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Clerk of the District Court  
Montgomery County Kansas

**IN THE DISTRICT COURT OF MONTGOMERY COUNTY, KANSAS  
SITTING IN INDEPENDENCE**

STATE OF KANSAS, )  
 )  
 ) **Plaintiff,** )  
 ) **v.** ) **CASE NO. MGI 2023 CR 000347**  
 )  
 )  
 ) **WILLIAM KEITH DODD,** )  
 ) **Defendant.** )  
 )  
 )

**DEFENDANT'S ACKNOWLEDGMENT OF RIGHTS  
AND TENDER OF PLEA PURSUANT TO PLEA AGREEMENT**

COMES NOW the above named defendant, and in support of this pleading, hereby states and alleges as follows:

1. My true name is William Keith Dodd. I was born in 1967, and am currently fifty-six (56) years of age. I can read, write, speak and understand the English language.
2. I understand that should the plea set forth in this agreement not be accepted by the Court for any reason, and should this matter later proceed to trial, any admissions made in this agreement or during any hearing on this agreement would not be admissible against me at trial.
3. My attorney appointed by the Court in this case is Daniel Heath Lampson of the Southeast Kansas Public Defender Office.
4. I have received and read a copy of the charges against me in the Information. I am presently charged with 2 offenses set forth as: **count 1** – Rape, an off-grid person felony; and

**count 2** – Rape, an off-grid person felony;

5. I have been advised by my attorney that if I should be convicted of either offense as presently charged the penalty could be imprisonment for life with parole eligibility after 25 years and a fine up \$500,000 and lifetime parole/registration.

6. I have discussed with my lawyer all the facts and circumstances known to me about the charges made against me. I believe that I have fully informed my lawyer on all such facts and circumstances.

7. My lawyer has counseled and advised me on the nature of each charge, on all lesser included charges, and on possible defenses that I might raise in defense of this case. I fully understand the charges filed against me, and the possible penalties if convicted.

8. My attorney has explained the Kansas sentencing guidelines to me and the sentencing grids that may apply in my case;

a. I understand the penalties I would actually receive if convicted of an off-grid felony.

b. I further understand that there are three types of grid boxes: Presumptive imprisonment boxes mean that the presumptive sentence for offenders falling in that box is prison. Presumptive probation boxes mean that the presumptive sentence for offenders falling in that box is probation. Border boxes have a presumptive prison sentence, but the Court may choose to impose an optional non-prison sentence.

9. I understand that under Kansas law, on appeal, an appellate court cannot review any sentence that is within the presumptive sentencing range in the appropriate grid box of the

sentencing grid. I further understand that Kansas law provides for the right to appeal in a criminal case under certain circumstances. I further understand that under Kansas law, any appeal of a conviction or sentence must be filed within fourteen (14) days of sentencing.

10. I understand that any term of confinement I received if convicted may be ordered to run consecutive, that is, in addition to, any sentence I may currently owe on any other criminal conviction.

11. I further understand that any term of confinement I receive if convicted is required under Kansas law to run consecutive to any sentence I may currently owe on any felony conviction and for which I was incarcerated and serving a sentence, on probation, assigned to a community corrections services program, on parole, on conditional release, or post-release supervision at the time any offense for which I was convicted in this case was committed. I also understand that the Court may sentence me to imprisonment under these circumstances, even if I fall in a presumptive probation sentencing grid box.

12. I understand that if I was convicted in this case of a felony committed while on bond for another felony, my sentence in this matter could run consecutive to the felony for which I was on bond. I also understand that the Court may sentence me to imprisonment under these circumstances, even if I fall in a presumptive probation sentencing grid box.

13. I further understand that if I was convicted of more than one offense in this case, the sentences for each such conviction could run consecutive to one another.

14. My attorney has advised me I have the following rights with regard to any felony charge:

- a. The right to a preliminary hearing;
- b. The right to a speedy and public trial;

