

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
AT LEXINGTON  
CIVIL ACTION NO. 5:23-CV-175-GFVT  
ELECTRONICALLY FILED

KENNETH WADKINS

PLAINTIFF

VS.

**DEFENDANT’S, KRISTYN KLINGSHIRN,  
MOTION TO DISMISS**

KRISTYN KLINGSHIRN

DEFENDANT

\*\*\*\*\*

**COMES NOW** Defendant, Officer Kristyn Klingshirn, (“Officer Klingshirn”) who moves to dismiss all of Plaintiff’s Claims for Relief in Plaintiff’s Complaint under Federal Rules of Civil Procedure 12 because the Plaintiff fails to state a claim and is estopped from now denying probable cause existed for his prosecution, showing in support as follows:

**FACTS**

The Plaintiff has filed a claim of malicious prosecution against Officer Klingshirn for his arrest for the murder of Wesley Brown.

According to the arrest warrant, for Kenneth Winston Wadkins issued on April 9, 2022 for Murder:

The Affiant, Kristyn M Klingshirn (LEXINGTON POLICE DEPARTMENT 53285), states that on 1/21/2021 at 19:00 in FAYETTE County, Kentucky, the above named defendant unlawfully: Committed the offense of Murder, KRS 507.020, On January 21, 2021 at 1900, the listed offender was at 580 Breckenridge when, with the intent to cause death to another person, caused the death of the victim, Wesley Brown when he shot him. During the course of the investigation the offender was identified by a cooperating witness who was present when the shooting occurred. The cooperating witness provided details of the incident which can be corroborated by evidence located at the scene. I also received multiple crime stoppers tips advising "Ghost" shot Mr. Brown and identifying "Ghost" as Kenneth Wadkins. A separate witness also identified Kenneth Wadkins as "Ghost". The tips further advise 580 Breckenridge is

used for gambling and Mr. Brown was set up. Utilizing Police resources, location data from a electronic device also puts Kenneth Wadkins at the scene. (Exhibit A, Case File, Arrest Warrant, p. 5).

A preliminary hearing was held in Fayette County District Court on April 19, 2022, and Plaintiff was represented by counsel. At the hearing Officer Klingshirn testified:

On January 21, 2021, at 7:00 in the evening Lexington Police were dispatched to the area of 604 Breckinridge referenced a call for shots fired. They further received a second call from a male caller advising he had been shot, he was unable to advise his location other than he was located somewhere on Breckinridge. Upon the arrival and a search of the area they located the victim, Wesley Brown, suffering from a gunshot wound to his lower back. Mr. Brown was transported by Emergency Medical Personnel to the University of Kentucky Hospital where he was pronounced deceased a few days later. I was assigned the case a few days later. I received multiple anonymous tips advising that the residence at 580 Breckinridge was used for gambling and that Mr. Wadkins was present on the evening that Mr. Brown was shot. On October 6, 2021, Sgt. Barker, who is our Homicide Sargent, received a phone call from an individual stating that they had an eye witness that was present at the homicide that wished to come forward and give information. Detectives Atkins and Moore made contact with that witness who advised he was present in 580 Breckinridge gambling at the time the shooting took place and that he saw Mr. Wadkins in possession of a firearm and shoot at Mr. Brown as he came through the doorway of 580 Breckinridge. The witness advised that then as the shots rang out everyone fled the scene and he was unable to give any of the events that transpired after that. He advised that he had known Mr. Wadkins for a long time and was able to identify him from a driver's license photo that Det. Atkins presented to him. I further was able to use various police resources to place Mr. Wadkins' cellular device in the location of the crime scene at the time the crime occurred. Therefore, I went ahead and filed for a warrant for Murder for Mr. Wadkins which was signed. (Exhibit B, Preliminary Hearing recording, time stamp 8:53:50 am-8:35:45 am).

