

COMMONWEALTH OF KENTUCKY  
CALDWELL CIRCUIT COURT  
Indictment No. 97-CR-00053

COMMONWEALTH  
OF KENTUCKY, PLAINTIFF,

TRANSCRIPT OF EVIDENCE

VS. Volume 12  
[Pages 1623-1636]

ROBERT KEITH WOODALL, DEFENDANT.

APPEARANCES

Attorneys for the Commonwealth:	Attorneys for the Defendant:
Hon. Ralph Vick	Hon. Jill Giordano
Hon. John Atkins	Hon. Mark Baker
	Hon. Michael Williams

[July 20, 1998]

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OFFICIAL COURT REPORTER  
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[1623] CLOSING STATEMENT BY MS. GIORDANO:

MS. GIORDANO: May it please the Court?

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THE COURT: Ms. Giordano.

MS. GIORDANO: Mr. Vick.

[1624] MR. VICK: Ms. Giordano.

MS. GIORDANO: Ladies and gentlemen of the jury. Do we kill Keith Woodall? Do we kill Robert Keith Woodall? Ladies and gentlemen, for the last several days you've been in this courtroom, and you've had the opportunity to observe the attorneys and you've had the opportunity to observe, to look upon Keith Woodall, but I suggest and I assume, ladies and gentlemen, that none of you have ever looked upon another human being with that awesome decision. Do we kill this young man? The Judge has given you the instructions that you're supposed to follow in this case, and he has told you that this is a time for us to make arguments to you, but I'm going to take these minutes, ladies and gentlemen, to kind of think out loud about this case, and to think a little bit about how you decide between the two most severe, most extraordinary punishments that our Courts have given us, death or life in prison without the possibility of parole, and life not as we know it, life in a little bitty cell about the size of your bathroom. Every day when Keith comes over here he's unchained, and every day when he leaves, he's chained up again, and that is life in prison [1625] without the possibility of parole. That is what his life is now, what his life will be. Ladies and gentlemen, if you remember when we began this trial, this time together, I told you you would hear nothing good. I

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told you about oceans of tragedy, oceans of sadness, and that's what it has been. There has not been a happy moment during this trial. There has not been any, and I told you there wouldn't be, and I also told you that when you left here, as when you came here, when this was over, he would be guilty of those crimes of which he has pled guilty, the rape, and the kidnapping, and the murder of Sarah Hansen, and Mr. Vick can speculate as to why he came into this Court and he said, "I'm guilty of those things", but he came in and said, "I'm guilty", because he is guilty. He told you that. He has told this Court that, and that's why he pled to those things, and you have heard about the life of Sarah Hansen, about what a wonderful young woman she is, what a joy she was to her family, what a joy she was to her community. You've heard all those things, and it brings upon more sadness than I'm sure her family can imagine, and the grief her family feels and the grief and the sadness that her community feels will probably [1626] never stop. Regardless of what we do, it will probably never stop. And we're here to decide the punishment that Keith should get for the horrible criminal thing that he did, and Judge Cunningham has talked to you about aggravating circumstances, and Mr. Vick has talked to you about aggravating circumstances, and I said before, and I will tell you again, he did those things. We've not denied that. We've not offered a defense to that. He did those things. But ladies and gentlemen, when we decide how to punish someone, yes, we look at what they did. Most certainly we look at what he did, and you've had the opportunity to do

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that, but we consider who they are. I have two sons. One is one and one is eight, and I don't punish them the same, because they may do something that's alike. They both know where I keep the cookies, and they both, even my one year old now knows how to go over and find a cookie, but I punish my eight year old different than I punish my one year old, and that's what we do. We consider these things. Mr. Vick has asked you to consider those, and you have the right to consider the things that he did, but you look at who he is, and you consider who he is, and when you make this decision, and it's your [1627] decision, each of you have the right to make the individual decision, you consider who he is. We've all heard about the Supreme Court, and ladies and gentlemen, today you are the Supreme Court when you make that decision. Each of you makes that decision. Each one of you will decide whether or not Keith will spend the rest of his life in prison or whether or not he will die. And I want to talk a little bit about perhaps how you make that decision, but before I do that, I want to talk to you a little bit about what this case is not about. It's not about excusing what Keith Woodall did, because there is no excuse for it. It's not about justification, because there is no justifying what he did to Sarah Hansen, and ladies and gentlemen, it's not about forgiveness. We're not asking for forgiveness, because we don't have the power to forgive him for what he's done. We don't have that power. But what it is about to a certain extent is about the debt that we owe our parents and the obligation we owe our children. Those of you who have children love and nurture your

