AOC-520 Doc. Code: IND
Rev. 1-08
Page 1 of 2
Commonwealth of Kentucky
Court of Justice

RCr 6.06, 6.08, 6.10

INDICTMENT

Case No. 19-CR-00012
Court Circuit
County Hickman

COMMONWEALTH OF KENTUCKY

-V-

MARK A. GREEN, DEFENDANT

Count I: KRS 522.050(3)(A), Abuse of Public Trust < $10,000, CDF – 0511000

COUNT I:

The Grand Jury charges: That on or between November 2, 2018 and November 8, 2018, in Hickman County, Kentucky, the above named Defendant committed the Offense of KRS 522.050, Abuse of Public Trust < $10,000, by being an employee of a public agency and intentionally dealing with the public money as his own and failing to make the required payment or disposition, against the peace and dignity of the Commonwealth.

Foreperson

Presented to the Court by the Grand Jury foreperson in the presence of the Grand Jury and received from the Court by me and filed in open Court this 21st day of March 2019.

Clerk

BAIL $ 2000 Signature ARRAIGNMENT: _____ 2019 at _____ A.M./P.M.

_____Non-financial Conditions _____
_____Curfew from _____ a.m/p.m. to _____ a.m./p.m.
_____Random Drug Testing at the Defendant's cost
___x__No further Offenses
__x___ No Violations of Law
_____Do not operate a motor vehicle_____
_____Home incarceration
Defendant's Date of Birth **11/21/1968**
Defendant's Social Security Number **xxx-xx-5925**

The following appeared before the Grand Jury as witnesses for the Commonwealth:
Michael Robichaud, Kentucky State Police

FILED 3-21-19
DISTRICT / CIRCUIT COURT
CLERK'S OFFICE
CINDA YATES, CLERK
BY _____ D.C.

COMMONWEALTH OF KENTUCKY
HICKMAN CIRCUIT COURT
ACTION NO. 19- CR-000 13

COMMONWEALTH OF KENTUCKY **PLAINTIFF**

V. **ORDER**

MARK GREEN **DEFENDANT**

The Defendant having moved for Discovery and for a Bill of Particulars and the Commonwealth having advised the Court of his open file policy and the availability of the tapes of the Grand Jury testimony, and the Court being sufficiently advised;

IT IS HEREBY ORDERED that both parties shall comply with RCR 7.24 in that each party shall reciprocate in allowing the other to inspect, copy or photograph any documents, statements or reports in their possession, custody or control, if the same be material to the case, and are not the work product of the attorney, and,

IT IS THE FURTHER ORDER OF THIS COURT that the Commonwealth shall provide the defendant's counsel with a Bill of Particulars pertaining to the charges to be tried against this defendant and all of the foregoing shall be complied with by each party a minimum of fifteen (15) days prior to the date scheduled for trial and further, if all parties agree, they may exchange with the other the list of the witnesses intended to be called on direct at least three (3) days prior to the date scheduled for trial.

Dated this the 4 day of April, 2019,

TIMOTHY A. LANGFORD, JUDGE

COMMONWEALTH OF KENTUCKY
HICKMAN CIRCUIT COURT
ACTION NO. 19-CR-000 12

COMMONWEALTH OF KENTUCKY **PLAINTIFF**

V.

ARRAIGNMENT ORDER
(Not Guilty Plea)

MARK GREEN **DEFENDANT**

The defendant has this day appeared in open Court with counsel, Hon. Royce Buck, and was duly arraigned (or waived formal arraignment), and entered a plea of not guilty.

IT IS THEREFORE ORDERED that the plea be entered.

IT IS FURTHER ORDERED:

Pretrial Conference set for: 16 May, **2019, at 9:30 A.M**

Trial set for: _____

Provide the presiding Judge with proposed Instructions fifteen (15) days prior to trial.

Dated this the 4 **day of** April, **2019**

TIMOTHY A. LANGFORD, JUDGE

FOR COURT USE ONLY:
Public Defender Appointed: Yes_____ No _____
Public Advocate Administration Fee:
$50_____ Other $_____
Public Advocate Recoupment Fund $_____
Bond _____

COMMONWEALTH OF KENTUCKY
HICKMAN CIRCUIT COURT
CRIMINAL ACTION NO. 19-CR-00012

COMMONWEALTH OF KENTUCKY PLAINTIFF

vs.

M.A.G DEFENDANT

MOTION FOR RECIPROCAL DISCOVERY

COMES NOW the Plaintiff, the Commonwealth of Kentucky, by and through undersigned counsel of record and, for its Motion for reciprocal discovery, states that the Defendant, having requested disclosure under the Discovery Rule, and the Commonwealth having agreed to comply with such requests falling within the proper scope of those rules, the Commonwealth moves this Court to order the Defendant to disclose all evidence coming within the provisions of the Discovery Rule.

The Commonwealth moves the Court, pursuant to RCr 7.24(3), for an Order requiring the Defendant to permit the Commonwealth to inspect, copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession, custody, or control of the defendant, which the defendant intends to introduce as evidence or which were prepared by a witness whom the defendant intends to call at trial when the results or reports relate to the witness's testimony; to furnish the Commonwealth with a written summary of any expert testimony that the defense intends to introduce at trial, identifying the witness, describing the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications; and to permit the Commonwealth to inspect, copy or photograph books, papers, documents or tangible objects which the defendant intends to introduce into evidence and which are in the defendant's

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possession, custody, or control; and to furnish to the Commonwealth any and all statements, scientific or medical reports, books, papers, documents or tangible objects which the Defendant intends to produce at the trial and which are in the possession, control or custody of said Defendant.

