

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Daniel Lewis Ballou

2. **Position:** State the position for which you have been nominated.

United States District Court Judge for the Eastern District of Kentucky

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Whitley County Justice Center
100 Main Street
Williamsburg, Kentucky 40769

4. **Birthplace:** State year and place of birth.

1965; Knoxville, Tennessee

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1996 – 1998, University of Mississippi Law Center; J.D., 1998

1993 – 1995, University of Kentucky; B.A., 1995

1993 – 1993, Eastern Kentucky University; no degree

1992 – 1992, Cumberland College (now University of the Cumberlands); no degree

1992 – 1992, Eastern Kentucky University; no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present
Commonwealth of Kentucky Court of Justice, 34th Circuit
Whitley County Judicial Center
100 Main Street
Williamsburg, Kentucky 40769
Chief Judge (2011 – present)
Circuit Court Judge (2007 – 2011)

2006 – 2015
United States Marine Corps
Headquarters, U.S. Marine Corps
3000 Pentagon
Washington, D.C. 20350-3000
Marine (Selected Marine Corps Reserve, Individual Ready Reserve, activated reservist)

1999 – 2006
United States Navy
1000 Navy Pentagon
Washington, D.C. 20350-1000
Naval Intelligence Officer (Selected Reserve, activated reservist)

2003 – 2007
Commonwealth of Kentucky Court of Justice, 34th District
Whitley County Judicial Center
100 Main Street
Williamsburg, Kentucky 40769
District Court Judge

2000 – 2002
Daniel L. Ballou, Attorney at Law
40 East Sycamore Street
Williamsburg, Kentucky 40769
Attorney

1999 – 2000
United States Court of Appeals for the Sixth Circuit
Judge Eugene Siler Jr.
310 South Main Street
London, Kentucky 40741
Law Clerk

1998 – 1999
Robert L. Brown III, Attorney at Law
1005 South Main Street
Corbin, Kentucky 40701

Associate Attorney

1995 – 1996 (approximate)
University of Kentucky Medical Center
1000 South Limestone
Lexington, Kentucky 40536
Security Guard

1995 (approximate)
Stoll, Keenon, & Park Law firm
[now Stoll Keenon Ogden PLLC]
300 West Vine Street
Lexington, Kentucky 40507
Copier and Runner

1995 (approximate)
Lexmark
[now part of Xerox]
740 West New Circle Road
Lexington, Kentucky 40511
Assembly Line Worker

1991 – 1995
United States Marine Corps
Headquarters, U.S. Marine Corps
3000 Pentagon
Washington, D.C. 20350-3000
Marine (Individual Ready Reserve)

1987 – 1991
United States Marine Corps
Headquarters, U.S. Marine Corps
3000 Pentagon
Washington, D.C. 20350-3000
Marine (active duty)

June 1987 – December 1987
United States Marine Corps
Headquarters, U.S. Marine Corps
3000 Pentagon
Washington, D.C. 20350-3000
Marine (Selected Marine Corps Reserve, Individual Ready Reserve)

June 1984 – June 1987
United States Marine Corps
Headquarters, U.S. Marine Corps

3000 Pentagon
Washington, D.C. 20350-3000
Marine (active duty)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I registered for selective service in November 1983 when I turned 18, although I had already enlisted in the United States Marine Corps.

2006 – 2015, United States Marine Corps (Selected Marine Corps Reserve, activated reservist, and Individual Ready Reserve) Intelligence Officer, retired, rank: Major

1999 – 2006, United States Navy (Selected Reserve, activated reservist). Intelligence officer, honorable discharge upon transfer to the Marine Corps, rank: Lieutenant.

1991 – 1995, United States Marine Corps (Individual Ready Reserve), honorable discharge, rank: Sergeant

1987 – 1991, United States Marine Corps, (active duty) honorable discharge, rank: Sergeant

1987 – 1987, United States Marine Corps Reserve (Selected Marine Corps Reserve, Individual Ready Reserve), no discharge, returned to active duty

1984 – 1987, United States Marine Corps (active duty), honorable discharge. rank: Lance Corporal

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Military Awards (listed in order of precedence):

Joint Service Commendation Medal (Afghanistan, 2003)

Navy Achievement Medal (Iraq, 2008)

Combat Action Ribbon (Desert Storm, 1991)

Good Conduct Medal (1987, 1990)

National Defense Service Medal (1991, 2001)

Southwest Asia Service Medal (1990, 1991)

Afghanistan Service Medal (2003)

Iraq Service Medal (2008)

Sea Service Deployment Ribbon (1985, 1986, 1989, 1990, 2008)

Overseas Service Ribbon (2003)

Kuwait Liberation Medal (1991)

Commanding General Certificate of Commendation (Desert Shield and Desert Storm, 1990 – 1991)

Meritorious Mast (Awarded twice in 1988)
Meritorious promotion to Corporal (1988)
Rifle Expert Badge (1986, 1987, 1988, 1989, 1990, 2007)
Naval Parachutist Badge (2003)
Numerous other service medals/ribbons unit awards (1985 – 2008)

I received some academic scholarships as an undergraduate at the University of Kentucky as well as Eastern Kentucky University, but I do not recall the exact titles of the scholarships (1992 – 1995)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Kentucky Bar Association (1999 – present)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Kentucky, 1999

There has been no lapse in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Sixth Circuit, 1999

United States District Court for the Eastern District of Kentucky, 1999

There have been no lapses in membership.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Legion (2018 – 2019)

Veterans of Foreign Wars (1999 – 2002)

Junior Vice Commander (1999 – 2002)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

As part of my 2018 campaign for the Kentucky Supreme Court, I maintained a campaign website, *danballou.com*. The website still exists, although references to my 2018 campaign have been removed. As part of my campaign, I published the following ads, which were paid for the Committee to Elect Dan Ballou. The ads were maintained on my campaign website and on YouTube:

https://www.youtube.com/watch?v=q6ZBGOyv_xc

<https://www.youtube.com/watch?v=0mvz7nYGTxE>

<https://www.youtube.com/watch?v=O8VOU4Kzmqc>

<https://www.youtube.com/watch?v=ewxSbALKNCU>

<https://www.youtube.com/watch?v=b2Rd1VTS18U>

<https://www.youtube.com/watch?v=CE2LaMnHUGA>

<https://www.youtube.com/watch?v=rPfe21CnM7M>

<https://www.youtube.com/watch?v=QqMgxx4aFTc>

<https://www.youtube.com/watch?v=hZshZ0T3sJ0>

<https://www.youtube.com/watch?v=NiBe-RbnWJw>

I maintained a Facebook page for my 2018 campaign, which I deleted after the election. On November 7, 2018, I published a concession message on my Facebook page. Press coverage supplied.

Candidate Questionnaire, Justice of the Supreme Court Candidate Daniel Ballou. *Lebanon Enterprise*, Oct. 31, 2018. Press coverage of the responses supplied.

Television advertisement, Dan Ballou for Kentucky Supreme Court, May 2018. Video supplied.

Dan Ballou for Justice of the Supreme Court, Advertisement, Columbia Magazine, Feb. 16, 2018. Copy supplied.

Times Tribune Should Offer Kersey Family and Apology, Letter to the editor, Whitley News Journal (2010). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

To my recollection and through a review of my calendars and searches of publicly available databases, I have identified the following responsive speeches or talks:

August 27, 2022: Speaker, Dedication of Historical Plaque in honor of Lance Corporal Joe C. Paul, United States Marine Corps, Whitley, Kentucky. I spoke at the Whitley

County Courthouse at the dedication of an historical plaque in honor of Whitley County native Lance Corporal Joe C. Paul, posthumous Medal of Honor recipient. I have no notes, transcript, or recording. The address of the Whitley County Courthouse is 200 Main Street, Williamsburg, Kentucky 40769. Press coverage supplied.

