

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT

FILED

APP DOCKET NO. 48

2005 JUN 30 A 8:01

THE STATE OF KANSAS,)
)
 Plaintiff,)
)
 v.)
)
 DENNIS L. RADER,)
)
 Defendant.)
)
 _____)

CLERK OF DISTRICT COURT
18TH JUDICIAL DISTRICT
SEDGWICK COUNTY, KANSAS

Case No. ~~05 CR 498~~

05CR498

DEFENDANT'S ACKNOWLEDGMENT OF RIGHTS AND ENTRY OF PLEA

COMES NOW, the Defendant, DENNIS L. RADER, and upon questioning by this Court, and upon receiving counsel from his attorneys, Charles S. Osburn, Chief Public Defender, Jama D. Mitchell, Deputy Public Defender and Sarah E. Sweet-McKinnon, Assistant Public Defender, and who also appears herein, freely and voluntarily states:

1. My true name is DENNIS L. RADER, I am 60 years old and have completed 18 years of education.

THERE HAVE BEEN NO PLEA NEGOTIATIONS IN THIS CASE AND THE DEFENDANT HEREBY ENTERS A PLEA OF GUILTY AS CHARGED TO ALL COUNTS.

WITH RESPECT TO COUNT TEN (10) OF THE COMPLAINT, THE DEFENDANT HEREBY ACKNOWLEDGES, PROFFERS AND STIPULATES PURSUANT TO L. 1990, ch. 99, Sections 5 and 6, HE COMMITTED THE CRIME IN ORDER TO AVOID OR PREVENT A LAWFUL ARREST OR PROSECUTION AND FURTHER, HE COMMITTED THE CRIME IN AN ESPECIALLY HEINOUS, ATROCIOUS OR CRUEL MANNER AND, THE AGGRAVATING CIRCUMSTANCES OUTWEIGH ANY MITIGATING CIRCUMSTANCES. BY DOING SO, THE DEFENDANT FURTHER WAIVES HIS RIGHT TO HAVE A JURY OF TWELVE OR THE COURT DETERMINE WHETHER AGGRAVATING CIRCUMSTANCES OUTWEIGH ANY MITIGATING CIRCUMSTANCES.

3. I understand from my discussions with my attorneys, and have been advised by the Court, that the following criminal charges remain against me:

- Count One: Murder in the First Degree, Class A Felony
- Count Two: Murder in the First Degree, Class A. Felony
- Count Three: Murder in the First Degree, Class A. Felony
- Count Four: Murder in the First Degree, Class A. Felony
- Count Five: Murder in the First Degree, Class A. Felony
- Count Six: Murder in the First Degree, Class A Felony
- Count Seven: Murder in the First Degree, Class A. Felony
- Count Eight: Murder in the First Degree, Class A. Felony
- Count Nine: Murder in the First Degree, Class A. Felony
- Count Ten: Murder in the First Degree, Class A. Felony

I understand from discussions with my attorney, and have been advised by the court, that the following are the range of sentences and fines which may be imposed against me by the court if I choose to enter plea(s) of guilty or nolo contendere (no contest) to the criminal charge(s) pending against me.

- Count One: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Two: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Three: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Four: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Five: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Six: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Seven: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Eight: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Nine: Life sentence, with parole eligibility at 15 years, fine up to \$500,000
- Count Ten: Life sentence, with parole eligibility at 40 years, fine up to \$500,000

I understand that by entering pleas of guilty to more than one offense, the court may, in its discretion, order that the sentence imposed for each offense be served concurrently or consecutively.

4. I understand from discussion with my attorneys, and I have been advised by the court, that this court may impose against me any or all of the maximum penalties and the maximum fines in combination; will order the payment of court costs against me; may require that I pay full restitution and reparations for all personal injury, property loss or damage; may impose administrative costs of a probation program; will require me to reimburse the state for my reasonable attorney fees, if I am represented by appointed counsel; and may take whatever other action the court deems appropriate and which is permitted by law, to ensure the public safety.

5. I understand from discussions with my attorney, and have been advised by the court, that by entering a plea of guilty, that I am surrendering and waiving the following legal rights which I would be able to exercise if I chose to go to trial:

A plea of guilty is an admission of guilt to the crimes charged and relieves the State of Kansas of its burden to prove my guilt.