The Commonwealth further moves the Court for an Order to require the Defendant to furnish to the Commonwealth a list of witnesses in the same manner and form as the Commonwealth is required to furnish to the Defendant prior to the trial of this case on the above-captioned indictment.

Justice requires that the Commonwealth receive the same information as the Defendant.

Respectfully submitted,

Michael B. Stacy

MICHAEL B. STACY
Commonwealth Attorney
P. O. Box 788
Wickliffe, Kentucky 42087
270-335-5656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response has been duly served upon counsel for Defendant, Hon. Roger Burke

✓ by hand delivery
_____ by facsimile transmission to 270-_____
_____ at the address of _____ by depositing same in the United States Mail, postage prepaid and properly addressed

on this the ~~21st~~ 4th day of ~~March~~ April 2019.

Michael B. Stacy

MICHAEL B. STACY

COMMONWEALTH OF KENTUCKY
HICKMAN CIRCUIT COURT
CRIMINAL ACTION NO. 19-CR-000 12

COMMONWEALTH OF KENTUCKY PLAINTIFF

vs.

M.A.G DEFENDANT

BILL OF PARTICULARS

COMES NOW the Commonwealth of Kentucky, by and through undersigned counsel and files this Bill of Particulars pursuant to the Court's usual discovery order.

1. The Commonwealth states that on or between November 2, 2018 and November 8, 2018, in Hickman County, Kentucky, The Defendant abused the public trust when he, as the Sheriff of Hickman County, Kentucky, appropriated funds for his own personal use, which funds he knew belonged to Hickman County.

2. The Commonwealth Attorney has an open file policy with regard to discovery. Defense counsel is welcome to inspect and review the Commonwealth's file and any evidence in the Commonwealth's possession at the office of the Commonwealth Attorney, 133 North 4th Street, Wickliffe, Kentucky 42087.

3. The Commonwealth Attorney will exchange a list of witnesses with defense counsel after the matter has been scheduled for trial.

4. Upon filing the Bill of Particulars with the Court and the Counsel for the Defendant, the Commonwealth moves and requests reciprocal discovery.

5. The Commonwealth states that the evidence is in the office of the Kentucky State Police and at the office of the Commonwealth's Attorney.

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11-1-19AC

6. The Commonwealth has reviewed the records in this case and finds no material which is exculpatory within the meaning of Brady v. Maryland, 373 U.S.83, 10 L.Ed.2d. 215 (1963).

7. The Commonwealth has reviewed this file and there is no agreement made with any witness regarding a guilty plea or any agreement of any kind made in connection with an agreement to testify under Giglio v. United States, 405 U.S. 150, 31 L.Ed.2d 104 (1972).

8. At the trial of this case, the Commonwealth may use witnesses and exhibits not listed in this Bill of Particulars.

Respectfully submitted,

MICHAEL B. STACY
Commonwealth's Attorney
P. O. Box 788
Wickliffe, Kentucky 42087
270-335-5656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response has been duly served upon counsel for Defendant, Hon. Royce Bunch

__✓__ by hand delivery
_____ by facsimile transmission to 270-_____
_____ at the address of _____ by depositing same in the United States Mail, postage prepaid and properly addressed

on this the ~~21st~~ 4th day of ~~March~~ April 2019.

MICHAEL B. STACY

COMMONWEALTH OF KENTUCKY
HICKMAN CIRCUIT COURT
CRIMINAL ACTION NO. 19-CR-000 12

COMMONWEALTH OF KENTUCKY PLAINTIFF

vs.

M.A.G[illegible] DEFENDANT

ORDER FOR RECIPROCAL DISCOVERY

THIS MATTER having come before the Court on the Commonwealth's Motion for Reciprocal Discovery, and the Commonwealth having complied with the discovery request of the Defendant, and the Court having heard Counsel, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY THE ORDER OF THIS COURT that the Defendant shall permit the Commonwealth to inspect, copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession, custody, or control of the defendant, which the defendant intends to introduce as evidence or which were prepared by a witness whom the defendant intends to call at trial when the results or reports relate to the witness's testimony; to furnish the Commonwealth with a written summary of any expert testimony that the defense intends to introduce at trial, identifying the witness, describing the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications; and to permit the Commonwealth to inspect, copy or photograph books, papers, documents or tangible objects which the defendant intends to introduce into evidence and which are in the defendant's possession, custody, or control; and to furnish to the Commonwealth any and all statements, scientific or medical reports, books, papers, documents or tangible objects which the Defendant

Tendered
4-4-19 AE

intends to produce at the trial and which are in the possession, control or custody of said Defendant; and to furnish to the Commonwealth a list of witnesses in the same manner and form as the Commonwealth is required to furnish to the Defendant prior to the trial of this case on the above-captioned indictment, if the parties agree upon the exchange.

ENTERED this the 4th day of April 2019.

Timothy A. Langford, Judge
Hickman Circuit Court