

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

COMMONWEALTH
OF KENTUCKY, PLAINTIFF,

TRANSCRIPT OF EVIDENCE

VS. Volume 3
[Pages 405-417]

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

[April 10, 1998]

Pamela R. Faughn
OFFICIAL COURT REPORTER
56TH JUDICIAL CIRCUIT
109 CHRISTOPHER ROAD
FREDONIA, KENTUCKY 42411
(502) 545-3215

* * *

[405] (The action of Commonwealth of Kentucky
versus Robert Keith Woodall came on for guilty

plea on April 10, 1998, before the Hon Bill Cunningham, Judge of the Caldwell Circuit Court.

The Commonwealth was represented by Hon. Ralph D. Vick. The defendant was present and represented by Hon. Michael L. Williams and Hon. Mark Baker.

[406] Following is a transcript of said guilty plea proceeding.)

* * *

THE COURT: The Court calls Caldwell Circuit Court, Indictment Number 97-CR-00053, Commonwealth versus Robert Keith Woodall on change of venue out of Muhlenberg Circuit Court. Let the record reflect that the defendant is present in Court along with his attorneys, Mr. Mike Williams and Mr. Mark Baker. The Commonwealth is represented by the Commonwealth Attorney, Mr. Ralph Vick. Okay, Mr. Woodall, would you and your counsel please come around. We need for you to step back so that the reporter can – put the reporter between me and you and make sure that the reporter is able to hear both of us. Mr. Woodall on the 18th day of March of 1997, the Muhlenberg County Grand Jury returned an indictment against you charging you with three counts of felonies. One committed is the capital offense of murder, two, charging you with the capital offense of kidnapping, also thirdly, a first degree rape was the third count. You subsequent to that entered a not guilty plea to that – those charges. However, today the Court has been handed a motion to enter a guilty

plea, [407] and I understand it is a conditional plea, and I'll ask you – it looks like it's been signed by you. I'll ask you is that your signature?

DEFENDANT: Yes sir.

THE COURT: Okay. Mr. Williams, I understand that the defendant is wishing to enter a conditional plea. Is that correct?

MR. WILLIAMS: That's correct, Judge. The – after discussing with Mr. Woodall the evidence which the Commonwealth has provided to us through discovery, which included statements of witnesses, forensic testing, results of that forensic testing, and the fact that my client has, according to motions and hearings that we've had as late as April 3rd of this year, we allege certain conditions or disorders that impact upon several things, not the least of which, uh, lack of memory about facts surrounding the commission of this crime as he alleges to me or as he tells me. Based on all of those and the Court's denial of a continuance in order that we might proceed to obtain that evaluation so that we could prove what could have been an affirmative defense or at least, the very least, statutory mitigation evidence or statutory mitigator, Judge, for those reasons we [408] are moving to enter a conditional plea. My client has been advised what that means. If the Court wishes, I can repeat what I've advised him or – with the Court.

THE COURT: That's okay. I'll go over that with him, and the conditional plea being that the defendant is pleading guilty to these counts on condition

that he be allowed to appeal for appellate ruling the issues that have been raised of record to this date. Is that correct?

MR. WILLIAMS: That's correct, Judge.

THE COURT: Okay. Would you raise your right hand, please? Do you swear or affirm the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

DEFENDANT: Yes sir.

ROBERT KEITH WOODALL: After being first duly sworn, testified as follows:

EXAMINATION BY JUDGE CUNNINGHAM:

Q. State your name for the record, please.

A. Robert Keith Woodall

Q. And Mr. Woodall, what's your date of birth?

[409] A. [Omitted In Printing].

Q. And subject to the – excuse me. Let me ask you this. How much education do you have?

A. I finished the 11th grade.

Q. You can lower your hand. Subject to the pre-trial motions filed in this case, have you ever suffered from a mental disease or defect or do you now suffer from a mental disease or defect?

A. Not that I know of.

Q. And have you talked with Mr. Williams about this guilty plea?

A. Yes sir.

Q. Have you had all the time you need to to talk to him about it?

A. Yes sir.

Q. Do you have any complaints about the legal advice given to you by Mr. Williams and Mr. Baker?

A. No sir.

Q. Are you fully satisfied with the job they've done for you?

A. Yes sir.

Q. Did you read and understand this motion to enter a guilty plea before you signed it?

A. Yes sir.

Q. And did you sign it voluntarily of your own free [410] will and accord?

A. Yes sir.

Q. Do you understand, Mr. Woodall, what facts the Commonwealth would have to prove beyond a reasonable doubt for you to be convicted on these offenses?

A. Yes sir.

Q. And did you on or about January 25th, 1997, in Muhlenberg County commit the capital offense of murder by cutting Sarah Hansen with a sharp object and drowning her, and this murder was committed while engaged in the offense of rape in the first degree?

A. Yes sir.

Q. And did you on January 25th, 1997, in Muhlenberg County, Kentucky, commit the capital offense of kidnapping Sarah Hansen in which she was not released alive?

A. Yes sir.

Q. And did you on January 25th, 1997, in Muhlenberg County, Kentucky, commit the offense of first degree rape by engaging in sexual intercourse with Sarah Hansen through the use of forcible compulsion in which she received serious physical injury and death?

A. Yes sir.

Q. Do you understand, Mr. Woodall, you have the following rights? You have the right to a trial by jury in which the Commonwealth has to prove these facts beyond a [411] reasonable doubt. Do you understand that?

A. Yes sir.

Q. Do you understand you have the right during that trial to cross examine and confront witnesses that might be called to testify against you?