In response to cross-examination Officer Klingshirn testified:

The only thing that I was told was from Mr. Brown's sister. She believes that Mr. Brown and Mr. Wadkins have had a longstanding beef if you will. Mr. Wadkins, I'm sorry, Mr. Brown an incident had happened in 2010 that she believes Mr. Wadkins may have been responsible for. Mr. Brown at the time was uncooperative and the incident was, um, no arrest were ever made. She stated, um, that she believes that they have just been in jail at various times and that is why the longstanding disagreement between them has never come to a head. (Exhibit B, time stamp 8:00:57 am-9:01:44 am).

The Plaintiff did not contest probable cause stating through counsel "I don't have anything on probable cause, Your Honor." (Exhibit B, time stamp 9:03:05 am-9:03:11am). Based on the foregoing, the Fayette District Court held:

Mr. Wadkins your case is being held to the Fayette County Grand Jury. The County has established their burden of probable cause. Your bond is going to stay the same at \$500,000.00, it should actually probably be more than that but um hearing no motion to increase it from the County I am going to leave it at \$500,000.00, um [sic] it looks like you just recently got out of prison for facilitating manslaughter 1<sup>st</sup> degree. I am leaving your bond as is, your case is being held to the Fayette County Grand Jury. (Exhibit B, time stamp 9:03:10 am-9:03:46 am).

### STANDARD

Federal Rule of Civil Procedure 12(b)(6) provides that a complaint may be attacked for failure “to state a claim upon which relief can be granted.” To survive a Rule 12(b)(6) motion to dismiss, a complaint must “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)(citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “[A] legal conclusion couched as a factual allegation’ is not entitled to a presumption of truth.” *Crawford v. Tilley*, No. 20-6391, 2021 U.S. App. LEXIS 30268, at \*16 (6th Cir. Oct. 8, 2021)(citing *Iqbal*, 556 U.S. at 678). “A motion to dismiss is properly granted if it is beyond doubt that no set of facts would entitle the petitioner to relief on his claims.” *Computer Leasco, Inc. v. NTP, Inc.*, 194 F. App’x 328, 333 (6th Cir. 2006).

When considering a Rule 12(b)(6) motion to dismiss, the court will presume that all the factual allegations in the complaint are true and draw all reasonable inferences in favor of the nonmoving party. *Total Benefits Planning Agency v. Anthem Blue Cross & Blue Shield*, 552 F.3d 430, 434 (6th Cir. 2008)(citing *Great Lakes Steel v. Degendorf*, 716 F.2d 1101, 1105 (6th Cir. 1983)). “The court need not, however, accept unwarranted factual inferences.” *Id.* (citing *Morgan v. Church’s Fried Chicken*, 829 F.2d 10, 12 (6th Cir. 1987)).

While it is generally true that an “[a]ssessment of the facial sufficiency of the complaint must ordinarily be undertaken without resort to matters outside the pleadings,” *Rondigo, L.L.C. v. Twp. of Richmond*, 641 F.3d 673, 680 (6th Cir. 2011) (citation omitted), there are recognized

exceptions to that blanket rule. A court may consider exhibits attached to the complaint, public records, items appearing in the record of the case, and exhibits attached to defendant's motion to dismiss, so long as they are referred to in the complaint and are central to the claims contained therein, without converting the motion to one for summary judgment. *Kreipke v. Wayne State Univ.*, 807 F.3d 768, 774 (6th Cir. 2015); *Bassett v. Nat'l Collegiate Athletic Ass'n*, 528 F.3d 426, 430 (6th Cir. 2008). One such exception includes public records, including court orders. *Jones v. City of Cincinnati*, 521 F.3d 555, 562 (6th Cir. 2008) citing *Jackson v. City of Columbus*, 194 F.3d 737, 745 (6th Cir. 1999)). Therefore, consideration of the arrest warrant taking the plaintiff into state custody and the finding that probable cause existed at his preliminary hearing are properly considered on a 12(b)(6) motion.

## ARGUMENT

### I. THE PLAINTIFF'S CLAIM OF MALICIOUS PROSECUTION MUST BE DISMISSED BECAUSE PROBABLE CAUSE HAD BEEN FOUND BY TWO DIFFERENT JUDGES.