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children, because you know it makes a difference. That's why we do the things we do for our children. We know it makes a difference, and it's not fair for any [1628] child to come into this world without those expectations that we have, that I have for my children, that my parents had for me, the love and the warmth, and we know from what the experts have told us that when Keith was born, he was born with a lower intellectual functioning. He was born with that. He was damaged to a certain extent, and we know he was born into a family where he had no father to speak of and a mother so wracked with depression that she couldn't mother. We know those things about Keith, and none of us would ever want our children to be brought into a home that way or to think about our children in those circumstances, and fortunately for Keith, sure, he had a loving second family, a family that looked after him, tried to take care of him, but I'm not sure that that could overcome the suffering and the tragedy in his life. This is about Keith Woodall and about the things that you consider about him. It's about the little boy who struggled with a problem with his bowels from the time he was infant for many years, many years, even into adulthood. It's about the child who having had that problem as an infant was treated with slivers of soap, and you've heard Dr. Spears say that's abuse, that's sexual abuse, [1629] and none of us would want our children to go through that. You heard about all those school years that he had that problem, and the teachers that sent him home with feces in his pants he didn't even know that he had. The family members who knew

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that he had this problem but couldn't get him to understand it, this little boy who always, always had this problem with stench, because apparently he didn't even understand that he had the problem, and none of us would want that for our children. You've learned about the filth that he lived in, the bugs, and the mice, the home that sometimes didn't have heat and sometimes didn't have water. You heard about those things, and none of us would want those things for our children or want to bring our children into a home like that, and you've heard about the little boy who week after week after week sat on the front porch with his suitcase packed waiting for his dad to come and pick him up until the day would grow long, and he would be told to come inside that his dad wasn't coming. You heard about the problems he had in school. No, he wasn't the worst student. At those early ages, he wasn't the worst student. He had this other horrible problem, the bowel problem, [1630] along with the problem he was having in school, but you heard about how he was shuffled from home to home, from school to school, and it wasn't until he was nearly an 18 year old tenth grader that someone said, "There's a problem here", and he was referred for the first time to get help. And ladies and gentlemen, Mr. Vick has referred to Keith as "evil, just evil, some people are just plain evil", but I ask you, do you think you could have walked in during this boy's life as he was growing up and see him in those conditions and said, "Boy, he's just plain evil. He's just plain evil." I don't think so. And do we excuse him for what he's done because of all of these things? Of course not.

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It's not an excuse. We do not excuse him because of these things, but do we consider it? Absolutely. And ladies and gentlemen, we consider it because you promised me that you would consider it. You promised that you would consider those things about him and his lifetime before you went back in that jury room to make this decision about the choice between these two extraordinary punishments, these most severe punishments, life in prison for the rest of his life or death. You promised you would do that. What to most of us is [1631] the thought that we have when we think about a mother? She's warm, she's love, she's nurturing, all of those good thoughts that come to mind. But to Keith Woodall a mother was simply the person who brought him into this world. There's so much depression in her life, she couldn't mother him. When we think about a father, what do we think about? I think about a rock, someone who has all the answers to those questions that I don't know the answer to. Keith Woodall, his father was at the bottom of a bottle, and he waited for him on that porch week after week after week. We've talked about today, as a matter of fact, Keith's low intellectual functioning and mental illness that he has. You've heard not only Dr. Spears talk about that, but Mr. Vick's witness, Dr. Johnson, talked about those things that he suffers from, and you heard about the testimony. Mr. Vick referred to some of these about some of the characteristics of that illness, of that intellectual functioning, and how it makes that person different from you and I. And all of these things that we've talked about, some more subtle