July 3, 2021: Speaker, Let Freedom Ring event, University of the Cumberlands, Williamsburg, Kentucky. I spoke outside the Hutton School of Business Building at the University of the Cumberlands at the "Let Freedom Ring" celebration of the 4th of July about patriotism and the Constitution which is our bond as Americans. I have no notes, transcript, or recording. The address of the University of the Cumberlands is 199 Skyview Drive, Williamsburg, Kentucky 40769. Press coverage supplied.

November 13, 2018: Keynote Speaker: Veterans Day Celebration. Whitley County High School, Williamsburg, Kentucky. I was the keynote speaker at an event to honor veterans. I have no notes, transcript, or recording. The address of Whitley County High School is 350 Boulevard of Champions Williamsburg, Kentucky 40769. Press coverage supplied.

Late October 2018: Speaker, GOP Fall Picnic, Bardstown, Kentucky. I spoke about my candidacy for the Kentucky Supreme Court. I have no notes, transcript or recording. I am not certain of the exact location of the event. Press coverage supplied.

May 17, 2018: Speaker, Corbin Rotary Club, Corbin, Kentucky. I spoke to the Corbin Rotary Club about my candidacy for the Kentucky Supreme Court at David's Steakhouse. I have no notes, transcript, or recording. The address for the Corbin Rotary Club is 125 West Cumberland Gap Parkway Corbin, Kentucky 40701. Press coverage supplied.

May 2018: Commencement Speaker, Stearns, Kentucky. I spoke at the McCreary County High School graduation. I have no notes, transcript, or recording. The address of McCreary County High School is 400 Raider Way Road, Stearns, Kentucky 42647.

May 1, 2018: Speaker, Lincoln Dinner, Bardstown, Kentucky. I spoke about my candidacy for the Kentucky Supreme Court and my faith. Other Republican candidates for office also spoke at the dinner. I have no notes, transcript, or recording. The Nelson County Republican Party does not have a formal address but can be reached through the Republican Party of Kentucky, P.O. Box 1068, Frankfort, Kentucky 40602. Press coverage supplied.

October 26, 2017: Speaker, Nelson County Republican Picnic, Bardstown, Kentucky. I spoke about my candidacy for the Kentucky Supreme Court. I have no notes, transcript, or recording. The Nelson County Republican Party does not have a formal address but can be reached through the Republican Party of Kentucky, P.O. Box 1068, Frankfort, Kentucky 40602. Press coverage of the event supplied.

July 26, 2016: Speaker, Town Hall Meeting. I introduced Senator Rand Paul at a town hall meeting at Bubby's BBQ restaurant. I have no notes, transcript, or recording. The event was organized by the office of U.S. Senator Rand Paul, 295 Russell Senate Office Building, Washington, D.C. 20510. Press coverage supplied.

January 6, 2015: Speaker, Kentucky State Senate, Frankfort, Kentucky. I swore in the new President of the Kentucky State Senate, Robert Stivers, in the State Senate Chambers. I have no notes, transcript, or recording. The address of the Kentucky State Senate is 700 Capital Avenue, Frankfort, Kentucky 40601.

I ran in contested elections in 2002 and 2006 for judge of the District Court, Commonwealth of Kentucky, 34th District. In 2007, I ran in a contested election for judge of the Circuit Court, Commonwealth of Kentucky, 34th Circuit. In 2018, I ran in a contested election for Justice of the Kentucky Supreme Court. I live in and ran my campaigns in rural Kentucky, where it is common to have campaign events sponsored by volunteer fire departments, schools, and various other organizations. These organizations host "pie suppers" where they auction off pies and other food to raise money for their organizations. Chili cook-offs and similar events are also common campaign events. At these events, candidates, including judicial candidates, are given two to three minutes to speak about your campaign. My typical speech consisted of my biographical information, the office that I was running for, and why I wanted voters to vote for me. For judicial candidates, that is all we are allowed to say. During these election years, I attended and spoke at so many of these events that I am unable to count them, and I do not have records regarding most of the events where I spoke about my candidacy. To the best of knowledge and information, none of these community events are recorded.

In addition to these campaign events, I have spoken at other events for celebrations of Veterans Day and on Memorial Days in remembrance of those who gave all.

Year Unknown, Speaker: Veterans Day celebration at Bell County High School. I spoke to commemorate the sacrifices of our nation's veterans. I have no notes, transcript, or recording. The address of Bell County High School is 9824 US 25E, Pineville, Kentucky 40977.

I did not use notes for any of these events, and after searching and inquiring with event hosts, I have not found any video or recordings of these events.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Stewart Remembered for his Life of Service, News Journal, Corbin, Kentucky, Apr. 7, 2021. Copy supplied.

Mark White, *Ballou opposes funding for Corbin District Court*, New Journal, Corbin,

Kentucky, Mar. 27, 2019. Copy supplied.

Marion Schools, *Justice of the Supreme Court candidate – Dan Ballou*. Marion County Lebanon Enterprise, October 31, 2018. Copy supplied.

Dean Manning, *Ky. Supreme Court: Ballou sees job as being a humble referee*. Whitley News Journal. October 31, 2018. Copy supplied.

2018: Interviewed by Channel 6, Central Kentucky Television, a local cable channel in Marion County Kentucky, regarding my campaign for Kentucky Supreme Court. Video available at <https://youtu.be/8i7sL7VncVM?si=uXRNkbb7MimzrqgE>.

Mark White, *Winchester, ex FBI agent and judge, dies*. The New Journal, Corbin Kentucky. Nov. 8, 2017. Copy supplied.

Mark White, *Ballou Announces he will run for State Supreme Court*. The New Journal, Corbin Kentucky. Aug. 2, 2017. Copy supplied.

I may have participated in additional interviews with rural radio stations and newspapers during my contested elections in 2002, 2006, 2007, and 2018, but have not identified any further responsive materials after an exhaustive search.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was elected District Court Judge in the 34th Judicial District (McCreary and Whitley counties) in November 2002 and re-elected in 2006. Kentucky's District Court is a court of limited jurisdiction and handles juvenile matters, city and county ordinances, misdemeanors, violations, traffic offenses, probate of wills, arraignments, felony probable cause hearings, small claims involving \$2,500 or less, civil cases involving \$5,000 or less, voluntary and involuntary mental commitments and cases relating to domestic violence and abuse.

I was elected Circuit Court Judge in the 34th Circuit (McCreary and Whitley counties) in November 2007. I was re-elected in 2014 and 2022, without opposition, and I am currently serving in this office. Circuit Court in the Commonwealth of Kentucky hears civil matters involving more than \$5,000, capital offenses and felonies, divorces, adoptions, termination of parental rights, real property title disputes and contested probate matters. Circuit Court has the power to issue injunctions and writs of mandamus and prohibition to compel or prohibit acts, and to hear appeals from District Court and administrative agencies.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 120 jury trials. If the response were to include all judgments, for example, summary judgment and default judgment, that number would be

in the thousands.

i. Of these cases, approximately what percent were:

jury trials:	99%
bench trials:	1%

ii. Of these cases, approximately what percent were:

civil proceedings:	25%
criminal proceedings:	75%

b. Provide citations for all opinions you have written, including concurrences and dissents.

None.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

The following are the ten most significant cases over which I presided as a judge. A copy of the relevant unpublished order in each case is supplied.

1. *Commonwealth v. Paul Brock*, 18-CR-00069, Whitley Circuit Court, Div. I. (2022), 2024 WL 5179093 (Ky. 2024).

Brock was charged with three counts of murder, one count of fetal homicide, one count of tampering with physical evidence, and persistent felony offender first degree. Brock was involved in drug trafficking as were two of the victims. In 2018, Brock entered the home where Tiffany Myers and her husband, Aaron Byers, lived with Tiffany Myers' grandmother, Mary Jackson, age 74. Brock and Tiffany Myers argued over the sale of pills. Brock shot and killed Myers, who was pregnant. He then shot Jackson execution-style while she was in her recliner watching television because she had witnessed him murdering her granddaughter. Aaron Byers was murdered at a cemetery in Whitley County and Brock attempted to bury him in a shallow grave. Brock admitted to shooting Aaron Byers but claimed self-defense. Brock had prior convictions including felony convictions. At this trial, a jury found Brock guilty on all counts. The Commonwealth sought the death penalty, but before the sentencing phase began, the Commonwealth and Defense agreed to a sentence of life without the possibility of parole. The Kentucky Supreme Court upheld Brock's conviction.

