer  
Taylor Jones  
Ted Shouse  
Terri Phelps  
Tessa  
Thoma  
Theresa Thomas  
Ti  
Tiffany  
Todd Prinz  
Tony Arnold  
Traci Ford  
Valerie Washington  
Visitor  
Wave3news  
WDRB  
Whitney Terrell  
WLEX  
Wonea  
Yonas Woldu

Pursuant to KRS 15.100(2), Executive Director, Bobby Stokes asked Madeline Wise to call the roll. After the roll was called, a quorum was announced, and the meeting was called to order.

Motion to approve the minutes of the October 23, 2020 Regular Meeting of the Council was made by Margaret Daniel, seconded by Joe Soyars, and passed by voice vote.

Administrative Update

Training Update

Susan reminded everyone that the KPC 2020 on demand recordings are still available through June for CLE credits. She encouraged everyone to view the presentation on Marsy's Law.

The Jury Selection training for January 11-15 will be held at the Louisville Marriott East and due to the small size of the training, registration is at capacity.

The Kentucky Prosecutors Institute for Commonwealth's Attorneys will be held at Hilton Lexington Downtown on March 29 – April 1 and registration will open soon.

A survey for recommended topics for KPC 2021 will be distributed soon. Mandatory training requirements as set forth in KRS 15.706 are being reviewed in hopes to provide on demand options that will be accessible throughout the year.

PAC staff is working with Real Properties to identify the cost and availability of space to use as a potential training studio for prerecorded or live training sessions. The studio will be beneficial to PAC, TSRP and OAG employees.

TSRP Update

Tom provided an overview of several training opportunities that are currently scheduled which include Prosecuting a Drugged Driver Course February 23 & 24, 2021 to be held at Origin Hotel in The Summit Lexington and Drug Recognition Expert (DRE) training to be held in February 2021.

2020 County Attorney Traffic Safety Program Report

Tom stated that all 120 counties have submitted their reports and directed the council members to the report in their folder for review. Martin Hatfield made a motion to approve the report as prepared, seconded by Chris Cohron and passed by voice vote.

Child Sexual Abuse Report Update

The Council was updated on the 2017 Child Sexual Abuse Data Report and advised that the final report should be submitted for review at the February meeting. CSA staff provided an overview of a prior meeting held with representatives from offices of some County Attorneys in which discussions were held regarding the challenges of duplication of data and inaccurate reporting.

## Payroll Certification Guideline Submissions

Bobby Stokes discussed the Payroll Certifications Rules & Guidelines that were previously distributed and the importance of submitting electronic certifications to PAC in a timely manner. Certifications require the original signature or current electronic signature for each pay period. PAC has requested acknowledgement forms unsuccessfully from Carroll County, Wayne County and the 41<sup>st</sup> Judicial Circuit. Joe Ross and Chris Cohron will contact the offices.

## 2021 Rocket Docket

Gina provided an update on the Rocket Docket program and indicated that with the courts being closed due to the pandemic, there will be less cases to report on for the upcoming interim report than previous years.

## Budget

### FY2021 Update

Gina discussed we are in the second quarter of the fiscal year and everything is on track including vacancy credits. The mandatory 30-day vacancy is not necessary at this time since the target goal has been met. Chris Cohron made a motion to suspend the 30-day vacancy freeze, seconded by Margaret Daniel and passed by voice vote.

## Personnel Requested

### A. No Additional Funds Required

1. Mike Stacy, Commonwealth's Attorney 1st Judicial Circuit, requested approval to reallocate a quarter-time Law Clerk position to a quarter-time Assistant Commonwealth's Attorney position with no additional funds effective December 16, 2020. Chris Cohron motioned to approve, seconded by Shane Young and passed by voice vote.
2. Ronnie Goldy, Commonwealth's Attorney 21st Judicial Circuit, requested approval to reallocate a quarter-time Detective position to a quarter-time District Secretary position with no additional funds retroactive to December 1, 2020. Chris Cohron motioned to approve, seconded by Courtney Baxter and passed by voice vote.
3. Lou Anna Red Corn, Commonwealth's Attorney 22nd Judicial Circuit, requested approval to temporarily use asset forfeiture to fund a part-time Assistant Commonwealth's Attorney position effective January 1, 2021 through June 30,