I have a right to a trial where my guilt or innocence on all of the criminal charges against me would be determined by a jury, or if I choose to waive a jury, by a judge.

At a trial, I would have the right to confront the witnesses against me and have them cross-examined by my attorneys.

At a trial I would have the right to compel the attendance of witnesses who may have information favorable to me and to call these witnesses to testify on my behalf.

At a trial I would have the right to compel documentary and physical evidence favorable to me.

At a trial, it would be the burden of the State of Kansas to prove, beyond a reasonable doubt, each element of the charge(s) against me before I could be found guilty.

At a trial, the judge and the jury would presume that I am innocent unless and until the State of Kansas proved otherwise, beyond a reasonable doubt.

At a trial, I alone would have the final decision, after consulting with my attorneys, whether I would testify on my own behalf, and I understand that I would not be required to testify or to present any evidence to prove my innocence. If I enter a plea of guilty, I waive the right to remain silent, and the court may require me to tell the court the facts known to me which would show that I am guilty.

If I were to be convicted of any offenses in this court, I would have the right to ask the court for a new trial based on any legal errors which may have denied me my right to a fair trial or which may have otherwise prejudiced me in my defense.

If I were to be convicted of any offenses in this court, and if my motion for a new trial were denied, I would have the right to appeal my conviction(s) and sentence(s) to a Kansas appellate court where I would be entitled to have such court review the transcripts and record of my trial for any prejudicial error.

During any such appeal, I would be entitled to the services of a competent appellate attorney and to the transcripts of my trial or to the proceedings which might be necessary to my appeal. If I could not afford an attorney or transcripts, they would be provided to me by the court.

If I go to trial, I retain the right to appeal from any adverse ruling or order made against me by the court or jury, including the legal sufficiency of the evidence presented against me to prove my guilt, any legal defects in the criminal proceedings, the sentences or other penalties imposed, and the denial of probation.

6. After fully discussing my potential defenses to the charges in this case, the legal options available to me in these proceedings, and the above-mentioned matters with my attorneys, I advise this court that I understand it is my decision, alone, whether to accept or reject the plea agreement and whether to enter a plea of guilty to the charge(s) herein. My decision to do so is **completely voluntary** without anyone having threatened me or promised me anything of benefit, and is without duress or coercion.

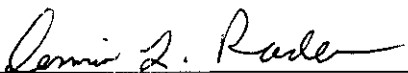
7. I understand that despite my plea of guilty, I retain a limited right to appeal the sentence which may be imposed. I understand that any appeal **must** be filed within **10 days** of the date my sentence is imposed in court and that if I cannot afford an attorney or the costs of an appeal, the court will appoint counsel to represent me and will order that a transcript of the necessary portions of the transcript be provided to my counsel.

8. I have read this "Defendant's Acknowledgment of Rights and Entry of Plea", or I have had it read to me, and I fully understand its contents; I fully and completely understand the consequences of my pleas, and I am doing so based upon what I believe is in my best welfare and in my own best interests.

9. I have not been taking any drugs or medication, during the past 48 hours. . I remain in full control of my mental faculties and judgement.

WHEREFORE, and for the reasons states above, I hereby advise this Court that I wish to enter pleas of guilty as charged.

Signed in open court on this 27 day of June, 2005.



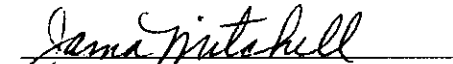
Dennis L. Rader

CERTIFICATE OF COUNSEL

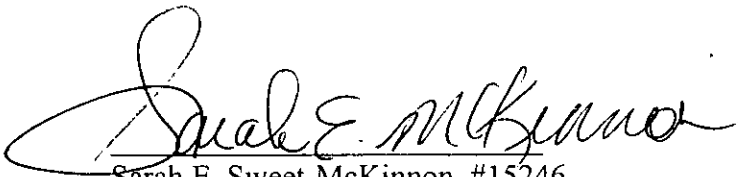
Defense counsel further affirms that they has read this document to the defendant, have fully discussed the same with the defendant, and that to the best of his knowledge knows the contents of the same to be true.



Charles S. Osburn, #14982
Chief Public Defender



Jama D. Mitchell, #16980
Deputy Public Defender



Sarah E. Sweet-McKinnon, #15246
Assistant Public Defender
Attorney for Defendant