Commonwealth Attorney:
Ronnie Bowling

368 Penny Lane, Suite B
Williamsburg, Kentucky 40769
(606) 344-5466

Defense Attorneys:
Andrea Kendall
Joshua Miller
Caitlin Dunnington
163 West Short Street, Suite 555
Lexington, Kentucky 40507
(859) 246-2333

2. *Commonwealth v. Jordan Miracle*, 19-CR-00087, Whitley Circuit Court Div. I (2023)
Commonwealth v. James Muse, 19-CR-00088, Whitley Circuit Court Div. I (2023)
Commonwealth v. Jamie Muse, 19-CR-00089, Whitley Circuit Court Div. I (2023)

Jordan Miracle, James Muse, and his brother Jamie Muse were prosecuted in connection with the February 2019 killing of Billy Lawson in Whitley County. Lawson was found dead inside a building near the Kentucky–Tennessee state line, where he operated a game room. He had been stabbed 39 times. The crime scene and damage to the victim’s body from the stabbing was so gruesome that the Whitley County Coroner, and other first responders, initially believed that the victim had been shot with a shotgun.

Sometime after the killing, as law enforcement investigated the case, James Muse’s vehicle broke down on a Whitley County road and had to be towed. Blood-like stains and kitchen knives were discovered in James Muse’s towed vehicle.

Investigators later connected all three men to Lawson’s death. During the investigation, Miracle told law enforcement that the Muse brothers had robbed Lawson before he was stabbed. Miracle did not go to trial. He eventually entered a guilty plea in May 2023 as part of a plea agreement with prosecutors. He pled to murder, tampering with physical evidence, and second-degree robbery as amended from first degree robbery. While in custody, Miracle attempted to escape from the Whitley County Detention Center. He originally faced three counts of kidnapping related to the attempted escape. The kidnapping charges were dismissed as part of his plea agreement although he entered a guilty plea for the attempted escape. Miracle was sentenced to forty-five years for murder, five years for tampering with physical evidence, ten years for second degree robbery, and five years for attempted escape. The sentences were ordered to run consecutive for a total effective sentence of sixty-five years.

Jamie Muse also entered a guilty plea as part of a plea agreement. He pled guilty to murder, tampering with physical evidence, and second-degree robbery. Prosecutors recommended a total effective sentence of 60 years in prison which I followed.

James Muse also entered a guilty plea to first-degree robbery, tampering with physical evidence, and an amended count of facilitation to murder and received 15 years. All

three defendants originally faced the death penalty. However, these plea offers and agreements were in keeping with what the Commonwealth believed he could prove to a jury at trial based on the evidence and the likely testimony of individual defendants had any of them cooperated at trial. Furthermore, the victim's family was agreeable to the plea arrangement and preferred not to go to trial.

Commonwealth Attorney:
Ronnie Bowling
368 Penny Lane, Suite B
Williamsburg, Kentucky 40769
(606) 344-5466

Attorney for Jordan Miracle:
Bob Amburgey
PO Box 3118
Mount Vernon, Kentucky 40456
(606) 256-0404

Attorney for James Muse:
Derrick Howard
470 Main Street
Hazard, Kentucky 41701
(833) 514-8977

Attorney for Jamie Muse:
Tom Griffiths
438 West Walnut Street
Danville, Kentucky 40422
(502) 564-8006

3. *Commonwealth v. Matthew Croley*, 24-CR-00091, (2026) Whitley Circuit Court Div. I (2026)

Matthew Paul Croley was prosecuted for a January 31, 2024, drunk-driving crash on Interstate 75 in Whitley County that killed a 2-year-old child and seriously injured the child's mother. The collision happened shortly after midnight near mile marker 17 between Williamsburg, Kentucky and Corbin, Kentucky.

Investigators determined that Croley was driving a 2017 Ford Edge southbound on I-75 when it struck the rear of a 1996 Geo Tracker driven by Alexis Brianna Flores. The impact forced the Tracker over the guardrail, where it overturned. A two-year-old passenger was ejected and died from his injuries. Flores was trapped in the vehicle, had to be extricated, and was flown to University of Tennessee hospital with severe injuries. Three of Flores other children in the Tracker were also taken to the hospital but were not hurt. Alcohol was identified as a contributing factor.

Initially, there was uncertainty over whether Croley or his passenger/co-defendant Jayna Vorwerk had been driving. Croley eventually told police that he was the driver and that he had threatened Vorwerk into saying she had been driving because he was intoxicated and did not want to take responsibility. Croley took his case to a jury trial in January 2026. The jury found Croley guilty of Wanton Murder, Assault First Degree, and three counts of Wanton Endangerment in the 1st Degree. Following the guilty verdicts, the jury recommended a sentence of twenty years for Wanton Murder, ten years for Assault First Degree, and one year on each count of Wanton Endangerment, to run concurrent for a total effective sentence of twenty years.

At sentencing, I sentenced Croley to serve his sentence consecutively for a total sentence of thirty-three years, pointing to the fact that the crash resulted in the death of a two-year-old, three other child victims, and their injured mother.

Commonwealth Attorney:
Ronnie Bowling
368 Penny Lane, Suite B
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(606) 344-5466

Attorney for Matthew Croley:
Jeremy Bryant:
37 South Park Center Drive
Corbin, Kentucky 40701
(606) 261-7381

4. *Commonwealth v. Preston Coffey*, 25-CR-00108, Whitley Circuit Court Div. I (2026)

Preston Coffey was indicted in Whitley County after an investigation into the alleged sexual abuse of a 9-year-old child. According to the Commonwealth Attorney, the alleged abuse began in 2024, when Coffey was supposed to be acting as a caregiver for the child as well as other children.

The Kentucky State Police investigated the case, and Coffey was indicted in May 2025, charged with Rape First degree Victim under 12, and Sexual Abuse First Degree Victim Under 12. Coffey requested and received a jury trial in July 2026. The jury found Coffey guilty of both charges. The jury recommended the maximum sentence of life in prison for the Class A felony charge of Rape First Degree Victim Under 12 and the maximum sentence of ten years for the Class C Felony Sexual Abuse First Degree Victim Under 12. Coffey is scheduled to be sentenced on October 5, 2026.

Commonwealth Attorney:
Ronnie Bowling
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Williamsburg, Kentucky 40769
(606) 344-5466

Attorney for Preston Coffey:
Brandon West
323 West 5th Street
London, Kentucky 40741
(606) 770-5046

5. *Commonwealth v. Brandon Oakley*, 23-CR-00320, Whitley Circuit Court Div. I (2024)

Brandon Oakley was arrested after a September 16, 2023 incident at the East West Market in Whitley County. Police were initially called about an argument involving Oakley and his girlfriend. Oakley had been drinking heavily and using a THC vape. When officers arrived, his behavior escalated, and he resisted being taken into custody.

During the arrest, Oakley kicked and spat on officers. He kicked Williamsburg Police Officer Steven Hill in the face and nose and kicked Williamsburg Police Officer Dorman Patrick in the groin. Patrick suffered a broken pinky that required surgery and a plate in his hand. Oakley also kicked an off-duty Whitley County Deputy Jailer, Conner Pennington, and made threats toward the officers, including threatening to kill and shoot them. Body-camera footage captured most of the incident.