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than others, are again things about a person we want to know. When Mr. Vick said, "You know, we've heard all these things [1632] about him, but there was three of them. What about his sister? What about his brother? They turned out alright." Ladies and gentlemen, we talked about that a little bit about how Keith was treated somewhat differently from his brother and sister, and most of you probably know the parable about the sower of seeds, and that some of the seeds were sown among the rocks and they didn't grow, some were sown among the thistle and it wasn't easy, but struggled and they were able to produce, and the seed that was sown on good ground produced a hundred fold, and I believe that if you look at Keith in that respect, his seed was certainly cast among the thistle, and yes, some of the people are able to make it if you're strong and you're smart. Some people in those circumstances certainly rise above it, but he's not smart, he's imperfect, he's flawed. He lacked a support system. He was uprooted and moved about. He lacked those things that would give you the ability – give that seed the ability to rise through that thistle. There are good things you've heard about Keith. You recall the testimony of his teachers, and well, really everyone that came forward in the last couple of days to talk about him. No one ever said [1633] anything about Keith being evil. He always did what he was told. He was good in class. He never got into a fight, never caused a problem, did as he was told. He was a good renter, a good worker. You heard about those good things, and when you consider the punishment, you look at all of those things that Mr. Vick

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asked you to look at, and again you look at all these things we've told you about his lifetime and the good things, too, before you make that decision. When you have someone – when you're considering the punishment when you have someone who has been punished for most of his life, you look at the facts and circumstances of his life, and he's been punished most of his life, you consider that as well. Most of you I assume since you were a child may have – or at some point in your life have heard the words from Ecclesiastes. "For every thing there is season and a time for every affair under the heavens. A time to be born, a time to die. A time for war, and a time for piece." And ladies and gentlemen, I don't believe that God called us together today in this place for the purpose of killing another child of God, for killing Keith Woodall. He's called us together to punish him. That's what we're here [1634] for. Mr. Vick has demanded of you that based on Keith's actions over those two hours, two horrible hours some 14 months ago in Muhlenberg County that you make the decision to take his life and return a verdict of death. He says that's the only answer, but that's not what your instructions tell you that that's the only answer. Let the punishment fit the crime? That's not what the instructions say. The instructions say consider all these things. And I'd ask you for a moment to think about it in this way. Those hours back in January of 1997 were truly tragic. We can't take them back, and we can't change them. We can't undo them. We can't make it right. We can't bring Sarah Hansen back. But to judge someone based on just two hours of their life would be like just taking a

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snapshot out of time and not considering their life from start to finish. You cannot or should not make a decision about whether to end someone's life based on an hour or a day or a week or even a year. If you were to read a book, ladies and gentlemen, you would not open the book up to the middle and read a few pages and say, "Yes, I understand what that book was about", because if you did that and you believed that, the truth is you really wouldn't [1635] know the whole story. You'd have to read that book from cover to cover, every page, to fully understand what that book was about. That's what we're asking you to do when you consider your punishment for Keith Woodall. I am asking you not to kill Keith Woodall for those few hours in his life where he committed an unexcusable, unforgivable act, and I would not be truthful if I told you that I cannot at least imagine the tragedy and pain of the Hansen family of what they must have experienced, but as we look at Keith Woodall, I ask you to think back on those things that we've talked about, and I would ask you not to kill that child as he lay in his filth and stink in his home and in his feces, and I'd ask you not to kill this child that as he takes his first steps across the room despite any real interest by anyone, a mother or father. I'm asking you not to kill a boy who by the time he was five had an absentee and an alcoholic father, and I'm asking you not to kill this young boy who spent his days in feces. I'm asking you not to kill Keith. I ask you on behalf of Keith, his mother, his son. Mr. Vick has said to you, "When does it stop? When does it end?" Well, it stops now. It ends now. Because you

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have [1636] the right, you have the option to put him in prison for the rest of his life without ever having the possibility of parole. It stops now. But ladies and gentlemen, I would remind you that if you were to chose to take the life of Keith, that it would not change anything that has happened. It would not repair anything that has been done. It would not upright the world of the Hansens that has been turned upside-down, and it would not heal, it would not forgive, because only God and only time can accomplish those things. Thank you, ladies and gentlemen.

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