2021. Chris Cohron motioned to approve, seconded by Aaron Dail and passed by voice.

4. David Smith, Commonwealth's Attorney 25th Judicial Circuit, requested approval to reallocate a full-time District Secretary position to a full-time Victim Advocate position with no additional funds effective December 16, 2020. Chris Cohron motioned to approve and seconded by Margaret Daniel and passed by voice vote.
5. Corey Morgan, Commonwealth's Attorney 49th Judicial Circuit, requested approval to increase salary of a full-time District Secretary position using asset forfeiture funds retroactive to the pay period of October 16, 2020 through October 31, 2020. Chris Cohron suggested to use general funds, seconded by Courtney Baxter and passed by voice vote.

**B. Additional Funds**

1. Rob Sanders, Commonwealth's Attorney 16th Judicial Circuit, requested approval to reallocate a full-time District Secretary position to a full-time Victim Advocate position with additional funds for salary effective December 16, 2020. Chris Cohron motioned to table request until next budget cycle, seconded by Shane Young and passed by voice vote.

**Citizen Request for Appointment of Special Prosecutor**

Amy Burke requested that employees of the Office of the Attorney General leave the meeting.

Bobby Stokes discussed that many inquiries that have been presented.

Chris Cohron thanked everyone for the information that has been submitted and discussed that PAC should reaffirm its previous statement which reads as follows:

After thoroughly reviewing the petition filed by Ms. Tamika Palmer, the applicable statutes and caselaw, the Prosecutors Advisory Council (PAC) reaffirms its previously-stated opinion that PAC does not have any authority to intervene in the appointment, allocation or assignment of a special prosecutor in a matter which the Attorney General has accepted, assigned his own staff and previously presented to a Grand Jury.

In the matter involving the death of Breonna Taylor, the local Commonwealth's Attorney, Tom Wine, advised the Attorney General's Office that there was a conflict of interest that prevented Wine from handling the case. Attorney General Cameron accepted the case pursuant to the "appointment of special prosecutor" provisions of



KRS 15.733. Instead of asking a Commonwealth's Attorney from another jurisdiction to handle this complex and intricate matter, the Attorney General chose to keep the case and to assign his own assistant Attorneys General, bearing in mind that increased investigative and legal resources would be available.

Subsequently, the matter was investigated, screened and presented to a Jefferson County Grand Jury which issued one indictment.

The Council has received a request from by Ms. Tamika Palmer, Breonna Taylor's mother, supplemented by a separate memorandum from her legal counsel. Both documents reference or rely on KRS 15.715 as a basis for her request for relief. As explained hereinafter, the cited statute is not applicable to the present circumstances. In addition, both documents refer to a statement made 31 years ago by then Supreme Court Justice Charles Leibson as support for her request for relief. However, his remark was made as a part of a dissenting opinion in a case regarding the legality of private prosecutors. This comment made by one justice lacks the power of law and is not only inapplicable to the present facts and circumstances but is not dispositive of the issues. Further, the memorandum of Ms. Palmer's counsel fails to provide any other legal authority giving PAC the ability to fulfill their request.

In the entirety of KRS Chapter 15 relating to the Unified and Integrated Prosecutor System, there is no statute that establishes a mechanism for the replacement of the Attorney General in these factual circumstances. The enabling statutes for PAC, KRS 15.700 and 15.705, do not contemplate such action and refer to the Attorney General as "chief prosecutor of the Commonwealth." Furthermore, KRS 15.715 sets forth the procedure when PAC votes to replace a local prosecutor by authorizing the Attorney General to intervene; as earlier stated, it is not applicable to the current matter. When a local prosecutor is disqualified due to a conflict of interest, KRS 15.733 is applicable; that statute was followed in the Taylor case.

Simply stated once again, no basis in caselaw or statute exists for PAC to "appoint a new, independent prosecutor" as requested by Ms. Palmer.

The Attorney General is the chief law enforcement officer of the Commonwealth, and PAC's duties and responsibilities as authorized under Kentucky Law do not allow for PAC to usurp the authority of the Attorney General.

Chris Cohron made a motion to approve the PAC Council's position statement as read, seconded by Courtney Baxter and passed by voice vote.

A motion to adjourn was made by Chris Cohron, seconded by Shane Young and passed by voice vote. The meeting was adjourned at 10:50 am.