- c. The right to a trial by jury, unless the prosecuting attorney and I, with the consent of the Court, choose to waive a jury and have the matter tried to the Court;
- d. The right to be present at the preliminary hearing, arraignment and at every stage of the trial;
- e. The right to have a reasonable time to prepare for trial;
- f. That at such trial, the judge and jury must presume that I am innocent unless and until the State presents evidence establishing my guilt beyond a reasonable doubt;
- g. That at such trial the State of Kansas has the burden to present evidence sufficient to prove my guilt beyond a reasonable doubt of each and every element of any offense charged before I can be found guilty of that offense;
- h. The right to see and hear all witnesses and evidence against me;
- i. That I have the right to call witnesses on my own behalf at such trial, to compel the attendance of witnesses to testify on my behalf by subpoena, and to cross-examine the State's witnesses;
- j. That I have the right to be represented by legal counsel and to have the benefit of such counsel's services and advice throughout all stages of the proceedings;
- k. That I have the right to testify at trial if I so choose, but that I cannot be compelled to testify against my will at such trial. I further understand that no adverse inference may be drawn by the jury if I choose not to testify;
- l. That all twelve (12) jurors would have to unanimously agree on a verdict of guilty in order for me to be convicted in a jury trial;

- m. That if I were convicted after such trial, I would have the right to ask the Court for a new trial based upon any legal errors which may have denied my right to a fair trial, or which may have otherwise prejudiced me in my defense; and
  - n. That if I were convicted after such trial, and should my motion for new trial be denied, I would have a right to appeal the fact of my conviction to a higher court, and the right to be represented by legal counsel during the course of such appeal.
15. My attorney has explained the pleas available to me, which I understand are as follows:
- a. A plea of guilty is an admission of the truth of a charge and every material fact alleged therein;
  - b. A plea of nolo contendere (no contest) is a formal declaration that I do not contest a charge, allowing the Court to make a finding of guilt. The plea cannot be used against me as an admission in any other action based on the same act;
  - c. A plea of not guilty denies and puts in issue every material fact alleged in a charge, resulting in the Court scheduling the matter for trial; and
  - d. If I refuse to plead, or if I stand mute, that is, say nothing, then the Court will enter a not guilty plea on my behalf, and the Court will schedule the matter for jury trial.
16. Plea bargaining has been conducted with my consent in this matter, and my plea of guilty or no contest is the result of a plea agreement entered into among the Montgomery County Attorney (hereinafter, "State"), my attorney and I. My understanding of the terms of the plea agreement is as follows:

- a. I will waive my right to a preliminary hearing and enter a plea of either guilty or no contest to an amended information charging me with two counts set forth as follows:

**Amended Count one (1) Rape, a severity level one (1) person felony; and**

**Amended Count two (2) Rape, a severity level one (1) person felony;**

I have been advised by my attorney that the term of post-release supervision and registration will be for the duration of my lifetime; that the sentences will run consecutive and not concurrent and that both parties will recommend the low number from the appropriate grid box which we anticipate will be 147 months for each amended count.

No additional charges will be filed against me arising from the facts and circumstances leading to the filing of the original charges in this case.

- b. It is my belief that my criminal history currently contains no prior felony convictions, however, I understand that I will be sentenced according to what the Court determines to be my actual criminal history as of the date I am sentenced.
- c. I understand that following the Court's acceptance of my plea, but prior to sentencing, a Presentence Investigation Report will be prepared by a Court Services Officer. I further understand that included in that report will be a listing of all of my prior adult convictions and/or juvenile adjudications for felony or misdemeanor crimes, or violations of county resolutions or city ordinances comparable to any misdemeanor defined by Kansas law. Finally, I understand that out-of-state convictions and adjudications will be included in my criminal history, including those occurring within other state systems, the federal system, the District of Columbia, and foreign, tribal or military courts. I further understand that all prior convictions will be included, including expungements.
- d. At the time of sentencing, I understand that the Court may do any of the following:
- i. Impose the Court costs;
  - ii. Impose an appointed counsel administrative fee;
  - iii. Impose a DNA data bank fee;
  - iv. Order me to pay for all or part of the expenditures by the State Board of Indigents' Defense Services ("BIDS") to provide appointed counsel and I

am advised by my attorney the sentencing judge must consider my ability to pay before imposing an order for repayment of attorney's fees expended in defending me in this case.

- v. Order restitution on all charges either in an amount agreed upon by the parties, or in the event they are unable to agree, then in an amount to be determined by the Court following a restitution hearing;
- vi. Release me on probation or assign me to a community corrections program if I am in a sentencing grid box providing for presumptive probation disposition, and:
  - (1) Impose a probation or community correctional services fee;
  - (2) Impose any conditions of probation or assignment to a community corrections program that the Court deems proper, including but not limited to requiring that I:
    - (a) Avoid injurious or vicious habits, as directed by the Court, Court Services Officer or Community Corrections Officer;
    - (b) Avoid such persons or places of disreputable or harmful character, as directed by the Court, Court Services Officer or Community Corrections Officer;
    - (c) Report to the Court Services Officer or Community Corrections Officer as directed by said Officer;
    - (d) Permit the Court Services Officer or Community Corrections Officer to visit me at home or elsewhere;
    - (e) Work faithfully at suitable employment insofar as possible;
    - (f) Remain within the state unless granted permission to leave;
    - (g) Support my dependents;
    - (h) Reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;
    - (i) Perform community or public service work for local governmental agencies, private corporations organized not

for profit, or charitable or social service organizations performing services in the community;