A. Yes sir.

Q. You have a right to compel the attendance of witnesses you might want to be brought in to testify in your behalf. Do you understand you have that right?

A. Yes sir.

Q. You have a right to have a lawyer appointed for you not only at the trial, as you have had in this case, but also on appeal if you're convicted. Do you understand you have that right?

A. Yes sir.

Q. More importantly, do you understand you have a right against self-incrimination, which means that you don't have to say anything and that the Commonwealth would have to prove your guilt beyond a reasonable doubt?

A. Yes sir.

Q. Do you understand you have that right?

A. Yes sir.

Q. Do you understand you waive or give up all those rights by pleading guilty?

A. Yes sir.

[412] Q. And do you understand furthermore in this case, Mr. Woodall, what the penalty range is that could be imposed upon you for these offenses?

A. Yes sir.

Q. Do you understand that based upon your plea that sentence could be set upon this case upon this indictment on two of the offenses at least a penalty range of from twenty years to life, the other option would be life without the benefit of parole for 25 years or straight life, and fourthly, the death penalty could be imposed based upon your guilty plea. Do you understand that?

A. Yes sir.

Q. And you've discussed this with your attorney and understand these – this range and the fact that the death penalty is an option in this case. Do you understand that?

A. Yes sir.

Q. And you've discussed that with your attorney?

A. Yes sir.

THE COURT: Do you understand also that – it's my understanding that, Mr. Williams, that the defendant is going to waive a jury trial not only for the purpose of this guilty plea, but also for sentencing. Is that correct?

MR. WILLIAMS: That's correct, Judge.

THE COURT: It's my understanding that the [413] Commonwealth is also waiving a jury trial and both sides are asking for the sentencing hearing

and the sentence to be imposed by the Court. Is that right, Mr. Vick?

MR. VICK: That is correct, your honor.

Q. Okay, Mr. Woodall, let me go into that a little bit. Do you understand that even though you have pled guilty to these offenses and the range of penalty includes death and also includes other penalties, twenty years to life, life without parole for 25 years, and straight life, that you'd also have a right to have a jury trial to be empaneled and to consider the sentencing and impose the sentence. Do you understand that?

A. Yes sir.

Q. Do you understand that during that jury trial, and I'm sure your counsel has gone over this with you, there would have to be – you'd have an opportunity to present evidence in extenuation, and you'd also have – the jury would be required to find certain aggravating circumstances beyond a reasonable doubt and – before they would set that sentence. Do you understand that?

A. Yes sir.

Q. And do you understand that the jury would have to be unanimous in making that determination?

A. Yes sir.

[414] Q. Has your attorney gone over with you and discussed the ramifications and various options in having a jury to set your sentence in this case?

A. Yes sir.

Q. And in light of that fact, do you still wish to waive and have the sentence hearing held by the Court and the Court impose the sentence in this case?

A. Yes sir.

THE COURT: And Mr. Williams, you have advised him of those options and he has chosen to waive a jury trial. Is that correct?

MR. WILLIAMS: That's correct, Judge.

Q. Okay, Mr. Woodall, based upon these rights that I've given to you, is it still your desire to waive these rights, to include the right to a jury trial, not only at the guilt or innocence stage but also the penalty stage, and go ahead and enter this plea to these offenses knowing what the full range of penalties are and which includes a maximum penalty of death and waive also your jury trial for purpose of sentencing and enter your plea to this – these charges this afternoon?

A. Yes sir.

Q. And do you plead guilty freely, voluntarily, of your own free will and accord?

A. Yes sir.

[415] Q. Has anybody for the Commonwealth or otherwise made you any offers of reward or anything to cause you to want to plead guilty?

A. No sir.

Q. Anybody done anything to try to coerce or force you to plead guilty?

A. No sir.

Q. Do you plead guilty voluntarily, intelligently, of your own free will and accord?

A. Yes sir.

Q. Knowing these rights that the Court has given to you, is it still your desire to waive or give up those rights and go ahead and enter this plea of guilty to count -- one count of murder while in the commission of rape in the first degree, a capital offense of kidnapping when the victim was not released alive, and for rape in the first degree, and want to go ahead and enter a plea to those three counts?

A. Yes sir.

THE COURT: Mr. Williams, have you discussed this case, and I'm sure you have, fully with Mr. Woodall?

MR. WILLIAMS: Yes, Judge, I have to the extent that I've been able to.

THE COURT: Do you feel like he understands his rights and the nature of these proceedings?

[416] MR. WILLIAMS: He understands his rights and the nature of these proceedings.

THE COURT: Is his plea consistent with your advice and based upon your consultations with him, do you believe it's made voluntarily, intelligently, of his own free will and accord?

MR. WILLIAMS: Yes, Judge, I believe so.

THE COURT: Okay, Mr. Woodall, I find based upon what you have told the Court this afternoon and also based upon an evaluation done by the Kentucky Correctional Psychiatric Unit, K.C.P.C., which is made a part of the record, that you are competent to enter this plea, that you understand these rights I've gone over to you, you understand the ramifications of these rights, and your plea -- you knowingly waive those rights, and your plea of guilty is made voluntarily of your own free will and accord. The Court is hereby going to accept your plea of guilty and hereby adjudge you guilty to Count 1 of the indictment, the capital offense of murder while engaged in the commission of rape in the first degree, two or Count 2, the capital offense of kidnapping Sarah Hansen without releasing her alive, and three, I adjudge you guilty of rape in the first degree. The Court is [417] going to postpone the sentencing until we conduct a sentencing hearing, which will commence at 9:00 o'clock on Tuesday morning. The defendant will be remanded to the custody of the jailer. Thank you.

* * *
