

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

COMMONWEALTH  
OF KENTUCKY,  
VS.

PLAINTIFF,

ROBERT KEITH WOODALL,

DEFENDANT.

INSTRUCTIONS TO THE JURY

(Filed Jul. 20, 1998)

---

INSTRUCTIONS ON THE COUNT OF MURDER

INSTRUCTION NO. 1

The Defendant, Robert Keith Woodall, pleaded guilty to the Murder of Sarah Hansen. From the evidence placed before you in this trial, you are acquainted with the facts and circumstances of the crime itself. In considering such evidence that may be unfavorable to the Defendant, you will presume the Defendant innocent of these aggravating circumstance or circumstances unless you believe from the evidence that the aggravating circumstance or circumstances exist beyond a reasonable doubt.

---

**INSTRUCTION NO. 2**

In fixing the punishment for the offense of Murder, you shall consider one or both of the following aggravating circumstance or circumstances which you may believe from the evidence beyond a reasonable doubt to be true:

1. That the Defendant's act of killing Sarah Hansen was intentional and committed while he was engaged in the commission of Rape in the First Degree of Sarah Hansen as defined in Instruction No. 3; and/or

2. The Defendant committed the offense of Kidnapping as defined in Instruction No. 3, while he was engaged in the commission of Rape in the First Degree as defined in Instruction No. 3.

---

**INSTRUCTION NO. 3****DEFINITIONS:**

1. Rape in the First Degree – The Defendant committed Rape in the First Degree if on January 25, 1997, he engaged in sexual intercourse with Sarah Hansen by forcible compulsion, and she received serious physical injury as a consequence of the Defendant's act.

2. Kidnapping – The Defendant committed the crime of Kidnapping if on January 25, 1997, he unlawfully restrained Sarah Hansen with intent to accomplish the commission of Rape in the First

---

Degree as defined herein, or to inflict bodily injury upon her, or to terrorize her.

---

**INSTRUCTION NO. 4**

**Mitigating Circumstances**

In fixing the sentence of the Defendant for the offense of Murder, you shall consider such mitigating or extenuating facts and circumstances as have been presented to you in the evidence and you believe to be true including but not limited to such of the following you believe from the evidence to be true:

1. At the time of the offenses committed by the Defendant, the capacity of the Defendant to appreciate the criminality of the requirements of the law was impaired as a result of mental illness or retardation, even though the impairment of the capacity of the Defendant to appreciate the criminality of his conduct or to conform the conduct to the requirements of law is insufficient to constitute a defense to the crime.

2. The youth of the defendant at the time of the crime.

---

**INSTRUCTION NO. 5**

**AUTHORIZED SENTENCES**

You may fix the Defendant's punishment for the Murder of Sarah Hansen at:

---

1. Confinement in the penitentiary for a term of not less than twenty (20) years or more than 50 years;
2. Confinement in the penitentiary for life;
3. Confinement in the penitentiary for life without benefit of probation or parole until he has served a minimum of twenty-five (25) years of his sentence;
4. Confinement in the penitentiary for life without benefit of probation or parole; OR
5. Death.

But you cannot fix the sentence at death, or at confinement in the penitentiary without benefit of probation or parole, or life in the penitentiary without benefit of probation or parole until he has served a minimum of twenty-five years of his sentence, unless you are satisfied from the evidence beyond a reasonable doubt that one or both of the aggravating circumstance or circumstances listed in Instruction No. 2 are true in their entirety, in which event you must state in writing, signed by the Foreperson, that you find the aggravating circumstance or circumstances to be true beyond a reasonable doubt.

---

**INSTRUCTION NO. 6**

If you have a reasonable doubt as to the truth or existence of one or both of the aggravating circumstance or circumstances listed in Instruction No. 2 you shall not make any finding with respect to it.

If upon the whole case you have a reasonable doubt whether the Defendant should be sentenced to death, you shall instead fix his punishment at a sentence of imprisonment.

---

**INSTRUCTION NO. 7**

The verdicts of the jury must be in writing, must be unanimous, and must be signed by one of you as Foreperson.

---

**VERDICT FORM ON THE  
COUNT OF MURDER****No. 1**

We, the jury, fix the Defendant's punishment for the Murder of Sarah Hansen at confinement in the penitentiary for a term of \_\_\_\_ years.

---

Foreperson

---

**No. 2**

We, the jury, fix the Defendant's punishment for the Murder of Sarah Hansen at confinement in the penitentiary for life.

---

Foreperson

**No. 3**

We, the jury, find beyond a reasonable doubt that the following aggravating circumstance or circumstances exist in this case. \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

and we fix the Defendant's punishment for the Murder of Sarah Hansen at confinement in the penitentiary for life without benefit of probation or parole until he has served a minimum of twenty-five (25) years of his sentence.

---

Foreperson

**No. 4**

We, the jury, find beyond a reasonable doubt that the following aggravating circumstance or circumstances exist in this case. \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

and we fix the Defendant's punishment for the Murder of Sarah Hansen at confinement in the penitentiary for life without benefit of probation or parole.

---

Foreperson

**No. 5**

We, the jury, find beyond a reasonable doubt that the following aggravating circumstance or circumstances exists in this case.

That the defendants act of kidnapping and murder was engaged in the commission of Rape in the first degree.

---



---

and we fix the Defendant's punishment for the Murder of Sarah Hansen at death.

/s/ Archer L. Hudson

Foreperson

---

**INSTRUCTION NO. 8**

The defendant has been found guilty under Count 2 of the indictment of the offense of kidnapping. You shall now fix his punishment for that offense at confinement in the penitentiary for not less than 20 years nor more than 50 years, or for life, in your discretion.

---

**INSTRUCTION NO. 9**

The defendant has been found guilty under Count 3 of the indictment of the offense of first-degree rape. You shall now fix his punishment for that offense at confinement in the penitentiary for not less than 20 years nor more than 50 years, or for life, in your discretion.

---

**INSTRUCTION NO. 10****Unanimous verdict:**

You must reach a separate verdict for each charge and a separate verdict on your recommendation as to whether the sentences should run consecutively or concurrently. Each verdict must be in writing, must be unanimous, and must be signed by one of you as a foreperson. You may use the forms below in writing your verdict.

**VERDICT FORM**

1. We, the jury, fix the defendant's punishment under Instruction No. 8, for the offense of kidnapping at \_\_\_\_ years or life (life).

/s/ Archer L. Hudson  
Foreperson

---

2. We, the jury, fix the defendant's punishment under Instruction No. 9, for the offense of first-degree rape at \_\_\_\_ years or life (life).

/s/ Archer L. Hudson  
Foreperson

3. We, the jury, recommend that the sentences fixed for the defendant for kidnapping and first-degree rape run consecutively (concurrently or consecutively).

/s/ Archer L. Hudson  
Foreperson

---