The Sixth Circuit recognizes the general principle “that[,] where ‘the state affords an opportunity for an accused to contest probable cause at a preliminary hearing and the accused does so, a finding of probable cause by the examining magistrate or state judge should foreclose relitigation of that finding in a subsequent § 1983 action.’ ” *Smith v. Thornburg*, 136 F.3d 1070, 1077 (6th Cir. 1998) (quoting *Coogan v. City of Wixom*, 820 F.2d 170, 175 (6th Cir. 1987)).

This Circuit previously found dismissal appropriate in strikingly similar facts as the ones presented here. In *Smith v. Tennessee*, No. 3-14-2003, 2015 WL 5330479, at \*5 (M.D. Tenn. Sept. 11, 2015) the court found that:

a malicious prosecution claim is nonetheless subject to dismissal because probable cause was found at the judicial commissioner's initial review, after the preliminary hearing, and by the grand jury. *See Fox*, 489 F.3d at 237. Although Plaintiff alleges that Mr. Ransom falsely identified Plaintiff as the perpetrator of the crimes, a law

enforcement officer is entitled to rely on an eyewitness identification to establish adequate probable cause with which to sustain an arrest. *Ahlers v. Schebil*, 188 F.3d 365, 370 (6th Cir.1999). Plaintiff does not allege in his Complaint that Defendant Baltimore manufactured false evidence or provided false testimony and, thus, the repeated findings of probable cause made during the criminal proceedings negate any claim for malicious prosecution against him. *See Legenzoff v. Steckel*, 564 Fed. App'x 136, 147 (6th Cir.2014); *Peet v. City of Detroit*, 502 F.3d 557, 566 (6th Cir.2007); *Hight v. Cox*, 2013 WL 6096784, \*10 (M.D.Tenn. Nov.20, 2013) (Trauger, J.). While it is unfortunate that Plaintiff was held as a pre-trial detainee for a lengthy period of time prior to his acquittal, the Constitution does not guarantee that only the guilty will be arrested. *Baker v. McCollan*, 443 U.S. 137, 145, 99 S.Ct. 2689, 61 L.Ed.2d 433 (1979).

The Supreme Court has held, that state law of collateral estoppel applies when deciding whether the state court's determination of probable cause at the preliminary hearing has preclusive effect in this § 1983 action. *Haring v. Prosise*, 462 U.S. 306, 313, 103 S.Ct. 2368, 76 L.Ed.2d 595 (1983). In Kentucky a prior finding of probable cause at a preliminary hearing raises a presumption that probable cause exists in the defense of a malicious prosecution action. *See Dean v. Noel*, 24 Ky.L.Rptr. 969, 70 S.W. 406 (1902); 52 Am.Jur. 2D *Malicious Prosecution* § 62 (2000); *cf. Davidson v. Castner-Knott Dry Goods Co., Inc.*, 202 S.W.3d 597 (Ky.App.2006).

Here, a preliminary hearing was held. Officer Klingshirn confirmed that multiple witness placed the Plaintiff at the scene, which was also electronically confirmed by pings from Plaintiff's cell phone. Most importantly, an actual eye witness confirmed and identified the Plaintiff as the shooter. After considering these facts, Fayette County District Court Judge Melissa Moore Murphy issued an arrest warrant. Subsequently, based on these same facts with the addition of a confirmed motive, a long standing animus between the victim and the Plaintiff, Fayette District Court Judge Lindsay Hughes Thurston found probable cause at the preliminary hearing in which Plaintiff was represented effectively by counsel.

**II. THE PLAINTIFF HAS WAIVED ANY OBJECTION TO THE FINDING OF PROBABLE CAUSE.**

Furthermore, the Plaintiff did not contest the existence of probable cause at the preliminary hearing. After questioning Officer Klingshirn on cross-examination, the Plaintiff's attorney did not make an argument opposing a finding of probable cause. Instead, Counsel admitted that "I don't have anything on probable cause Your Honor." As such, the Plaintiff cannot now do so, having waived any objection to the finding of probable cause at his preliminary hearing. The concept of waiver has long been recognized. In *State v. Freeman*, 93 Utah 125, 71 P.2d 196, 200 (1937) the court held:

And by waiving a preliminary hearing, the defendant waives all formalities and all irregularities in the proceeding prior to the filing of the information (Citation omitted). The right to a preliminary examination is merely the right to have evidence produced in support of the complaint, and to produce evidence in answer thereto, so the magistrate may determine whether an offense has been committed, and if there is probable cause to hold defendant for trial, and if defendant does not desire to have it, he may waive it, and if he waives it, he cannot thereafter claim that he should have had it. The waiver is as broad as the privilege, and when he waives, he is barred from questioning informalities or making technical objections to the regularity of the proceedings. He is thereafter estopped from asserting, in any subsequent proceeding, anything he could have asserted had the examination taken place, and he cannot claim a discharge because no examination was held. (Citation omitted).

Here, the Plaintiff had the opportunity in court to argue against probable cause at the preliminary hearing, but did not. Instead, the Plaintiff submitted to the facts exposed at the hearing and offered no probable cause argument whatsoever.

**CONCLUSION**

The Plaintiff has failed to state a claim against Officer Kristyn Klingshirn because probable cause was found on multiple occasions, therefore, defeating any claim of malicious prosecution.

Respectfully submitted,

BY: /s/ J. Todd Henning  
J. Todd Henning, Esq. (KBA No. 87191)  
Jason H. Hernandez, Esq. (KBA No. 98744)  
Lexington-Fayette Urban County Government  
Department of Law  
200 East Main Street, 6<sup>th</sup> Floor  
Lexington, Kentucky 40507  
Telephone (859) 258-3500  
Facsimile (859) 258-3466  
[jhenning@lexingtonky.gov](mailto:jhenning@lexingtonky.gov)  
[jhernandez@lexingtonky.gov](mailto:jhernandez@lexingtonky.gov)  
COUNSEL FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of June, 2023, I filed the foregoing document via the Court's ECF filing system, and a true and accurate copy of the Exhibit B was served by hand delivery as follows:

Daniel E. Whitley, Sr., Esq.  
WHITLEY LAW OFFICE PLLC  
201 E. Main St., Ste. 510  
Lexington, KY 40507  
Counsel for Plaintiff

/s/ J. Todd Henning  
J. Todd Henning, Esq.  
Counsel for Defendant Kristyn Klingshirn

COMMONWEALTH OF KENTUCKY  
V.  
KENNETH WINSTON

WADKINS

ENTERED  
ATT'Y, VINCENT RIGGS, CLERK  
APR 19 2022  
FAYETTE CIRCUIT CLERK  
BY DEPUTY

PLAINTIFF  
DEFENDANT

Sex	Race	Date of Birth	Height	Weight	Operator License Number	State	Bond Amount	Type
M	B					OL	500000.00	CASH

To the Jailer/Department of Corrections of lexington, Kentucky:

You are hereby commanded to receive the above-named Defendant who has been found guilty of the following:  
murder

\_\_\_\_\_ and sentenced by order of this Court to:

Next Court Date: \_\_\_\_\_  
4-19-2022 AC

Date

Signature of Judge or Clerk

Distribution: Transporting Officer Jail/Corrections Court File

Preliminary  
Hearing Held.  
Held to  
Grand Jury-  
Thurston



Electronically signed by District Judge M.Murphy on 10/25/2021 at 4:58:44PM.

Agency Local Code: 2021010963

Date printed: Monday, October 25, 2021

J Rothrock-RWOA

FILED  
ATTEST VINCENT RIGGS, CLERK  
APR 09 2021  
FAYETTE CIRCUIT CLERK  
BY: \_\_\_\_\_

AOC-E-035 WarCode: WA  
 Rev. 01-08  
 Commonwealth of Kentucky  
 Court of Justice  
 RCr 2.05; RCr2.06



Case Number:  
 County: FAYETTE  
 Court: DISTRICT COURT  
 Warrant Number: E03410004085728  
 Generated: 10/25/2021 5:02:27PM

FILED  
 ATTEST VINCENT RIGGS, CLERK  
 APR 09 2022  
 FAYETTE COUNTY CLERK  
 Page 1 of 1

**Warrant of Arrest  
 Complaint Warrant**

Plaintiff. COMMONWEALTH VS. Kenneth Winston Wadkins Defendant

**TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY:** You are commanded to arrest the person named below and bring him/her forthwith before the FAYETTE COUNTY - DISTRICT COURT. If Court is not in session, you shall deliver him/her to the Jailer of FAYETTE County.