- (j) Participate in a house arrest program;
  - (k) Serve up to sixty (60) days in the county jail, which need not be served consecutively, as a condition of probation;
  - (l) Attend and satisfactorily complete an alcohol or drug education or training program;
- vii. Order me to pay a domestic violence special program fee;
- viii. Impose a fine not to exceed \$500,000.00; or
- ix. Order me to serve my underlying term of imprisonment in the Department of Corrections, if I fall within a presumptive prison grid box or otherwise am not entitled to a presumption of probation.
- e. I understand that at the time of sentencing, I will have the right of allocution, which means the right to speak and address the Court prior to judgment being imposed.
- f. If, at the time of sentencing, the applicable sentencing grid box is a presumptive imprisonment box:
- i. I understand that the State and my attorney will jointly recommend the imposition of the low number of months for imprisonment in the applicable sentencing grid box for each felony count of conviction; Further, I understand the State and my attorney will jointly recommend, the sentences for the amended counts be imposed by the Court to be served consecutive to one and another.
  - ii. I further understand that if the applicable sentencing grid box is a presumptive imprisonment box, that per the parties' plea agreement there shall not be filed any motion(s) for downward dispositional or downward durational departure sentences by the defendant, nor shall a motion be filed by the State for an upward durational departure sentence.
  - iii. I understand the judge may provide notice of intent to enter a departure sentence any time prior to 30 days from sentence hearing date.



- g. I further understand that if the Court finds that the recommended term of imprisonment provided by the presumptive sentence term is too short, the Court must give prior notice to state and Defendant of an intent to depart upwards in duration of term of imprisonment to be served. In such circumstance, the Court must impanel a jury of twelve (12) persons to receive and to consider evidence in aggravation and evidence in mitigation to recommend to the court whether a term of imprisonment exceeding the recommended term of imprisonment provided under the sentencing guidelines. In no event shall the court impose an upward durational departure sentence to exceed twice the maximum sentence permitted under the sentencing guidelines.
- i. I further understand that the terms of post-release supervision applicable to the amended counts shall be for the duration of my lifetime upon release from imprisonment.
- ii. I understand the possible good time sentencing reductions applicable to my case will be fifteen (15%).

17. My attorney has advised me that regardless of the plea negotiations that have taken place among the State, my attorney and I regarding sentencing recommendations in my case, this Court is not bound to agree to or accept any or all of the recommendations negotiated for me because this Court is not a party to such negotiations and is not bound thereby. I understand that, although I hope to receive leniency and consideration from this Court, I have not been promised or given to understand by anyone that the Court will grant me probation, or sentence me to any specific term, or impose any specific amount of fine, or direct that my sentence run concurrently to any other sentence. I know that the sentence I will receive is solely a matter within the control of the Court, and while I hope to receive leniency, I am prepared to accept my punishment as permitted by law that the Court sees fit to impose under the Kansas Sentencing Guidelines.

18. I understand that if I am not a citizen of the United States, my conviction in this case may result in my deportation from the United States, incarceration by immigration officials for an

indefinite period pending such deportation, exclusion from admission to the United States, and/or denial of naturalization and citizenship in the United States.

19. I understand that if I enter a plea of either guilty or no contest, I am thereby waiving, or giving up, my right to a trial and the other related rights set forth above, and that there will be no further trial of any kind, either before a court or jury. I further understand that a plea of either guilty or no contest waives all defenses and objections that I may have based upon the institution of the prosecution against me or defects which may be present in the Complaint or Information, other than that they fail to show jurisdiction in the Court or to charge a crime.

20. I understand that upon my conviction for a felony, I will be prohibited from the ownership, possession or use of firearms and ammunition for the time period set forth under applicable state and federal law.

21. I understand that my conviction in this matter may raise the severity level of any future conviction I may receive for similar crimes. I further understand that my conviction in this matter will increase my criminal history for sentencing purposes should I be convicted of a crime in the future.