Oakley was indicted in Whitley Circuit Court for Assault Third Degree (a Class D felony), four counts, Assault Fourth Degree (a Class A Misdemeanor), one count, Terroristic Threatening Third Degree (a Class A Misdemeanor) three counts, Resisting Arrest, a Class A Misdemeanor, and Persistent Felony Offender First Degree. Oakley requested and received a jury trial. The jury convicted Oakley of multiple assault and terroristic-threatening offenses, resisting arrest, and Persistent Felony Offender in the First Degree. Oakley argued that he had been so intoxicated that he could not remember what happened or form the necessary intent. He testified that he had consumed alcohol and used a THC vape. The jury rejected that defense. During the sentencing phase, the Commonwealth Attorney characterized Oakley as a career offender and presented his prior criminal history to the jury. The jury recommended the maximum sentence of twenty years in prison. I followed the jury's recommendation and sentenced Oakley accordingly.

Commonwealth Attorney:
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(606) 344-5466

Attorney for Brandon Oakley:
Cliff Wilson
217 S. Main Street
London, Kentucky, 40741
(833) 205-0826

6. *Commonwealth v. Jordan B. Taylor*, 23-CR-00153, Whitley Circuit Court Div. I (2024)

Jordan Blake Taylor was charged in connection with the February 2023 death of three-year-old Amoura Smallwood in Whitley County. Taylor was the boyfriend of Amoura's mother and was reportedly the only person caring for Amoura for several hours before she was found unresponsive.

Amoura was taken to Baptist Health Corbin, Kentucky, where she was pronounced dead. An autopsy found extensive non-accidental injuries, including injuries to her head and body. Taylor was initially arrested on a murder charge. As the investigation continued, a Whitley County grand jury indicted him on murder, first-degree sodomy of a victim under 12, and first-degree strangulation. Evidence presented during related court proceedings included photographs showing progressively worsening injuries, text messages where Taylor admitted the ongoing abuse, and a video taken by Taylor, from his phone, showing Amoura being smothered by having her nose and mouth blocked. Taylor did not go to trial. He entered a guilty plea on October 9, 2024. Taylor pled guilty to Murder, First-degree sodomy, and First-degree strangulation. The plea was part of an agreement in which Taylor agreed to receive life imprisonment without the possibility of parole and avoid the possibility of the death penalty. Taylor, through his defense team, approached the Commonwealth about the plea. The Commonwealth accepted the offer after consultation with the victim's family and concern for a Whitley County jury having to go through it. I formally sentenced Taylor to life in prison without the possibility of parole in October 2024.

Commonwealth Attorney:
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(606) 344-5466

Attorney for Jordan Taylor:
Shannon Brooks
163 West Short Street
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(859) 246-2333

7. *Commonwealth v. Larry Neal Wilson*, 09-CR-00112, Whitley Circuit Court Div. I (2010)

Larry Neil Wilson, a 55-year-old Williamsburg, Kentucky tow-truck operator, was charged after the July 31, 2009, shooting death of 38-year-old Tod Carter outside a local drive in, the Root Beer Stand in Corbin, Kentucky. Wilson was sitting in his tow truck when Carter confronted him. Evidence showed Carter struck Wilson with a root-beer mug through the truck window. Wilson then pulled a 9mm handgun and fired, fatally striking Carter. Wilson remained at the scene and was taken into custody when police

arrived. Wilson was charged with Murder and Wanton. Endangerment in the First Degree.

There was significant history behind the confrontation. Evidence at trial showed Wilson had been involved in an affair with Carter's wife, Kristi Carter, who worked at the Root Beer Stand. Carter and his wife had reconciled, but tensions involving Wilson continued. Those tensions culminated in the confrontation at the Root Beer Stand. Wilson chose to take his case to a jury trial. Wilson acknowledged shooting Carter but maintained that he acted in self-defense after Carter attacked him. Prosecutors argued that Wilson bore responsibility because he went to the Root Beer Stand knowing Carter's wife would be working there and that his presence could provoke a confrontation with Carter. The jury convicted Wilson of the lesser included offense of Manslaughter Second Degree, and they acquitted Wilson of Wanton Endangerment First Degree. Wilson, facing a maximum ten-year sentence for the Manslaughter Second Degree conviction, agreed to accept a sentence of seven years and six months, thereby avoiding the sentencing phase.

Commonwealth Attorney:
Allen Trimble (deceased)

Attorney for Larry Wilson:
Warren Scoville (deceased)

8. *Commonwealth v. Samuel Plotnick*, 13-CR-00067, Whitley Circuit Court, Div. I. (2014).

Plotnick was charged with the murder of Jimmy Dean Peace by beating him on December 15, 2012, causing injuries which led to his death at the University of Kentucky Hospital, Lexington, Kentucky, on January 2, 2013. Plotnick's expert claimed that Peace's hepatitis infection and bad liver from a history of heavy drinking led to his death, not the assault by Plotnick. The Commonwealth's expert found Peace's prior illness was a complication to cause of death, but without the beating, Mr. Peace would not have died when he did.

The jury convicted the Plotnick of Manslaughter Second Degree. Plotnick was also charged with four counts of Assault Third Degree on the police officers who responded to the scene of the assault. The jury convicted Plotnick of the lesser included offenses of Resisting Arrest on four counts. The jury also convicted Plotnick of Assault Fourth Degree of his girlfriend, to which he confessed in court. The Commonwealth and the defense agreed to a sentence of eight years on Manslaughter Second and twelve months each, concurrent, on the remaining misdemeanor charges.

Commonwealth Attorneys:
Ben Davis (deceased)
Robert Stephens
P.O. Box 1434
Whitley City, Kentucky 42653

(606) 516-6782

Defense Attorneys:
Will Collins
52 Broadway Street
Whitesburg, Kentucky 41858
(606) 633-7372

9. *Walter Hoskins, Executor of the Estate of Bessie Morgan v. Hillcrest Nursing Home*, 09-CI-072, Whitley Circuit Court Div I. (2026).

This case was a negligence and wrongful death complaint against a nursing home. Plaintiffs alleged that the nursing home failed to maintain appropriate staffing levels, failed to properly train and supervise their staff, and failed to follow physician orders in the care of Bessie Morgan, including failure to follow doctor's orders on monitoring Morgan for fall prevention, all of which caused her injury and death. Medical negligence, corporate negligence, violations of long-term care resident rights, and wrongful death were all alleged in the complaint.

The jury found for defendants. This case had been previously tried in 2024 with the same decision by the that jury. However, at the conclusion of the first trial, it came to the attention of Morgan's counsel that a juror had admitted making her decision based on other factors outside of the evidence presented at trial. The Plaintiff requested a hearing on their motion for a new trial based on allegations of juror misconduct. At the subsequent hearing, the juror testified under oath that she in fact was convinced by the evidence at trial that the plaintiff should have won. She stated she had a seven-year-old special needs son at home and that throughout the trial her mind and heart was on her son who was only accustomed to her caring for him. She stated that her vote for the defense during deliberations was based on her concern for her son and her need to get home to him. She said she just needed to "get it over with and get home."

Consequently, I sustained Plaintiff's motion for a new trial and thanked the juror for her time and forthrightness at the hearing. As stated above, the retrial in 2026 ended with the same verdict.

Counsel for Plaintiff:
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(407) 754-0035

Matt Coman
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New Orleans, Louisiana 70130
(504) 354-9750

Counsel for Defendant:
Mark E. Hammond
401 S. Fourth Street, Suite 2200
Louisville, Kentucky 40402
(502) 585-4703

10. *Crusenberry v. Baptist Health*, 14-CI-590, Whitley Circuit Court Div I., 2017 WL 1806937 (Jan. 3, 2017), 2017 WL 1806939 (Feb. 6, 2017), 2017 WL 1806938 (Mar. 3, 2017).

The complaint alleged medical malpractice against Baptist Health and physicians involved in the treatment of Kali Crusenberry. Crusenberry alleged the defendants failed to properly diagnose and treat her, resulting in permanent neurological and physical injuries. The jury found for the defendants on all allegations. Crusenberry was a healthy young woman with children and no history of drug or alcohol use or abuse. She was admitted to the hospital for relatively minor ailments. By the time she was released she was incapacitated for life, totally dependent on twenty-four hours a day care. The trial lasted over two weeks with medical experts from around the country. The Kentucky Supreme Court affirmed on appeal.