Kenneth Winston Wadkins  
 2113 Belmont DR  
 LEXINGTON, KY 40516

Gender	Race	Date of Birth	Height	Weight	Operator License#	State
M	BLACK					

to answer charges that he/she committed the offense(s) of:

Chg#	UOR Code	KRS	Type	Description	ASCF	Counts	Disp Dt	Disp
1	09150	507.020	F	MURDER	N/A	1		

- The defendant may post bail in the amount of \$ 500000 , secured by full cash  
 Conditions: No further violations of the law
- The defendant may not give bail.

**Complaint**

The Affiant, Kristyn M Klingshirn (LEXINGTON POLICE DEPARTMENT 53285) , states that on 1/21/2021 at 19:00 in FAYETTE County, Kentucky, the above named defendant unlawfully: Committed the offense of Murder, KRS 507.020, On January 21, 2021 at 1900, the listed offender was at [REDACTED] when, with the intent to cause death to another person, caused the death of the victim, [REDACTED] when he shot him. During the course of the investigation the offender was identified by a cooperating witness who was present when the shooting occurred. The cooperating witness provided details of the incident which can be corroborated by evidence located at the scene. I also received multiple crime stoppers tips advising "Ghost" shot [REDACTED] and identifying "Ghost" as Kenneth Wadkins. A separate witness also identified Kenneth Wadkins as "Ghost". The tips further advise 500 Breakeridge is used for gambling and [REDACTED] was set up. Utilizing Police resources, location data from a electronic device also puts Kenneth Wadkins at the scene.

**EXECUTION**

- Executed
- Not executed because \_\_\_\_\_

Date: 4-18, 2022

*[Handwritten Signature]*

Signature of Peace Officer

FAYETTE CIRCUIT COURT  
CRIMINAL BRANCH  
DIVISION

INDICTMENT NO. \_\_\_\_\_  
JUNE 2022

THE COMMONWEALTH OF KENTUCKY

VS.

*v. church* KENNETH WINSTON WADKINS, DEFENDANT  
*22-F-01141*

FILED  
ATTEST: VINCENT RIGGS, CLERK  
JUN 15 2022  
FAYETTE CIRCUIT CLERK  
BY: \_\_\_\_\_ DEPUTY

COUNT 1: MURDER  
KRS 507.020; UOR 0091500  
CAPITAL OFFENSE

THE GRAND JURY CHARGES:  
COUNT 1:

On or about the 1st day of January, 2021, in Fayette County, Kentucky, the above named Defendant committed the offense of Murder when he caused the death of W.B. by shooting him with a firearm;

against the peace and dignity of the Commonwealth of Kentucky.

A TRUE BILL

FILED  
ATTEST: VINCENT RIGGS, CLERK  
JUN 13 2022  
FAYETTE CIRCUIT CLERK  
BY: *MB* DEPUTY

**DISMISSED**

*[Handwritten signature]*

FOREPERSON

A TRUE BILL

Presented by the Foreperson of the Grand Jury to the Court, in the presence of the Grand Jury, and received from the Court by me and filed in open Court this 13 day of June, 2022.

*Vincent Riggs*, Clerk, Fayette Circuit Court

Bail \$: *Dismissed by Grand Jury*  
Arraignment is set for \_\_\_\_\_, at \_\_\_\_\_.

Grand Jury Witnesses: Det. Kristyn Klingshirn  
Buford Lyvers

DI 22-F-01141

COMMONWEALTH VS. WADKINS, KENNETH WINSTON

Filed: 04/09/2022

FAYETTE COUNTY COURT SYSTEM

Judge No: 722020

Defendant Information

WADKINS, KENNETH WINSTON

MB DOB: [REDACTED]

DLN#: [REDACTED]



AKA/ALI Information

Charges

10/21/2021 Cit# 2P4186263-1 Chg: 1 UOR 0091500

MURDER (F)(A)

408.5728

507020

D.G.J.