22. I understand that under current Kansas sentencing laws that upon the court's acceptance of my pleas of no contest as set forth herein, the required sentence for any future sex offense crime which I may be convicted that I would be considered to be an "aggravated habitual" sex offender for which the presumptive sentence would be life imprisonment without possibility of parole.

23. I understand that upon my conviction in this matter, I will be subject to the provisions of the Kansas offender registration act, and will be required to register as a sexual offender and

otherwise comply with the provisions of that act. Under current Kansas offender registration laws, I will be required to register as sex offender for the remainder of my lifetime during any such periods of time that I am not imprisoned.

24. I understand that upon my conviction of a felony, I will be ineligible to hold any public office under the laws of the state of Kansas, or to register as a voter or to vote in any election held under the laws of the state of Kansas, or to serve as a juror in any civil or criminal case. I further understand these ineligibilities shall attach upon conviction and shall continue until I have completed my sentence.

25. I understand that there may be other collateral consequences resulting from my conviction, including but not limited to prohibitions on my ability to obtain employment, financing and financial assistance for education in the future.

26. No officer or agent of any branch of government (federal, state or local) has promised, suggested or predicted that I will receive a lighter sentence, or probation, or any other form of leniency if I plead guilty or no contest, except as set forth herein. I understand that if anyone else, including my attorney, has made such a promise, suggestion or prediction, they have no authority to do so, and it is therefore not binding upon the Court.

27. I believe that my lawyer has done all that anyone could do to counsel and assist me, and I am satisfied with the advice he has given me, and the services he has performed as my attorney.

28. I further represent and affirm unto this Court that my decision to accept the terms of this plea agreement is completely voluntary, is not the result of any force, threats, duress or coercion of any kind, and is not the result of any promises of benefit made to me other than those noted in

this petition. I am making my plea with a full and complete understanding of the consequences thereof.

29. I further state and affirm that at the present time, I am not under the influence of alcohol or any drug, nor suffering from any mental illness or disease affecting my ability to understand these proceedings. I also know of no reason why my mental competence at the time of the commission of the offense should be questioned.

30. I am able to read, and I have read and understand this document, or it has been read to me and I understand the same.

31. I am satisfied that I have had ample opportunity to discuss this document and the terms of the plea agreement with my attorney, and with any other person I deem necessary.

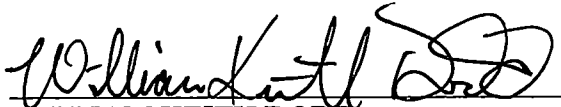
32. I understand that this written plea agreement supersedes or replaces any and all other agreements or negotiations which may have previously been reached or discussed, and that this document contains each and every term of the plea agreement.

33. I understand that I am presenting this petition under oath and under penalty of perjury for any false statements contained herein.

34. I understand that my plea as set forth in this petition may be withdrawn at any time prior to acceptance by the Court.

THEREFORE, with the statements set forth above in mind, I request that the Court accept my plea as set forth in this petition.

DATED: 3-21-24


  
WILLIAM KEITH DODD  
DEFENDANT

**CERTIFICATE OF COUNSEL**

The undersigned counsel hereby certify as follows:

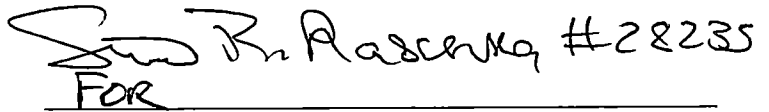
1. The terms of the plea agreement reached by the parties are fully and accurately set forth herein;
2. Said agreement has been approved by counsel for the defendant and counsel for the prosecution;
3. Defense counsel further affirms that he has read this document and has discussed the same fully with the defendant; that defense counsel believes that the defendant is mentally capable of understanding the nature and consequences of this agreement; that to the best of defense counsel's knowledge and belief, the statements, representations and declarations made by the defendant herein are true and accurate; and that defense counsel has no reason to believe that the defendant is under the influence of alcohol or any drug.

DATED: 3-16-24



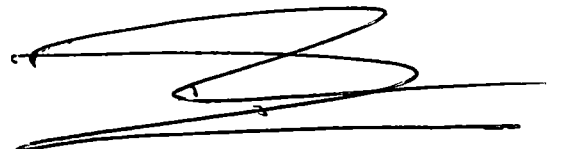
HEATH LAMPSON #19542  
ATTORNEY FOR DEFENDANT

DATED: 3-21-2024



FOR

MELISSA G. JOHNSON #16601  
MONTGOMERY COUNTY ATTORNEY



Hon. Daniel W. Reynolds