Counsel for Plaintiff:
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(606) 679-2214

Counsel for Defendants:
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Jeffrey Darling
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Melanie Marrs
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Andrew Efaw
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Suite 2200
Albuquerque, New Mexico 87102
(505) 766-7541

- d. For each of the 10 most significant opinions you have written, provide: (1)

citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

It is not the practice of our Court for Circuit Court Judges to author opinions; therefore, I do not write opinions. As a court of record, we maintain orders in each file to reflect the judgment of the court.

e. Provide a list of all cases in which certiorari was requested or granted.

None.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Public Protection Cabinet, et al. v. Billy Caudill, et al. 25-CA-0616, 2026 WL 2065771 (Ky. App. 2026).

The Public Protection Cabinet (PCC) appealed my order requiring it to increase the salary of four employee investigators in the Department of Alcoholic Beverage Control (ABC). The employees' claims were based on a new investigator being hired at a higher salary than theirs. I found that there was no rational basis for the disparity in pay between the employees and the new employee, and that they were entitled to the pay adjustments sought. The Court of Appeals analyzed whether the phrase "same work county" in 101 KAR 2:034 Section 1(2), as applied to the employees, was unconstitutional. The appellate court found that "work county" meant nothing other than that listed on the employee's Personnel Action Notification (PAN) form on file with the Cabinet, and that this was always a singular county. It did not find this term interchangeable with "home county" and "work area." The court noted that employees of ABC could work in several counties, and constantly shifting the designation for where the employee resides would give rise to constant claims by thousands of employees across the state. The appellate court thus reversed my decision.

BG48, LLC v. Arlie Cobb, 25-CA-1155, 2026 WL 1721595 (Ky. App. 2026).

This matter arose out of a tax deficiency case which would customarily conclude with a Master Commissioner's sale of the property. The plaintiff purchased tax certificates of unpaid taxes and sought compensation through sale of the property. There was a dispute on service of necessary parties, but I granted the intervening parties' (including an heir of the decedent landowner) motion to dismiss. The Court of Appeals reviewed my dismissal for lack of prosecution under CR 41.02(1). The Court of Appeals held, "while the circuit court cited no law or civil rule," the circuit court dismissed for lack of prosecution pursuant to CR 41.02(1). The Court of Appeals also opined that my dismissal of the action went against the policy of encouraging debt collectors to negotiate

with landowner defendants rather than rushing to foreclosure. The Court noted the extreme sanction of dismissal as not appropriate under these facts and vacated the judgment, remanding for further proceedings.

Whitley County Fiscal Court, et al. v. King-Crete Drilling, Inc., et al., 23-CA-0384, 2024 WL1813040 (Ky. App. 2024).

This case arose from a contract to repair roads damaged during historic 2021 flooding. The contract was funded by the Federal Emergency Management Agency (FEMA). King-Crete Drilling, Inc. was the lowest bidder and completed the repairs. The county paid the original bid amounts. King-Crete then sued to recover more than the agreed bid price, arguing that another party, Jim Bates, Director of Road Infrastructure and County Project Development for the Whitley County Fiscal Court, authorized additional work and assured King-Crete it would be paid. I overruled a motion to dismiss based on sovereign immunity, resulting in the interlocutory appeal. The Court of Appeals of Kentucky reversed and remanded, ordering a dismissal against Whitley County based on sovereign immunity, and for me to conduct further hearing about whether Bates was entitled to qualified official immunity.

Anne Bays v. John Bays, 22-CA-0682, 2023 WL 6322304 (Ky. App. 2023).

This case was a Whitley County family court action in which the key issue was the value and proper division of the marital property, including a farm. I found that the value of improvements to the farm plus the husband's use of non-marital funds to purchase the farm exceeded the total value of the one-half undivided interest in dispute and awarded the husband the farm free from any claims by the wife. I did not credit the wife with any increase in the value of the property. On appeal, the Kentucky Court of Appeals remanded for equitable division of the \$139,447.50 increase in the farm's value and to enter a new judgment accordingly.

Apren Poore v. Commonwealth of Kentucky, 2023-SC-0295, 709 S.W. 166 (Ky. 2024)

Poore was indicted by a Whitley County Grand Jury on charges of receiving a stolen firearm, possession of a handgun by a convicted felon, and being a persistent felony offender in the first degree. He entered a plea agreement with the Commonwealth, which included a "hammer clause" that stipulated a harsher sentence if he failed to appear at sentencing. Poore pleaded guilty. However, Poore failed to appear for his sentencing hearing due to being detained in another county on shoplifting charges. Consequently, at final sentencing, I imposed the maximum sentence of twenty years' imprisonment as recommended by the Commonwealth.

I initially scheduled Poore's sentencing for April 2023, later rescheduled to May 1, 2023. Poore's counsel filed motions to withdraw as his attorney and to withdraw Poore's guilty plea, citing irreconcilable differences and Poore's admission to a rehabilitation facility. Poore failed to appear for the May 1 hearing, and I granted the motion for counsel to withdraw but denied the motion to withdraw the guilty plea. A

bench warrant was issued for Poore's arrest, and he was subsequently sentenced to twenty years' imprisonment on June 5, 2023.

The Supreme Court of Kentucky reviewed the case and affirmed the twenty-year sentence, finding no abuse of discretion in considering the hammer clause. However, it vacated the portion of the judgment imposing court costs and fees, as the installment plan did not comply with statutory requirements.

O'Reilly Automotive Sales v. Sharon Leach, d/b/a Tommy's Towing, et al. 22-CA-0027, 2023 WL 3767432 (Ky. App. 2023).

Leach sued O'Reilly, alleging defective replacement engine parts for his tow truck. O'Reilly failed to file a response after being served. Consequently, I granted Leach's motion for default judgment, ordering O'Reilly to pay less than \$10,000.00 in damages, filing fees and other costs, as well as attorney fees, plus interest. O'Reilly moved to set aside the default judgment under Kentucky Civil Rule 55.02 (authorizing courts to vacate a default judgment) and 60.02 (excusable neglect). When I denied O'Reilly's motion to alter, amend, or vacate its decision, O'Reilly appealed.

The Court of Appeals was not persuaded by O'Reilly's argument that the inattention or mistake of its employees led to its untimely filing an answer to Leach's complaint. The appeals court did, however, remand for an evidentiary hearing on damages. I was instructed to hold a hearing to determine the amount of damages and whether to award attorney's fees to Leach. The appeals court also ordered that a correction be made to the interest awarded on the judgment to the statutory rate.

James Whitehead and Angelica Howard v. Carl Brummett 20-CA-0866, 2021 WL 1327846 (Ky. App.2021).

The Plaintiffs, doing business as "Moonbow Properties" appealed my dismissal of their complaint for lack of standing. The deed by which Moonbow Properties obtained land did not contain the wording of a restrictive covenant which had, however, been specifically stated in the prior source deed, to run with the land. The restrictive covenant forbade any trailer or mobile home on the property.

The Defendant added a dwelling to the property which Moonbow Properties claimed to be a mobile home, and Moonbow Properties sued, seeking enforcement of the restrictive covenant (injunctive relief and damages). I dismissed Moonbow Properties' complaint by summary judgment, and after an unsuccessful motion to alter, amend, or vacate the order, they appealed.

The appeals court found that there were sufficient matters of fact to be determined, thus precluding a summary judgment. The Court of Appeals further held that the record demonstrated that the restriction ran with the land, and was thus enforceable by other subsequent grantees, including Moonbow Properties, even though

their deed did not possess the restrictive language in the original deed. Moonbow Properties thus had standing to sue for enforcement of the restrictive covenant.

Isaac Gilreath v. Commonwealth of Kentucky, 16-CA-000977, 2018 WL 794752 (Ky. App.2018).

Gilreath was originally charged with two counts of Rape First Degree and one of First-Degree Persistent Felony Offender (PFO). He pled guilty, pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), to Assault Second Degree and PFO Second-Degree. He received a twenty-year sentence, probated for five years, having already served thirty months.

The Commonwealth moved to revoke Gilreath's probation after he tested positive for, and admitted to, 92 uses of suboxone. The Court of Appeals reviewed my revocation of probation on the abuse of discretion standard.

In 2011, the Kentucky General Assembly mandated, via KRS 439.3106(1), that to revoke probation the court must first find that the alleged violation was a significant risk to prior victims or the community at large, and that the defendant could not be appropriately managed in the community. The Court of Appeals remanded with instructions for me to make specific findings for each criterion under KRS 439.3106.

Michael Hawn v. Corbin Nursing Home, Inc., 17-CA-000793, 2018 WL 3414209 (Ky. App. 2018).

Hawn slipped and fell on black ice while delivering bread to the Corbin Nursing Home. He sued, alleging the nursing home negligently maintained its parking lot. I granted summary judgment for the nursing home. The Court of Appeals found that I was incorrect, stating that the openness and obviousness of an injury-causing condition is a consideration for purposes of comparative fault, not for determining if there is a duty of care. Further, the appellate court determined that there was a genuine question of fact about whether the nursing home breached its duty of care.

Jessie Terry v. Commonwealth of Kentucky, 14-CA-001274 and 14-CA-001275, 2016 WL 1069017 (Ky. App.2016).

Defendant pled guilty to five separate criminal cases, receiving a consecutive total sentence of 28 years. He then filed a motion for ineffective assistance of counsel in all five cases and then appealed after his motions were denied. The convictions were for Theft/Receiving Stolen Property offenses, Escape Second Degree and being a Persistent Felony Offender. The basis for Terry's ineffective assistance of counsel claims was that his defense attorney had not advised him correctly regarding parole eligibility, that he did not provide discovery, or review the discovery with him adequately. He sought evidentiary hearings on the claims. The Court of Appeals remanded for an evidentiary hearing on the parole advice question but affirmed my denial of the ineffective assistance claim regarding the discovery issue.

Kentucky Retirement Systems v. Austin Price, 15-CA-000882, 2016 WL 4255016 (Ky. App. 2016).

Austin Price sued Kentucky Retirement Systems in the McCreary Circuit Court over a disagreement involving his state employee retirement account, alleging negligent misrepresentation and breach of contract. Retirement Systems moved to dismiss, arguing it was immune from lawsuit due to sovereign immunity, that Price failed to establish subject matter jurisdiction, and that he failed to file his complaint in the proper venue. I denied the motion to dismiss, construing it as a motion for judgment on the pleadings. Kentucky Retirement then filed a motion to alter, amend, or vacate which I denied. Kentucky Retirement Systems filed an interlocutory appeal of both orders and the sovereign immunity claim, which is one of the narrow exceptions to the bar on interlocutory appeals. The Court of Appeals reversed and remanded for me to enter an order dismissing Price's complaint on the grounds that Retirement Systems was covered by sovereign immunity.

Prater v. Commonwealth of Kentucky, 14-SC-000639, 2016 WL 1068360 (Ky. 2016).

Timothy Prater was charged with Conspiracy to Murder, Complicity to Robbery First Degree, Unlawful Imprisonment, and impersonating a Peace Officer.

Prater was hired by Regina Stephens (deceased at time of trial, from suicide) to kill her lover's wife for \$4,000.00, of which she paid a downpayment of \$1,500.00. Prater then hired two co-defendants, Antonio Turner and Joseph Denning (who pled guilty to lesser charges, eight years to serve, each, and who testified against Prater at trial), to assist him in the victim's murder.

Prater used a stun gun repeatedly on the victim at the door of her home as she was leaving for work in the early morning. Prater and his accomplices were confronted by neighbors of the victim (who were later commended by the Kentucky State Police) and to whom Prater pretended to be federal law enforcement. After the neighbors refused to leave the victim alone, Prater and his two co-defendants left the scene but were later caught after an investigation by Kentucky State Police. Prater was convicted on all counts as charged and sentenced to 40 years to serve (20 years on Conspiracy to Murder, 10 years on Complicity to Robbery First Degree, 5 years each on Unlawful Imprisonment and Impersonating a Peace Officer, all to run consecutively). The Kentucky Supreme Court affirmed in part and reversed in part. The Court amended the Complicity to Robbery First Degree conviction to Complicity to Robbery Second Degree based on an error in the jury instructions, but affirming the other counts.

Willie Bunch, Jr. v. Dennis Teague, et al. 13-CA-002059, 2015 WL 5222539 (Ky. App. 2015).

This case involved the convoluted question of whether a valid deed (the purported deed presented in fragmentary and confusing manner) existed transferring title to realty. My ruling of summary judgment was appealed. The Kentucky Court of Appeals reversed

and remanded the matter, finding that there was a genuine question of fact over whether the signatures on the deed were genuine, whether there had been delivery and acceptance of said deed, and whether title divested on same.

Joshua Mendoza v. Commonwealth of Kentucky, 14-CA-000780 and 14-CA-000789, 2015 WL 4978740 (Ky. App. 2014).

Mendoza pled guilty to Third Degree Burglary, Receiving Stolen Property over \$500, Second Degree Possession of a Forged Instrument, and Theft by Deception Under \$500, receiving a total five-year sentence, probated for five years, with requirement to pay restitution.

After Mendoza failed to pay restitution and was arrested on two new felonies, the Commonwealth moved to revoke his probation. I gave Mendoza more time to pay his restitution, and after he again made no payments, I held a revocation hearing.

I specifically declined to consider the new felony charges as those charges had not been adjudicated and were still merely allegations but heard testimony by the defendant's probation officer that he had made no restitution payments on the present case, though he had paid \$55 for drug testing fees and restitution on an unrelated case.

The probation officer testified he had to look for Mendoza several times when he failed to report to probation officers. Mendoza's probation was revoked for failure to make restitution. The Court of Appeals remanded because I did not make specific findings related to the specific criteria in KRS 439.3106(1), specifically, whether the defendant is a significant risk to prior victims or the community and whether he can be properly supervised in the community.

Anthony Spicer v. Commonwealth of Kentucky, 442 S.W.3d 26 (Ky. 2014).

Spicer had been convicted at trial for Attempted Murder and First Degree Assault for an attack on his girlfriend. He stabbed her sixteen times in their front yard in Williamsburg, Kentucky.

The Commonwealth Attorney argued for, and received, jury instructions asserting that the defendant's multiple stabbings of the victim were the basis of the assault charges, and that the Attempted Murder charge was effectuated by the Spicer saying "If I can't have you nobody can have you" as he stabbed her one last time in the neck. I agreed with prosecutors that the First Degree Assault was the first fifteen stabbings, and the Attempted Murder charge was based on Spicer's comment, "If I can't have you nobody can have you" as he plunged his knife into his girlfriend's neck one last time.

The Supreme Court held that KRS 505.020(1)(b) bars prosecution for both attempted murder and first-degree assault, as those offenses required inconsistent findings of fact as to the defendant's mental state. The Supreme Court of Kentucky

reversed the conviction for first-degree assault and vacated the corresponding sentence and affirmed his conviction for attempted murder.

K. Petroleum, Inc. v. Simon M. Vanderpool, et al., 12-CA-000859, 2014 WL 1881913 (Ky. App. 2014).

K. Petroleum Inc. (KPI) appealed from a judgment against it in excess of \$200,000.00, entered after a jury trial. The Vanderpool's claimed ownership of land which had been leased to KPI and another company, by the Nantz, the Vanderpool's predecessors in interest in the property, for natural gas production. My analysis of the facts in the case centered around the Statute of Frauds (enacted in Kentucky law as KRS 371.010), finding there was no written proof of the lease of the land to extract natural gas. The Court of Appeals held that a settlement agreement produced by KPI was the written proof of the leasehold interest it had in the property, and that together with a land contract, showed a binding interest in the Vanderpool's through the Nantz. The appeals court further held the settlement agreement admissible through the unavailable witness exception to the hearsay rule. The Court of Appeals thus ordered a new trial, with the settlement agreement to be admitted into evidence.

Cook v. Commonwealth, 12-CA-000163 and 12-CA-000748, 2013 WL 4710344 (Ky. App. 2013).

Charles Cook was indicted twice for Failure to Comply with Sex Offender Registration. The defense raised issues of Cook's competency to stand trial. After two competency evaluations, the Commonwealth's expert from the Kentucky Correctional Psychiatric Center (KCPC) testified that Cook was competent, though with a diagnosis of vascular dementia and memory loss due to strokes he had suffered. The expert recommended that during a trial, Cook be given frequent breaks due to his condition. Cook ultimately pled guilty to both charges. Cook received a probated sentence on the Commonwealth's recommendation.

The Commonwealth filed a Motion to Revoke for Cook's failure to abide by probation conditions, specifically failure to contact his probation officer. Cook's attorney requested a continuance so Cook could again be evaluated by KCPC. The Motion to Continue was denied and Cook's probation was revoked.

The Court of Appeals did not find that I abused my discretion by denying Cook's motion for a continuance so he could have a third competency evaluation. The Court of Appeals asserted that probation violation proceedings are more informal than trials, and there was no law requiring a competency hearing prior to a revocation of probation. Also, Cook had been evaluated six months prior to his probation revocation. The Defense argued Cook's condition had worsened in the intervening period but offered no proof in support of this claim.

The appeals court remanded, however, because it found that I abused my discretion by revoking Cook's probation without following requirements found in KRS

439.3106 which require the trial courts to evaluate whether the Defendant is a risk to prior victims and the community at large, and can he be appropriately managed in the community; or whether or not sanctions other than revocation or incarceration are appropriate to the severity of the violation, and what is the risk of future criminal behavior by the offender, and the need for, and availability of, interventions which may assist the offender to remain compliant and crime-free in the community.

Charles Engle v. Baptist Health, 09-CA-002170 and 09-CA-002209, 336 S.W.3d 116 (Ky. App. 2011).

At trial, the defense obtained a verdict in this medical malpractice suit. During the trial, I admitted into evidence a Department of Community Based Services (DCBS) report. The Court of Appeals held that the Plaintiff properly raised and preserved a hearsay objection to the admission of this report. The Court of Appeals further held that the report was hearsay and not admissible as evidence under the public records hearsay exception (KRE 803(8)). Thus, the DCBS report's finding was indistinguishable from giving an opinion that Baptist Health was not negligent in its care of the patient. The Court of Appeals remanded for retrial.

John Earl Lay v. Commonwealth of Kentucky, 10-CA-000329, 2011 WL 1196783 (Ky. App. 2011).

Lay pled guilty to a misdemeanor, Second Degree Sexual Abuse, receiving a twelve-month sentence, having already served six months, the balance conditionally discharged for two years. The sentencing colloquy and judgment did not require the Defendant to register as a sex offender. Defense counsel and the Commonwealth opined at sentencing that registration was not required because the plea was to a misdemeanor. The Commonwealth subsequently moved to require registration, to which Lay objected, arguing the Court lacked jurisdiction after 10 days from the sentencing judgment order to amend the judgment. The Court of Appeals vacated my order requiring registration, finding that the omission was not a mere clerical error that could have been corrected past the 10 days.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

None.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Public Protection Cabinet, et al. v. Billy Caudill, et al. 25-CA-0616, 2026 WL 2065771 (Ky. App. 2026).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a Circuit Court judge, I have sought to comply with the Kentucky recusal statute Revised Statute (KRS) 26A.015 in determining whether I need to recuse myself in a case.

In all of the cases where I have recused myself, I have done so because I owned stock in a party, had a personal conflict with a party or a witness, preexisting knowledge about the case, or there was some circumstance where my impartiality might have been questioned. To the best of my recollection every recusal has been sua sponte. After conferring with the court clerks and their records, I do not have a list of cases in which I have recused.

I do not recall a case where I was asked by a party to recuse. Given that I have served nearly twenty-four years on the bench, it is possible that occurred.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than my judicial office.

I was an unsuccessful candidate for Kentucky Supreme Court in 2018.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Chairman, Whitley County Republican Party (2000 – 2001)

Chairman, Bush/Cheyney Whitley County (2000)

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1999 to 2000, I served as a law clerk to the Honorable Eugene Siler, Jr., United States Court of Appeals for the Sixth Circuit.

ii. whether you practiced alone, and if so, the addresses and dates;

From 2000 to 2002, I practiced alone. I owned the law office of Daniel Ballou, Attorney at Law located at 400 East Sycamore Street, Williamsburg, Kentucky 40769.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1998 – 1999
Robert L. Brown III, Attorney at Law
1005 South Main Street
Corbin, Kentucky 40701
(606) 528-3073
Associate

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

While in private practice, I did title searches, wills and powers of attorney, uncontested divorces, and court appointed guardian ad litem cases in juvenile court.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My typical clients were title companies and individuals.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I was not a litigator while I was in private practice, and I rarely appeared in court during my time in private practice.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|------|
| 1. | federal courts: | 0% |
| 2. | state courts of record: | 100% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 99% |
| 2. | criminal proceedings: | 1% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried approximately five cases to verdict. They were all guardianship jury trials in Whitley District Court.

- i. What percentage of these trials were:

- | | | |
|----|-----------|------|
| 1. | jury: | 100% |
| 2. | non-jury: | 0% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

None.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *In Re: JF*, 01-J-00165-001, Whitley District Court Judge David Burton (Representation: 2001).

I represented the father of the juvenile in this juvenile criminal case. My client's son, JF, was charged with Assault First Degree. The nature of my representation was the protection of the parental rights of the father of the accused juvenile in this case. Throughout the proceeding and thereafter, my client maintained his visitation rights with his son.

Opposing Counsel:
Paul K. Winchester
Assistant Whitley County Attorney
100 Main Street
Williamsburg, Kentucky 40769
(606) 515-8629

2. *In Re: DB*, 00-J-303, Whitley District Court Judge David Burton (Representation: 2000 – 2001).

I represented the mother in this juvenile neglect, dependency, and abuse case. My client was accused of physical and mental abuse. Specifically, she was accused of withholding food from DB because he was "fat" and further verbal and physical abuse. She admitted to this conduct and asserted she believed it was appropriate. It was also alleged her home was infested with mice and roaches and was in total disarray which is standard living conditions in many of these neglect, abuse, and dependency cases. The state was

awarded temporary custody, and the child was placed with the maternal grandmother, allowing my client supervised visitation. However, the visitation was discontinued at the request of maternal grandmother due to my client's behavior during her visits.

Opposing Counsel:
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3. *In Re: CB*, 00-J-304, Whitley District Court Judge David Burton (Representation: 2000 – 2001).

I represented the mother in this juvenile neglect, dependency, and abuse case. My client was accused of physical and mental abuse. Specifically, she was accused of withholding food from CB, verbally abusing her, and calling CB a "slut" and a "whore." She was also accused of spanking CB with a 1 X 4 wooden board. She admitted to this conduct and asserted she believed it was appropriate. It was also alleged her home was infested with mice and roaches and was in total disarray. The state was awarded temporary custody, and placed the child with the maternal grandmother, allowing my client supervised visitation. However, the visitation was discontinued at the request of maternal grandmother due to my client's behavior during said visits.

Opposing Counsel:
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Assistant Whitley County Attorney
100 Main Street
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(606) 515-8629

4. *In Re: RS*, 01-H-00006, Whitley District Court Judge Kim Frost (Representation: 2001).

I represented the respondent, RS, in this petition to appoint a guardian for my client. The petition was filed by the administrator of the nursing home where my client was a resident. My client was a seventy-five-year-old woman with dementia and no family to make decisions for her. After a trial, the jury found my client totally disabled and in need of an appointed guardian. Thereafter, the District Court appointed the State to serve as guardian over my client.

Opposing Counsel:
Paul K. Winchester
Assistant Whitley County Attorney
100 Main Street
Williamsburg, Kentucky 40769
(606) 515-8629

5. *In Re: BV*, 01-H-00014-001, Whitley District Court Judge Kim Frost (Representation: 2001).

I represented the respondent, BV, in this petition to appoint a guardian for my client. The petition was filed by my client's mother. My client was a thirty-four-year-old woman who had been severely injured, physically and mentally, in an automobile accident. The report of the interdisciplinary team was complete, and we were prepared for trial. However, my client had been moved to a nursing home in neighboring Tennessee. As she was no longer a resident of Kentucky, the Whitley County Attorney moved the Court to dismiss the Kentucky petition for lack of jurisdiction. The District Court dismissed the case and advised my client's mother to file a petition in the Tennessee courts.

Opposing Counsel:
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Assistant Whitley County Attorney
100 Main Street
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(606) 515-8629

6. *In Re: BP*, 00-J-00117-001, Whitley District Court Judge Kim Frost (Representation: 2000 – 2001)

I represented the child, BP, in this neglect, dependency, and abuse case. The state alleged in the petition that my client's parents were using illegal drugs, engaging in domestic violence in front of their children, and that my client was punched by her mother. The state was granted temporary custody. My client's mother was provided with a case plan to follow which included parenting classes, individual counseling, and an agreement between the parents to have no contact with each other. Consequently, after multiple hearings and the state's recommendation, the District Court returned my client to the custody of her mother.

Opposing Counsel:
Paul K. Winchester
Assistant Whitley County Attorney
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Williamsburg, Kentucky 40769
(606) 515-8629

Counsel for Mother:
Frank Atkins (deceased)

Counsel for Father:
Steve Moore (deceased)

7. *In Re: BA*, 00-J-00118, Whitley District Court Judge Kim Frost (Representation: 2000 – 2001)

I represented the child, BA, in this neglect, dependency, and abuse case. The state alleged in the petition that my client's parents were using illegal drugs and engaging in domestic violence in front of their children. The state was granted temporary custody. My client's mother was provided with a case plan to follow which included parenting classes, individual counseling, and an agreement between the parents to have no contact with each other. Consequently, after multiple hearings and the state's recommendation, the District Court returned custody to my client's mother.

Paul K. Winchester
Assistant Whitley County Attorney
100 Main Street
Williamsburg, Kentucky 40769
(606) 515-8629

Opposing Counsel
Frank Atkins (deceased)
Attorney for Mother

Steve Moore (deceased)
Attorney for Father

8. *In Re: TC*, 01-J-00015, Whitley District Court Judge Kim Frost (Representation: 2001)

I represented the infant child, TC, in this neglect, dependency, and abuse case. The state alleged that my client's two-year old brother, CC, was leaving their mother's apartment at all hours of the day and night and left to wander about their apartment complex. The neighbors informed law enforcement and social services of this regular occurrence. The neighbors further alleged that the children's mother did not look for CC when he wandered off. The investigation by law enforcement and social services also led to the allegation that the home was infested with flies, roaches, and trash. After multiple hearings, and supervision by social services, and the mother's successful completion of parenting classes and house cleaning, the District Court returned my client to her mother's custody.

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100 Main Street
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(606) 515-8629

Opposing Counsel:
James Wren
Attorney for Mother

203 North 4th Street
Williamsburg, Kentucky 40769
(606) 524-4800

Frank Atkins (deceased)
Attorney for Father

9. *In Re: CC*, 01-J-00016, Whitley District Court Judge Kim Frost (Representation: 2001)

I represented the two-year old child, CC, in this neglect, dependency, and abuse case. The state alleged that my client, CC, was leaving their mother's apartment at all hours of the day and night and left to wander about their apartment complex. Their neighbors informed law enforcement and social services of this regular occurrence. The neighbors further alleged that the children's mother did not look for CC when he routinely wandered off. The investigation by law enforcement and social services also led to the allegation that the home was infested with flies, roaches, and trash. After multiple hearings, and supervision by social services, and the mother's successful completion of parenting classes and house cleaning, the District Court returned my client to her mother's custody.

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Assistant Whitley County Attorney
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Opposing Counsel
James Wren
Attorney for Mother
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(606) 524-4800

Frank Atkins (deceased)
Attorney for Father

10. *Commonwealth v. Travis Cox*, 01-F-00008, Judge Kim Frost (Representation: 2001)

I represented Travis Cox who was arrested in January 2001 and charged with felony Burglary First Degree. My client was a nineteen-year-old senior in high school at the time of his arrest. During his investigation of the burglary, Kentucky State Police Trooper David Lassiter discovered my client in possession of stolen money from the victim's safe. After reading my client his rights, my client confessed to Trooper Lassiter.

After a lengthy pretrial conference with the County Attorney, Trooper Lassiter, and counsel for co-defendants, the prosecutor agreed to amend the charge to Theft By

Unlawful taking Under \$300, a Class A Misdemeanor. The agreed sentence was thirty days in the county jail to be served on weekends so my client would not miss school, and \$2,700 restitution.

Opposing Counsel:
Paul K. Winchester
Assistant Whitley County Attorney
100 Main Street
Williamsburg, Kentucky 40769
(606) 515-8629

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have spent nearly my entire legal career as a judge in Kentucky.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

In the spring semester of 2015, I taught Probation and Parole in the Criminal Justice Department at the University of The Cumberlands in Williamsburg, Kentucky. In Probation and Parole, we focused on the criminal justice process and procedure pertaining to probation and parole. Copy of syllabus supplied.

Beginning in the Fall semester of 2016, I taught Homeland Security in the Criminal Justice Department at The University of The Cumberlands. I have taught Homeland Security every semester since 2016 through spring semester 2026. In the Homeland Security class, I focused my students on analyzing terrorism, foreign policy, what keeps Americans safe, what makes us unsafe, how our foreign policy can affect security or lack thereof. I assigned readings and research outside of class and in class I had the students discuss what they have read, what they have discovered, what they think, why they think it, and how they come to conclusions they do. Copy of Spring 2026 syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Because of my service in the Commonwealth of Kentucky, I will be entitled to receive a retirement from Kentucky's Judicial Form Retirement System. From my service in the military, I already receive retirement benefits from the United States Marine Corps.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or arrangements to pursue outside employment in the future. I resigned from my prior position as adjunct professor at the University of the Cumberlands.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not anticipate any conflicts of interest unless parties from one of my cases came to federal court. To determine whether I would need to recuse, I would consult 28 U.S.C. § 455(a) & (b)(3), Canon 3C of the Code of Conduct for United States Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or a relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts of interest

by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interests.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have been on the bench for almost twenty-four years. However, prior to taking the bench, I performed some pro bono legal work for fellow veterans and military personnel, primarily writing wills and powers of attorney.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In 2024, I told Senator Paul I would like to be considered for a vacancy in the United States District Court for the Eastern District of Kentucky should a vacancy arise. On March 6th, 2026, Senator Paul informed me that there may be a vacancy later in the year and asked if I was still interested in being considered which I affirmed. On approximately March 20, 2026, I was interviewed by Senator McConnell's staff. I received a call from the White House Counsel's office in late March or early April. On April 7, 2026, I went to the White House Counsel Office for an interview. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination. On August 18, 2026, President Trump called to inform me that he planned to nominate me for a position on the United States District Court for the Eastern District of Kentucky.

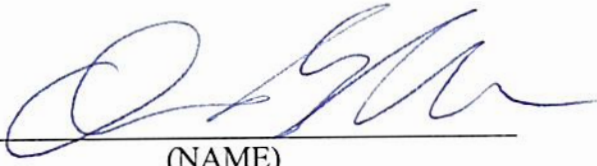
b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Daniel Lewis Ballou, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

12 August 2026
(DATE)


(NAME)

Louisa Meadows
(NOTARY)

KYNP 04389

7/10/2027