VIC: Wesley Brown

Witnesses

CW KLINGSHIRN, K

053285

Bail / Bond Information

04/08/2022 CA \$500,000.00

Monetary Events Information

Scheduled Events

ARR 04/11/2022 1:00 PM 5

4-11-22  
1PM5

NGP

DPA

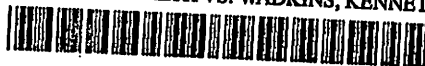
4-19-22 Preliminary V. Church  
8:30(3) hearing held  
3rd Div held to grand jury-  
Thurston

DI 22-F-01141

WilliamR KyeCourts

04/09/2022 3:59:53AM

COMMONWEALTH VS. WADKINS, KENNETH WINSTON



SERVING WARRANT  
 SERVING SUMMONS

COMMONWEALTH OF KENTUCKY  
**UNIFORM CITATION**

KSP 206 (REV 2/1/16)

COURT

OFFENDER / VIOLATOR	AGENCY <b>LEXINGTON POLICE DEPARTMENT</b>						ORI: <b>KY 0340200</b>										
	NAME (L-F-M) SKIP A SPACE BETWEEN NAMES <b>WARKINS, KENNETH WINSTON</b>						ATTN: <input type="checkbox"/> HOME PHONE										
	ALIAS <b>COHOST</b>						EMERGENCY PHONE										
	ADDRESS (RFD/STREET/APT. NO., ETC.)						KENTUCKY RESIDENT STATUS F. <input checked="" type="checkbox"/> FULL TIME P. <input type="checkbox"/> PART TIME N. <input type="checkbox"/> NON RESIDENT										
	CITY		STATE		ZIP:		MARITAL STATUS <b>SINGLE</b>										
	I.D. TYPE/STATE		I.D. NUMBER		S.S. NUMBER		VICTIM'S RELATIONSHIP TO OFFENDER <b>NIA</b>										
DATE OF BIRTH		SEX		RACE		ETHNIC ORIGIN <b>NIA</b>											
		<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		<input type="checkbox"/> WHITE <input checked="" type="checkbox"/> BLACK <input type="checkbox"/> AM. INDIAN OR ALASKAN <input type="checkbox"/> ASIAN		<input type="checkbox"/> HISPANIC <input checked="" type="checkbox"/> NON HISPANIC											
PLACE OF EMPLOYMENT / OCCUPATION <b>NIA</b>						CITY		STATE		HEIGHT		WEIGHT		HAIR COLOR		EYE COLOR	
										<b>1320</b>		<b>1320</b>		<b>BRN</b>		<b>BRN</b>	
VEHICLE	VEH. MAKE		VEH. TYPE		VEH. YEAR		COLOR		TOP/BOTTOM		ALCOHOL/DRUG INVOLVEMENT (SPECIFY) <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK						
	REG. STATE		REG. YEAR		REGISTRATION NO.		VEHICLE IDENTIFIERS				MPH		IN MPH ZONE		VOL. KEY		
<b>NIA</b>																	
DATE / TIME	VIOLATION DATE		VIOLATION TIME		EXACT LOCATION OF VIOLATION / ARREST						B.A. RESULTS						
					<b>LEXINGTON</b>												
	DATE OF ARREST		TIME OF ARREST		MILES		DIRECTION		CITY		COUNTY OF VIOLATION		SECTOR				
<b>4 8 2023</b>		<b>1000</b>		<b>I</b>		<b>N</b>		<b>LEXINGTON</b>		<b>FAYETTE</b>		<b>3</b>					
CHARGE(S)	VIOLATION CODE		ASCF	STATUTE / ORD.		CHARGES		#	PLEA	FIND-ING	FINAL VIOLATION CODE	DISPN. CODE	FINE	COSTS.	FEE	JAIL / PRISON	PROB. TIME
	<b>9150</b>			<b>507.020</b>		<b>1</b>		<b>1</b>									
								2									
								3									
								4									
COURT	COURT DATE		COURT TIME <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		PAYABLE <input type="checkbox"/> COURT		COURT LOCATION				COURT CASE NO.		DISPN. DATE		TRIAL <input type="checkbox"/> B <input type="checkbox"/> J <input type="checkbox"/> N		CLERKS INITIALS
	<b>ARRESTED</b>																
POST-ARREST COMPLAINT	POST-ARREST COMPLAINT <b>MURDER</b>																
	SERVED WARRANT # <b>EO3A100408575</b>																
	SERVED WARRANT ONLY																
CDL	CDL LICENSE <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes						PLACARDED HAZARDOUS VEHICLE <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes						YEAR				
	COMMERCIAL VEHICLE <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes						CDL CLASS <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C						<b>22</b>				
CASE	NAME OF WITNESS						ADDRESS						CITY/STATE				
	NAME OF WITNESS						ADDRESS						CITY/STATE				
	CASE NO.		1		2		3		4		CONTROL NUMBER						
	<b>21-10943</b>										<b>2418629</b>						
	CARRIED FOR UCR BY CONTRIBUTOR: <input type="checkbox"/>						<input type="checkbox"/> IN-CAR VIDEO		<input type="checkbox"/> FINGER PRINTS		EVIDENCE HELD						
OTHER AGENCY: <input type="checkbox"/> SPECIFY						<input type="checkbox"/> PHOTOS											
OFFICER'S SIGNATURE						BADGE / I.D. NUMBER				ASSIGNMENT							
<b>X [Signature]</b>						<b>53085</b>				<b>503</b>							
<b>22-F-1141</b>																	

COMMONWEALTH VS. WADKINS, KENNETH WINSTON

Filed: 04/09/2022

FAYETTE COUNTY COURT SYSTEM

Judge No: 722020

Defendant Information	
<b>WADKINS, KENNETH WINSTON</b>	
[REDACTED]	MB. DOB: [REDACTED]
[REDACTED]	
DLN#: [REDACTED]	



AKA/ALI Information
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Charges
10/21/2021 Cit# 2P4186263-1 Chg: 1 UOR 0091500
MURDER (F) (A) <i>Dismiss by Grand Jury</i> 507020
<i>408.5728</i>
<i>vic: Wesley Brown</i>

Witnesses
CW KLINGSHIRN, K 053285

Bail / Bond Information
04/08/2022 CA \$500,000.00

Monetary Events Information
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Scheduled Events
ARR 04/11/2022 1:00 PM 5

*4-11-22 1PM 5* *NGP* *DPA*

*4-19-22 Preliminary V. Church hearing held 8:30(3) held to grand jury - 3rd Div Thurston*

COMMONWEALTH OF KENTUCKY  
 COUNTY OF FAYETTE  
 I, VINCENT RIGGS, CLERK OF THE CIRCUIT COURT FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY AS SAME APPEARS OF RECORD AND REMAINS ON FILE IN MY OFFICE. WITNESS MY HAND AND SEAL THIS 20 DAY OF June, 2023.  
 BY Vincent Riggs D.C.

DI 22-F-01141 04/09/2022 3:59:53AM  
 WilliamR KyeCourts  
 COMMONWEALTH VS. WADKINS, KENNETH WINSTON



EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
AT LEXINGTON  
CIVIL ACTION NO. 5:23-CV-175-GFVT  
ELECTRONICALLY FILED

KENNETH WADKINS

PLAINTIFF

VS.

**PROPOSED ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**

KRISTYN KLINGSHIRN

DEFENDANT

\*\*\*\*\*

The Defendant, by counsel, have filed a Motion To Dismiss under Federal Rule of Civil Procedure 12(b)(6).

Having considered the Defendant's Motion to Dismiss Plaintiff's Complaint for failure to state a claim,

Accordingly, the Court hereby GRANTS Defendant's Motion, and dismisses the Plaintiff's Complaint.

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DISTRICT JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY