

STATE V. DENNIS L. RADER 05 CR 498 GUILTY PLEAS 6/27/2005

1 The Defendant appeared in person and by and
2 through Mr. Charles S. Osburn, Chief Public Defender,
3 Ms. Jama Mitchell, Deputy Public Defender, and
4 Ms. Sarah McKinnon, Assistant Public Defender,
5 604 North Main, Suite D, Wichita, Kansas 67203.

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1 (At 9:01 a.m., June 27, 2005, the
2 following proceedings were had in
3 the courtroom:)

4 THE COURT: All right. At this time
5 comes on before the Court the case captioned The
6 State of Kansas, plaintiff, versus Dennis L. Rader,
7 defendant. Case number is 2005 CR 498. This matter
8 comes on for trial. Is the State ready?

9 MS. FOULSTON: The State's ready to
10 proceed, Your Honor.

11 THE COURT: Is the defense ready?

12 MR. OSBURN: Your Honor, at this time
13 Mr. Rader would waive his right to a jury trial and
14 enter a plea of guilty to all ten counts.

15 THE COURT: All right.

16 MS. FOULSTON: May we make our
17 appearances before that occurs, Your Honor?

18 THE COURT: You may.

19 MS. FOULSTON: Thank you. District
20 Attorney Nola Foulston appears for the State of
21 Kansas with Chief Deputy District Attorney
22 Kim T. Parker, Chief -- or Deputy District Attorney
23 Kevin O'Connor, and Assistant District Attorney
24 Aaron Smith.

25 MS. MITCHELL: Your Honor,

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1 Dennis L. Rader appears in person and by counsel,
2 Chief Public Defender Steve Osburn, Sarah McKinnon,
3 Assistant Public Defender, and Jama Mitchell, Deputy
4 Public Defender.

5 THE COURT: All right. Mr. Rader, would
6 you please stand with counsel.

7 (The defendant and his counsel
8 stand.)

9 Sir, I have been advised it is your desire to
10 enter a plea of guilty in this case; is that
11 correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Rader, before I can
14 accept your plea there are certain things I will
15 need to find out from you and about you. I will do
16 this by asking questions of you, sir, questions
17 which I will need for you to answer out loud.
18 Should I ask you something which you do not
19 understand, please ask me to explain it or repeat
20 it. Should you need to speak to any of your
21 attorneys, please ask me to let you do so, and I
22 will. All right, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, Mr. Rader, as I
25 understand it, you are 60 years of age, having been

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1 born March 9th, 1945 --

2 THE DEFENDANT: Yes, sir.

3 THE COURT: -- is that correct? Sir, how
4 much education do you have?

5 THE DEFENDANT: Eighteen years.

6 THE COURT: Do you have any history of
7 psychological problems, mental disease or disorder,
8 anything that would make it difficult --

9 THE DEFENDANT: Uh, no, Your Honor.

10 THE COURT: Mr. Rader, in this case you
11 are charged by way of Information with ten counts.
12 In Count No. One it is claimed that on or about the
13 15th day of January, 1974, that you did then and
14 there unlawfully kill a human being, that being
15 Joseph Otero, maliciously, willfully, deliberately
16 and with premeditation by strangulation and/or
17 asphyxiation, inflicting injuries from which the
18 said Joseph Otero did die on or about January 15th,
19 1974.

20 Sir, do you understand you're charged with
21 Murder in the First Degree, a Class A felony, in
22 Count One?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In Count No. Two it is
25 claimed that on or about the 15th day of January,

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1 1974, in Sedgwick County, Kansas, that you did then
2 and there unlawfully kill a human being, that being
3 Julie Otero, maliciously, willfully, deliberately
4 and with premeditation, by strangulation, inflicting
5 injuries from which the said Julie Otero did die on
6 or about January 15th, 1974.

7 Do you understand that you're charged with
8 Murder in the First Degree, a Class A felony, in
9 Count Two?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: In Count Three it is claimed
12 on or about the 15th day of January, 1974, in
13 Sedgwick County, Kansas, that you did then and there
14 unlawfully kill a human being, that being
15 Josephine Otero, maliciously, willfully,
16 deliberately and with premeditation, by
17 strangulation, inflicting injuries from which the
18 said Josephine Otero did die on or about
19 January 15th, 1974.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand you're
22 charged with First-Degree Murder, a Class A felony,
23 in Count Three?

24 THE DEFENDANT: Oh, yes, sir.

25 THE COURT: In Count Four it's claimed on

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1 or about that same day in 1974, in Sedgwick County,
2 Kansas, that you did then and there unlawfully kill
3 a human being, that being Joseph Otero, Jr.,
4 maliciously, willfully, deliberately and with
5 premeditation, by strangulation and/or asphyxiation,
6 inflicting injuries from which the said
7 Joseph Otero, Jr., did die on or about January 15th,
8 1974.

9 Sir, do you understand that you're charged with
10 Murder in the First Degree, a Class A felony, in
11 Count Four?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: In Count Five it is claimed
14 on or about the 4th day of April, 1974, in Sedgwick
15 County, Kansas, that you did then and there
16 unlawfully kill a human being, that being
17 Kathryn Bright, maliciously, willfully, deliberately
18 and with premeditation, by strangulation and
19 stabbing, inflicting injuries from which the said
20 Kathryn Bright did die on April 4th, 1974.

21 Do you understand that you're charged with
22 Murder in the First Degree, a Class A felony, in
23 Count Five?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: In Count No. Six, sir, it is

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1 claimed that on or about the 17th day of March,
2 1977, in the County of Sedgwick, State of Kansas,
3 that you did then and there unlawfully kill a human
4 being, that being Shirley Vian, maliciously,
5 willfully, deliberately and with premeditation, by
6 strangulation, inflicting injuries from which the
7 said Shirley Vian did die on March 17th, 1977.

8 Do you understand that you're charged with
9 Murder in the First Degree, a Class A felony, in
10 Count No. Six?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: In Count Seven it's claimed
13 that on or about the 8th day of December, 1977, in
14 the County of Sedgwick, State of Kansas, that you
15 did then and there unlawfully kill a human being,
16 that being Nancy Fox, maliciously, willfully,
17 deliberately and with premeditation, by
18 strangulation, inflicting injuries from which the
19 said Nancy Fox did die on December 8th, 1977.

20 Sir, do you understand that you're charged with
21 Murder in the First Degree in Count Seven?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: In Count No. Eight it is
24 claimed that on or about the 27th day of April,
25 1985, to the 28th day of April, 1985, in the County

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1 of Sedgwick, State of Kansas, that you did then and
2 there unlawfully kill a human being, that being
3 Marine Hedge, maliciously, willfully, deliberately
4 and with premeditation, by strangulation, inflicting
5 injuries from which the said Marine Hedge did die on
6 April 27th, 1985.

7 Do you understand that you're charged with
8 Murder in the First Degree, a Class A felony, in
9 Count Eight?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Sir, in Count No. Nine it is
12 claimed that on or about the 16th day of September,
13 1986, in the County of Sedgwick, State of Kansas,
14 that you did then and there unlawfully kill a human
15 being, that being Vicki Wegerle, maliciously,
16 willfully, deliberately and with premeditation, by
17 strangulation, inflicting injuries from which the
18 said Vicki Wegerle did die on September 16th, 1986.

19 Do you understand that you're charged with
20 Murder in the First Degree, a Class A felony, in
21 Count Nine?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: In Count No. Ten it is
24 claimed that on or about the 18th day of January,
25 1991, to the 19th day of January, 1991, in Sedgwick

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1 County, Kansas, that you did then and there
2 unlawfully kill a human being, that being
3 Dolores E. Davis, maliciously, willfully,
4 deliberately and with premeditation, by
5 strangulation, inflicting injuries from which the
6 said Dolores E. Davis did die on January 19th,
7 1991.

8 Do you understand that you are charged with
9 Murder in the First Degree, an off-grid person
10 felony, in Count No. Ten?

11 THE DEFENDANT: I would like a correction
12 on that. I've got the 19th on mine. Is that --

13 THE COURT: I have in the Information
14 before me that they claim it occurred on or about
15 the 18th day of January, 1991, A.D., to the 19th day
16 of January, 1991.

17 THE DEFENDANT: That -- That will be
18 okay.

19 MR. O'CONNOR: Your Honor, that is --
20 that is a Class A person felony also. That's
21 preguidelines, so it would also be a Class A person
22 felony.

23 THE COURT: All right. I was looking
24 down at the surplusage. It is a Class A person
25 felony.

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1 But Mr. Rader, you are satisfied with that --
2 that time period?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Rader, in this case you
5 are entitled to a trial by jury. The Constitutions
6 of the United States and the State of Kansas provide
7 that a person charged with a criminal case is
8 entitled to have a jury of 12 persons, 12 of his
9 peers, decide the case.

10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: In this case, sir, if there
13 were a jury trial we would select 12 individuals.
14 These people would listen to the facts involved in
15 the case and make a determination after all of the
16 evidence had been submitted as to whether or not the
17 State had proven your guilt beyond a reasonable
18 doubt. You would not have to prove a thing.

19 Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: If there were a trial, the
22 State would have to bring witnesses to court. Those
23 people would take an oath and have a chair at the
24 witness stand. They would then answer questions
25 asked of them by the State's lawyer. Their answers

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1 to those questions would be what is called
2 testimony.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Your attorneys would have the
6 right to question every witness called by the State
7 and in that way confront those people for you.

8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: That also is a Constitutional
11 right that you have, the right of confrontation of
12 witnesses called to testify against you, and you
13 realize that.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Your attorneys could do
16 that. They could confront the witnesses the State
17 would call at a trial, but they would in no way be
18 obligated to do so because they, just like you, have
19 to prove nothing. The State has to prove that you
20 are guilty beyond a reasonable doubt. You do not
21 have to prove that you are not guilty.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: If there were a trial,
25 Mr. Rader, you would have the right to bring

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1 witnesses to court for yourself. If those people
2 would not voluntarily come to court, the Court would
3 do everything within its power to make them come.
4 Your witnesses could testify, just as the State's
5 witnesses testified, and the State would have a
6 right to confront or cross-examine every witness you
7 might call.

8 Do you understand that you would have that
9 absolute right to put on a defense by calling
10 witnesses?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: But do you also realize, sir,
13 if there were a trial you would not have to call any
14 witnesses, nor would you have to put on any
15 defense. The State has to prove that you are guilty
16 beyond a reasonable doubt. You do not have to prove
17 that you are not guilty.

18 Do you understand?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: If there were a trial,
21 Mr. Rader, you would have the right to testify
22 yourself. You could take the witness stand, after
23 taking an oath, and answer questions asked of you by
24 your attorney. The State would then have the right
25 to confront or cross-examine you.

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1 Do you understand that you would have that
2 right, that absolute right to testify in your own
3 defense?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: But do you also realize,
6 Mr. Rader, that under the Constitutions of the State
7 of Kansas and the United States no one could make
8 you or force you to take that witness stand because
9 you are protected with what is called the right
10 against self-incrimination. That simply means no
11 one could put you in a position where you could be a
12 witness against yourself. The only way that you
13 would testify at any trial would be if you wanted
14 to.

15 Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Sir, if there were a trial
18 these would be your rights. By entering a plea of
19 guilty to these ten counts you will be giving up all
20 of these rights, especially that right against
21 self-incrimination, because you would have to admit
22 here in open court that you did what the State
23 claims you did.

24 Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: Now, as I understand it,
2 there are no plea negotiations in this case. Is
3 that correct, Counsel?

4 MS. FOULSTON: That is correct,
5 Your Honor.

6 MR. OSBURN: That is correct,
7 Your Honor.

8 THE COURT: I have been given a
9 Defendant's Acknowledgment of Rights and Entry of
10 Plea form by the defense. There on that form there
11 are certain matters contained in paragraph one. I'm
12 going to read it into the record. Paragraph one --

13 MS. FOULSTON: Your Honor, excuse me.
14 I've not seen that document.

15 THE COURT: All right. You may look at
16 it.

17 MS. FOULSTON: Counsel, do you have a
18 copy for us?

19 (Ms. Mitchell provides document to
20 Ms. Foulston.)

21 MS. FOULSTON: May I take a moment to
22 look at it, Your Honor?

23 THE COURT: You may look at it.

24 (Pause.)

25 Have you had the opportunity to read paragraph

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1 one?

2 MS. FOULSTON: I have, Your Honor.

3 THE COURT: All right. In paragraph one
4 it is written: My true name is Dennis L. Rader. I
5 am 60 years old and have completed 18 years of
6 education. There have been no plea negotiations in
7 this case, and the defendant hereby enters a plea of
8 guilty as charged to all counts.

9 With respect to Count Ten of the Complaint, the
10 defendant hereby acknowledges, proffers and
11 stipulates pursuant to the law of 1990, Chapter 99,
12 Sections 5 and 6, he committed the crime in order to
13 avoid or prevent a lawful arrest or prosecution, and
14 further, he committed the crime in an especially
15 heinous, atrocious or cruel manner, and the
16 aggravating circumstances outweigh any mitigating
17 circumstances. By doing so, the defendant further
18 waives his right to have a jury of twelve or the
19 Court determine whether aggravating circumstances
20 outweigh any mitigating circumstances.

21 Now, this is written in paragraph one. The
22 defendant has offered to stipulate to those
23 particular items contained therein. The State --

24 MS. FOULSTON: Your Honor, the State will
25 not accept a stipulation as to the -- as to the Hard

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1 40.

2 THE COURT: All right. This is something
3 we do not really have to deal with until time of
4 sentencing should we reach that.

5 MS. FOULSTON: We will agree that he
6 can -- We will agree to the waiver of the -- the
7 jury, and other than that we will not agree to the
8 stipulation as to the factual basis for the
9 aggravating factors.

10 THE COURT: All right. As I indicated,
11 this is something we will approach and get to at the
12 time of sentencing.

13 Mr. Rader, because there is not an acceptance
14 of this paragraph I'm not going to go into it any
15 further; but I would mention that this Defendant's
16 Acknowledgment of Rights and Entry of Plea form I
17 note has been signed by yourself and your counsel.
18 Is that correct, sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Did you have an opportunity
21 to go over this form thoroughly with your lawyers?

22 THE DEFENDANT: Yes. Many times.

23 THE COURT: This form contains many of
24 the same rights that I have advised you of already.
25 Are you base -- basically, based upon the contents

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1 of this form and your discussions with your
2 attorneys and what I have told you here today, are
3 you pretty much assured that you understand each and
4 every one of your rights in this case?

5 THE DEFENDANT: Yes, sir. The defense
6 worked with me real well. We went over them, and,
7 you know, I -- I feel like I'm pretty happy with
8 it. Ready to go.

9 THE COURT: You have no questions in
10 regards to what your rights are?

11 THE DEFENDANT: No, sir.

12 THE COURT: In this case, as I've told
13 you, Mr. Rader, if you enter a plea of guilty you
14 will give up many of these rights that we have gone
15 over, if not all of them. You will also give up
16 your right to appeal much of the material contained
17 within this case. When I say "material," appeal the
18 decisions and rulings of the Court.

19 Do you understand that?

20 THE DEFENDANT: Clarification on that.

21 THE COURT: All right. If you enter a
22 plea of guilty, you would give up many of your
23 appeal rights because you would not be able to
24 appeal, for example, a factual basis. You will have
25 the right, however, to appeal the manner in which

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1 the proceedings have -- have been completed and done
2 up to this point in time.

3 THE DEFENDANT: So that ten days will
4 still be there at the -- after sentencing?

5 THE COURT: That is correct.

6 THE DEFENDANT: Okay.

7 THE COURT: You also have, in regards to
8 Count No. Ten, an automatic appeal basically, based
9 upon the law as it was in the State of Kansas at
10 that time, should the Court impose a Hard 40
11 sentence.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And your attorneys have
15 talked with you about your appeal rights and what,
16 if anything, you would give up in this regard; is
17 that correct?

18 THE DEFENDANT: That is correct.

19 THE COURT: All right. So you believe
20 that you fully and completely understand your rights
21 in this case.

22 Now, Mr. Rader, have you talked with your
23 lawyers in regards to sentences?

24 THE DEFENDANT: Yes. Uh, there was a --

25 (Off-the-record discussion between

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1 the defendant and Ms. McKinnon.)

2 Yes, I have talked to them.

3 THE COURT: All right. The allegations
4 made by the State in the Information cover a long
5 period of time. The law of the State of Kansas
6 pretty much remained the same during this period of
7 time; however, there were some changes that occurred
8 at -- in regards to later counts. The law of the
9 State of Kansas as it became effective in 1969, and
10 publication in 1970, for Murder in the First Degree,
11 called for a sentence of life with a parole
12 eligibility of 15 years.

13 Do you understand that, sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, that particular sentence
16 would apply in regards to Counts One, Two, Three,
17 Four, Five, Six, Seven, Eight and Nine.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: In regards to Count No. Ten,
21 in that particular count the law was amended to
22 allow for a person who was convicted of First-Degree
23 Murder under certain circumstances to serve a term
24 of life with a parole eligibility period of 40
25 years. That means after the person had served 40

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1 years in confinement they would be eligible for
2 parole. Not that that person would get parole, but
3 that that person would be eligible.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, under that particular
7 sentence we've had some discussion about it
8 already. The State has the responsibility of
9 bringing evidence to the Court, and that evidence
10 could be presented to a jury to show that the
11 aggravating circumstances outweigh the mitigating
12 circumstances. If that were found beyond a
13 reasonable doubt, then you could be sentenced to
14 life with a parole eligibility of up to 40 years.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Based upon -- Well, let me
18 mention to you also, in regards to these particular
19 felonies, there were also fines that were in place
20 back at that time. Have you talked with your
21 attorneys about those particular fines?

22 THE DEFENDANT: Yes, we have.

23 THE COURT: In those cases the fines --
24 in all of them pretty much, the fines could be up to
25 \$500,000.00 for these felonies.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: The Court would have the
4 right to impose such fines.

5 Do you realize that?

6 THE DEFENDANT: Yes.

7 THE COURT: Based upon what you've talked
8 with your attorneys about, what I've talked with you
9 about here this morning, Mr. Rader, do you believe
10 that you fully and completely understand the
11 possible sentences and your rights involved in this
12 case?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: There have been no plea
15 agreements in this case. Has anyone threatened you
16 with anything or forced you in any way to enter a
17 plea of guilty?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have the services of your
20 lawyers been satisfactory?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: They have been available to
23 discuss the case with you and confer with you about
24 possible defenses and all of the aspects of the
25 case?

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1 THE DEFENDANT: They worked very well
2 with me. I've had no problems.

3 THE COURT: You've had no dissatisfaction
4 with them whatsoever?

5 THE DEFENDANT: No, sir.

6 THE COURT: Have you any problem with the
7 way the Court has treated you?

8 THE DEFENDANT: No, it's been very fair.

9 THE COURT: All right, Mr. Rader. At
10 this time I'm going to ask how do you plead to these
11 ten counts?

12 THE DEFENDANT: Guilty.

13 THE COURT: Are you pleading guilty
14 because you are guilty, or are you pleading guilty
15 for some other reason?

16 THE DEFENDANT: There was some
17 reservations on that, but if we went to trial I
18 think it would be just a long, drawn to a guilty,
19 (sic) just a long process, so, you know, it's just a
20 mathematical problem. It's guilty.

21 THE COURT: All right. Are you pleading
22 guilty because you are guilty, or are you --

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Well, I'm going
25 to go over each one of these counts. I'm going to

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1 ask you for a factual basis for these counts. That
2 simply means, Mr. Rader, I want you to tell me in
3 your own words why you believe you're guilty. We
4 will start off with Count No. One.

5 MS. FOULSTON: Your Honor? Your Honor,
6 the one thing that's missing after the explanation
7 of the parole eligibility was that the sentences
8 could be served concurrent or consecutively.

9 THE COURT: Well, I'll advise you of that
10 too, Mr. Rader. You understand these sentences
11 could be concurrent, or they could be consecutive,
12 the sentences in Counts One through Ten. Do you
13 understand they could be run concurrent or
14 consecutive?

15 THE DEFENDANT: This is on the
16 facial? (sic)

17 THE COURT: On all of them. Do you
18 understand they could be concurrent or consecutive?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: When I say "concurrent," that
21 would mean if they were all run together or any
22 number of them together those sentences that were
23 concurrently run would be served together. If they
24 were ordered to run consecutively, or any number of
25 them ordered to run consecutively, those sentences

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1 that were to run consecutively would have to be
2 served one after the other. So if all ten of these
3 counts were ordered to run consecutively, it would
4 mean that you'd have to serve the sentence for Count
5 One, then the sentence for Count Two, then the
6 sentence for Count Three, so on until you had
7 satisfied every one of these sentences; and since
8 they are life, basically you would be confined for
9 your natural life.

10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, I will go ahead at this
13 time then and ask you, if the parties don't desire
14 to have anything further on the record, in regards
15 to Count One, please tell me in your own words what
16 you did on the 15th day of January, 1974, here in
17 Sedgwick County, Kansas, that makes you believe you
18 are guilty of Murder in the First Degree.

19 THE DEFENDANT: On January 15th, 1974, I
20 maliciously, intentionally and premeditation killed
21 Joseph Otero. Count Two --

22 THE COURT: All right. Mr. Rader, I need
23 to find out more information. On that particular
24 day, the 15th day of January, 1974, can you tell me
25 where you went to kill Mr. Joseph Otero?

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1 THE DEFENDANT: Mmm, I think it's
2 1834 Edgemoor.

3 THE COURT: All right. Can you tell me
4 approximately what time of day you went there?

5 THE DEFENDANT: Somewhere between 7:00
6 and 7:30.

7 THE COURT: This particular location, did
8 you know these people?

9 THE DEFENDANT: No. That's --

10 (Off-the-record discussion between
11 the defendant and Ms. McKinnon.)

12 No, that was part of my -- I guess my what you
13 call fantasy. These people were selected.

14 THE COURT: All right. So you --

15 (Off-the-record discussion between
16 the defendant and Ms. McKinnon.)

17 THE COURT: -- you were engaged in some
18 kind of fantasy during this period of time?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Now, when you use
21 the term "fantasy," is this something you were doing
22 for your personal pleasure?

23 THE DEFENDANT: Sexual fantasy, sir.

24 THE COURT: I see. So you went to this
25 residence, and what occurred then?

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1 THE DEFENDANT: Well, I had -- did some
2 thinking on what I was going to do to either
3 Mrs. Otero or Josephine, and basically broke into
4 the house -- or didn't break into the house, but
5 when they came out of the house I came in and
6 confronted the family, and then we went from there.

7 THE COURT: All right. Had you planned
8 this beforehand?

9 THE DEFENDANT: To some degree, yes.
10 After I got in the house it -- lost control of it,
11 but it -- it was -- you know, in back of my mind I
12 had some ideas what I was going to do.

13 THE COURT: Did you --

14 THE DEFENDANT: But I just -- I basically
15 panicked that first day, so --

16 THE COURT: Beforehand did you know who
17 was there in the house?

18 THE DEFENDANT: I thought Mrs. Otero and
19 the two kids -- the two younger kids were in the
20 house. I didn't realize Mr. Otero was gonna be
21 there.

22 THE COURT: All right. How did you get
23 into the house, Mr. Rader?

24 THE DEFENDANT: I came through the back
25 door, cut the phone lines, waited at the back door,

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1 had reservations about even going or just walking
2 away, but pretty soon the door opened, and I was
3 in.

4 THE COURT: All right. So the door
5 opened. Was it opened for you, or did someone --

6 THE DEFENDANT: I think one of the
7 kids -- I think the Ju -- Junior -- or not Junior --
8 yes, the -- the young girl -- Joseph opened the
9 door. He probably let the dog out 'cause the dog
10 was in the house at that time.

11 THE COURT: All right. When you went
12 into the house what happened then?

13 THE DEFENDANT: Well, I confronted the
14 family, pulled a pistol, confronted Mr. Otero and
15 asked him to -- you know, that I was there to --
16 basically I was wanted, wanted to get the car. I
17 was hungry, food, I was wanted, and asked him to lie
18 down in the living room. And at that time I
19 realized that wouldn't be a really good idea, so I
20 finally -- The dog was the real problem, so I -- I
21 asked Mr. Otero if he could get the dog out. So he
22 had one of the kids put it out, and then I took them
23 back to the bedroom.

24 THE COURT: You took who back to the
25 bedroom?

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1 THE DEFENDANT: The family, the
2 bedroom -- the four members.

3 THE COURT: All right. What happened
4 then?

5 THE DEFENDANT: At that time I tied 'em
6 up.

7 THE COURT: While still holding them at
8 gunpoint?

9 THE DEFENDANT: Well, in between tying, I
10 guess, you know.

11 THE COURT: All right. After you tied
12 them up what occurred?

13 THE DEFENDANT: Well, they started
14 complaining about being tied up, and I re --
15 re loosened the bonds a couple of times, tried to
16 make Mr. Otero as comfortable as I could.
17 Apparently he had a cracked rib from a car accident,
18 so I had him put a pillow down on his -- for his
19 head, had him put a -- I think a parka or a coat
20 underneath him. They -- You know, they talked to me
21 about, you know, giving the car and whatever money.
22 I guess they didn't have very much money, and the --
23 from there I realized that, you know, I was
24 already -- I didn't have a mask on or anything.
25 They already could ID me, and made -- made a

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1 decision to go ahead and -- and put 'em down, I
2 guess, or strangle them.

3 THE COURT: All right. What did you do
4 to Joseph Otero, Sr.?

5 THE DEFENDANT: Joseph Otero?

6 THE COURT: Yeah, Joseph Otero, Sr.
7 Mr. Otero, the father.

8 THE DEFENDANT: Put a plastic bag over
9 his head and then some cords and tightened it.

10 THE COURT: This was in the bedroom?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Did he in fact
13 suffocate and die as a result of this?

14 THE DEFENDANT: Not right away, no, sir,
15 he didn't.

16 THE COURT: What happened?

17 THE DEFENDANT: Well, after that I -- I
18 did Mrs. Otero. I had never strangled anyone
19 before, so I really didn't know how much pressure
20 you had to put on a person or how long it would
21 take, but --

22 THE COURT: Was she also tied up there in
23 the bedroom?

24 THE DEFENDANT: Yes, uh-huh. Yeah, both
25 their hands and their feet were tied up. She was on

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1 the bed.

2 THE COURT: Where were the children?

3 THE DEFENDANT: Well, Josephine was on
4 the bed, and Junior was on the floor --

5 THE COURT: All right.

6 THE DEFENDANT: -- at this time.

7 THE COURT: So we're -- we're talking,
8 first of all, about Joseph Otero. So you had put
9 the bag over his head and tied it.

10 THE DEFENDANT: Mm-hmm.

11 THE COURT: And he did not die right
12 away. Can you tell me what happened in regards to
13 Joseph Otero?

14 THE DEFENDANT: He moved over real quick
15 like and I think tore a hole in the bag, and I could
16 tell that he was having some problems there, but at
17 that time the -- the whole family just went -- they
18 went panicked on me, so I -- I -- I worked pretty
19 quick. I got Mrs. O --

20 THE COURT: All right. What did you --
21 You worked pretty quick. What did you do?

22 THE DEFENDANT: Well, I mean, I -- I -- I
23 strangled Mrs. Otero, and then she went out, or
24 passed out. I thought she was dead. She passed
25 out. Then I strangled Josephine. She passed out,

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1 or I thought she was dead. And then I went over and
2 put a -- and then put a bag on Junior's head and --
3 and then, if I remember right, Mrs. Otero came
4 back. She came back and --

5 THE COURT: Sir, let me ask you about
6 Joseph Otero, Sr.

7 THE DEFENDANT: Senior.

8 THE COURT: You indicated he had torn a
9 hole in the bag.

10 THE DEFENDANT: Mm-hmm.

11 THE COURT: What did you do with him
12 then?

13 THE DEFENDANT: I put another bag over
14 it -- or either that or a -- if I recollect, I think
15 I put a -- either a cloth or a T-shirt or something
16 over it -- over his head, and then a bag, another
17 bag, then tied that down.

18 THE COURT: Did he sub -- Did he
19 subsequently die?

20 THE DEFENDANT: Well, yes. I mean -- I
21 mean, I was -- I didn't just stay there and watch
22 him. I mean, I was moving around the room, but --

23 THE COURT: All right. So you indicated
24 you strangled Mrs. Otero after you had done this; is
25 that correct?

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1 THE DEFENDANT: Yeah, I went back and
2 strangled her again.

3 THE COURT: All right.

4 THE DEFENDANT: And that -- And that --
5 that finally killed her at that time.

6 THE COURT: So this is in regards to
7 Count Two. You had, first of all, put the bag over
8 Joseph Otero's head.

9 THE DEFENDANT: Mm-hmm.

10 THE COURT: And he tore a hole in the
11 bag.

12 THE DEFENDANT: Mm-hmm.

13 THE COURT: Then you went ahead -- Did
14 you strangle Mrs. Otero then --

15 THE DEFENDANT: Okay.

16 THE COURT: -- or did you go back?

17 THE DEFENDANT: First of all -- First of
18 all, Mr. Otero was strangled -- or a bag put over
19 his head and strangled. Then I thought he was going
20 down. Then I went over and strangled Mrs. Otero. I
21 thought she was down. Then I strangled Josephine.
22 Thought she was down. And then I went over to
23 Junior and put the bag on his head. After that
24 Mrs. Otero woke back up, and, you know, she was
25 pretty upset what's going on, so I came back and at

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1 that point in time strangled her for a -- for the
2 death strangle at that time.

3 THE COURT: With your hands or what?

4 THE DEFENDANT: No, with a cord, with
5 a -- with a rope. And then I -- I think at that
6 point in time I redid Mr. Otero's, put the bag over
7 his head, went over and then took Junior -- Oh --
8 Oh, before that she asked me to -- to save her son,
9 so I actually had taken the bag off, and then I was
10 really upset at that point in time. So basically
11 when Mr. Otero was down, Mrs. Otero was down, I went
12 ahead and -- and took Ju -- Junior -- I put another
13 bag over his head and took him to the other bedroom
14 at that time.

15 THE COURT: What -- What did you do
16 then?

17 THE DEFENDANT: Put a bag over his head.
18 I put a -- a cloth over his head, a T-shirt and a
19 bag so he couldn't tear a hole in it, and he
20 subsequently died from that.

21 THE COURT: All right.

22 THE DEFENDANT: And then when I went back
23 Josephine had woke back up.

24 THE COURT: What did you do then?

25 THE DEFENDANT: I took her to the

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1 basement and eventually hung her.

2 THE COURT: All right. You hung her in
3 the basement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Did you do
6 anything else at that time?

7 THE DEFENDANT: Yes. I -- I had some
8 sexual fantasies, but that was after she was hung.

9 THE COURT: All right. What did you do
10 then?

11 THE DEFENDANT: Went through the house,
12 kind of cleaned it up. It's called the right-hand
13 rule. You go from room to room, picked everything
14 up. I think I took Mr. Otero's watch. There -- I
15 guess I took a radio. I had forgot about that, but
16 apparently I took a radio.

17 THE COURT: Why did you take these
18 things?

19 THE DEFENDANT: I don't know. I have no
20 idea. Just --

21 THE COURT: What happened then?

22 THE DEFENDANT: I got the keys to the
23 car. In fact, I had the keys I think earlier before
24 that, 'cause I wanted to make sure I had a way of
25 getting out of the house, and cleaned the house up

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1 little bit, made sure everything's packed up, and
2 left through the front door, and then went there --
3 went over to their car, and then drove over to
4 Dillons, left the car there. Then eventually walked
5 back to my car.

6 THE COURT: All right. Now, sir, from
7 what you have just said, I take it that the facts
8 you have told me apply to both Counts One -- all of
9 Counts One, Two, Three and Four; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, Mr. Rader --

12 MS. PARKER: Your Honor?

13 THE COURT: Yes.

14 MS. PARKER: There is one thing that
15 needs to be corrected on that record and that is
16 originally I believe he indicated 1834 Edgemoor.
17 The address was actually 803 Edgemoor.

18 THE COURT: All right. But I'd asked him
19 if it occurred in Sedgwick County. He's indicated
20 what had happened. I don't believe the exact
21 address is important.

22 (Off-the-record discussion between
23 Mr. Osburn and the defendant.)

24 All right, Mr. Rader. We will now turn to
25 Count Five. In that count it is claimed that on or

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1 about the 4th day of April, 1974, in Sedgwick
2 County, Kansas, that you unlawfully killed
3 Kathryn Bright, maliciously, willfully, deliberately
4 and with premeditation, by strangulation and
5 stabbing, inflicting injuries from which she did die
6 on April 4th, 1974. Can you tell me what occurred
7 on that day?

8 (Off-the-record discussion between
9 Mr. Osburn and the defendant.)

10 THE DEFENDANT: Well, the -- I don't know
11 how to exactly say that. I had many what I call
12 them projects. They were different people in the
13 town that I followed, watched. Kathryn Bright was
14 one of the next targets, I guess, as I would
15 indicate.

16 THE COURT: How did you select her?

17 THE DEFENDANT: Just driving by one day,
18 and I saw her go in the house with somebody else,
19 and I thought that's a possibility. There was many,
20 many places in the area, College Hill even. They're
21 all over Wichita. But anyway, that's -- it just was
22 basically a selection process, worked toward it. If
23 it didn't work I'd just move on to something else,
24 but in the -- in the -- my kind of person, stalking
25 and strolling (sic) -- You go through the trolling

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1 stage and then a stalking stage. She was in the
2 stalking stage when this happened.

3 THE COURT: All right, sir. So you
4 identified Kathryn Bright as a potential victim.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: What did you do here in
7 Sedgwick County then?

8 THE DEFENDANT: Pardon?

9 THE COURT: What did you do then here in
10 Sedgwick County?

11 THE DEFENDANT: On this particular day?

12 THE COURT: Yes.

13 THE DEFENDANT: I broke into the house
14 and waited for her to come home.

15 THE COURT: How did you break into the
16 house?

17 THE DEFENDANT: Through the back door on
18 the east side.

19 THE COURT: All right. And you waited
20 for her to come home.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Where did you wait?

23 THE DEFENDANT: In the house there,
24 probably close to the bedroom. I walked through the
25 house and kind of figured out where I'd be if they

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1 came through.

2 THE COURT: All right. What happened
3 then?

4 THE DEFENDANT: She and Kevin Bright came
5 in. I wasn't expecting him to be there. And come
6 to find out, I guess they were related. That time I
7 approached them and told them I was wanted in
8 California, needed some car -- basically the same
9 thing that I told the Oteros. Kind of eased them,
10 make them feel better, and proceeded to -- I think I
11 had him tie -- I think I had him tie her up first,
12 and then I tied him up, or vice versa. I don't
13 remember right now at that time.

14 THE COURT: Let -- Let me ask --

15 THE DEFENDANT: Mm-hmm.

16 THE COURT: You indicated that you had
17 some items to tie these people with. Did you bring
18 these items, both the Oteros and to this location?

19 THE DEFENDANT: The Oteros I did. I'm
20 not really sure on the Brights. There were some --
21 I -- When I had -- In working with the police there
22 was some conserversy (sic) on that. Probably more
23 likely I did, but if -- if I had brought my stuff
24 and used my stuff Kevin would probably be dead
25 today.

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1 THE COURT: All right.

2 THE DEFENDANT: I'm not bragging on
3 that. It's just a matter of fact. It's the bonds I
4 had tau -- row (sic) -- tied him up with that he
5 broke them, so that --

6 THE COURT: All right, sir.

7 THE DEFENDANT: It may be same way
8 with -- same with Kathryn. It was -- They got
9 outta -- got outta hand.

10 THE COURT: All right. Now, you
11 indicated you believe you had Kevin tie Kathryn up.

12 THE DEFENDANT: Mm-hmm.

13 THE COURT: Tell me what happened then.

14 THE DEFENDANT: Okay. I moved -- Well,
15 after -- I really can't remember, Judge, whether I
16 had her tie him up or she tied him up; but anyway, I
17 moved -- basically I moved her to another bedroom,
18 and he was already secure there by the bed. Tied
19 his feet to the bedpost -- one of the bedposts so
20 that he couldn't run. Kind of tied her in the other
21 bedroom, and then I came back to strangle him, and
22 at that time we had a fight.

23 THE COURT: Were you armed with a handgun
24 at that time also?

25 THE DEFENDANT: Yes, I had a handgun.

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1 THE COURT: All right. What happened
2 when you came back?

3 THE DEFENDANT: I actually had two
4 handguns.

5 THE COURT: All right.

6 THE DEFENDANT: Well, when I started
7 strangling, the -- either the garrote broke or he
8 broke his bonds, and he jumped up real quick like.
9 I pulled my gun and quickly shot at him. It hit him
10 in the head. He fell over. I could see the blood.
11 And as far as I was concerned, he -- you know, I
12 thought he was down and was out, and then went and
13 started to strangle Kath -- or -- Kathryn. And then
14 we started fighting 'cause the bonds weren't very
15 good, and so back and forth we fought.

16 THE COURT: You and Kathryn?

17 THE DEFENDANT: Yeah, we fought, uh-huh.
18 And I got the best of her, and I thought she was
19 going down, and then I could hear some movement in
20 the other room. So I went back, and Kevin -- No.
21 No. I thought she was going down, and I went back
22 to the other bedroom where Kevin was at, and I tried
23 to restrangle him at that time, and he jumped up,
24 and we fought, and -- and he about -- at that time
25 about shot me, 'cause he got the other pistol that

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1 was in my shoulder here. I had my magnum in my
2 shoulder. So -- And really I --

3 THE COURT: A shoulder holster?

4 THE DEFENDANT: Hmm?

5 THE COURT: Did you have it in a shoulder
6 holster?

7 THE DEFENDANT: Yes, mm-hmm. I had the
8 magnum in my shoulder holster. The other one was a
9 .22.

10 THE COURT: All right.

11 THE DEFENDANT: And we fought at that
12 point in time, and I thought it was gonna go off. I
13 jammed the gun, stuck my finger in the -- in there,
14 jammed it; and I think he thought that was the only
15 gun I had 'cause once I either bit his finger or hit
16 him or something, got away, and I used the .22 and
17 shot him one more time, and I thought he was down
18 for good that time.

19 THE COURT: All right. So you shot him a
20 second time.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: What happened then?

23 THE DEFENDANT: Went back to finish the
24 job on Kathryn, and she was fighting. And at that
25 point in time I'd been fighting her. I just -- And

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1 then I heard some -- I don't know whether I was
2 lose -- basically losing control. The strangulation
3 wasn't working on her, and I used a knife on her.

4 THE COURT: You say you used a knife on
5 her.

6 THE DEFENDANT: Yes. Yes.

7 THE COURT: What did you do with the
8 knife?

9 THE DEFENDANT: I stabbed her. She was
10 stab -- either stabbed two or three times, either
11 here or here, maybe two back here and one here, or
12 maybe just two times back here.

13 THE COURT: And you're -- you're pointing
14 to your lower back and your -- your --

15 THE DEFENDANT: Yeah, underneath the
16 ribs.

17 THE COURT: -- and your lower abdomen.

18 THE DEFENDANT: Yeah, underneath the
19 ribs, up -- up under the ribs.

20 THE COURT: So after you stabbed her what
21 happened?

22 THE DEFENDANT: Actually I think at that
23 point in time -- Well, it's a total mess 'cause I
24 didn't have control on it. She was bleeding. She
25 went down. I think I just went back to check on

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1 Kevin, or at that basically same time I heard him
2 escape. It could be one of the two. But all the
3 sudden the front door of the house was open and he
4 was gone, and -- Oh, I tell you what I thought. I
5 thought the police were coming at that time. I
6 heard the door open. I thought, you know, that's
7 it; and I stepped out there, and he -- I could see
8 him running down the street. So I quickly cleaned
9 up everything that I could and left.

10 THE COURT: All right. Now, Mr. Rader,
11 you indicated that at the Oteros you did not have a
12 mask on. Did you have a mask on at the Brights'?

13 THE DEFENDANT: No. No, I didn't,
14 huh-uh.

15 THE COURT: All right. So what happened
16 then?

17 THE DEFENDANT: I tried -- I had --
18 already had the keys to the cars, and I thought I
19 had the right key to the right car. I ran out to
20 their car, what -- I think it was a pickup out
21 there. And I tried it, didn't work; and at that
22 point in time I was -- he was gone, running down the
23 street. I thought well, I'm in trouble, so I tried
24 it, didn't work. So I just took off, ran. I went
25 down -- went east and then worked back toward the

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1 WSU campus where my car was parked.

2 THE COURT: All right. So you had parked
3 your car at the Wichita State University --

4 THE DEFENDANT: Yes, sir.

5 THE COURT: -- campus?

6 THE DEFENDANT: The campus, uh-huh.

7 THE COURT: How far away were -- was the
8 Brights' residence?

9 THE DEFENDANT: Oh, I parked -- What is
10 that? 13th? And their -- I want to say their --
11 they were on 13th. What is that? 17th? Yeah. I
12 was fur -- I was just about one block south of 17th
13 where the car was. There -- There's a park there.
14 I parked by that park, and then I walked to 13th to
15 the Brights' residence. So I basically ran back.

16 THE COURT: All right. So you were able
17 to get to your car and get away.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now let's turn to Count No.
20 Six. In that count they claim on March 17th, 1977,
21 in Sedgwick County, Kansas, that you unlawfully
22 killed Shirley Vian, maliciously, willfully,
23 deliberately and with premeditation, by
24 strangulation, inflicting injuries from which she
25 did die on March 17th, 1977. Can you tell me what

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1 you did on that day?

2 THE DEFENDANT: As before, Vian was a --
3 Actually on that one she was completely random.
4 There was actually someone that across from Dillons
5 was potential target. It was called Project Green,
6 I think. I had project numbers assigned to it. And
7 that particular day I drove to Dillons, parked in
8 the parking lot, watched this particular residence,
9 and then got out of the car and walked over to it.
10 It's probably in the police report, the address. I
11 don't remember the address now. Knocked. Nobody --
12 Nobody answered it. So I was all keyed up, so I
13 just started going through the neighborhood. I had
14 been through the neighborhood before. I kind of
15 knew a little -- little of the layout of the
16 neighborhood. I'd been through the back alleys,
17 knew where some -- certain people lived. While I
18 was walking down Hydraulic I met a -- a young boy
19 and asked him if he would ID some pictures, kind of
20 as a russ (sic), I guess, or ruse as you call it,
21 and kind of feel it out, and saw where he went, and
22 I went to another address, knocked on the door.
23 Nobody opened the door, so I just noticed where he
24 went and went to that house, and we went from there.

25 THE COURT: Now, you -- you call these

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1 "projects." Were these sexual fantasies also?

2 THE DEFENDANT: Potential hits. That --

3 In my world, that's what I called them.

4 THE COURT: All right. So you --

5 THE DEFENDANT: They were called

6 projects, hits.

7 THE COURT: All right. And -- And why

8 did you have these potential hits? Was this to

9 gratify some sexual interest or --

10 THE DEFENDANT: Yes, sir. I had --

11 There -- I had a lot of them, so it's just -- if one

12 didn't work I'd just move to another one.

13 THE COURT: All right. So as I am to

14 understand it then, on the 17th of March, 1977, you

15 saw this little boy go into a residence.

16 THE DEFENDANT: Mm-hmm.

17 THE COURT: And you tried another

18 residence?

19 THE DEFENDANT: Sir?

20 THE COURT: No one was there? You tried

21 another residence. No one was there, so you --

22 THE DEFENDANT: Right, right, right,

23 right. Yeah.

24 THE COURT: -- went to the residence with

25 the little boy --

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1 THE DEFENDANT: And I watched -- I
2 watched where he went.

3 THE COURT: What happened then?

4 THE DEFENDANT: After I tried this once,
5 the residence, nobody came to the door. I went to
6 this house where he went in, knocked on the door and
7 told 'em I was a private detective, showed 'em a
8 picture that I had just showed the boy and asked 'em
9 if they could ID the picture; and that time I -- I
10 had the gun here and I just kind of forced myself
11 in. I just, you know, walked in -- just opened the
12 door and walked in and then pulled a pistol.

13 THE COURT: What gun? What pistol?

14 THE DEFENDANT: The .357 magnum.

15 THE COURT: All right. So you only had
16 one gun with you this time?

17 THE DEFENDANT: Yes, sir, uh-huh.

18 THE COURT: What happened then?

19 THE DEFENDANT: I told Mrs. -- Miss Vian
20 that I had a problem with sexual fantasies, that I
21 was going to tie her up, and that -- and I might
22 have to tie the kids up, and that she would
23 cooperate with this -- cooperate with me at that
24 time. We went back. She was extremely nervous. I
25 think she even smoked a cigarette. And we went back

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1 to the -- one of the back -- back areas of the
2 porch, explained to her that I had done this before,
3 and, you know, I think she -- at that point in time
4 I think she was sick 'cause she had a night robe on,
5 and I think, if I remember right, she was -- she had
6 been sick. I think -- I think she came out of the
7 bedroom when I went in the house. So anyway, we
8 went back to the -- her bedroom, and I proceeded to
9 tie the kids up, and they started crying and got
10 real upset. So I said oh, this is not gonna work,
11 so we moved 'em to the bathroom. She helped me.

12 And then I tied the door shut. We put some toys
13 and blankets and odds and ends in there for the
14 kids, make them as comfortable as we could. Tied
15 the -- We tied one of the bathroom doors shut so
16 they couldn't open it, and we shoved -- she went
17 back and helped me shove the bed up against the
18 other bathroom door, and then I proceeded to tie her
19 up. She got sick, threw up. Got her a glass of
20 water, comforted her a little bit, and then went
21 ahead and tied her up and then put a blag (sic) -- a
22 bag over her head and strangled her.

23 THE COURT: All right. Was this a
24 plastic bag also?

25 THE DEFENDANT: Yes, sir. I think it

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1 was.

2 THE COURT: All right.

3 THE DEFENDANT: But I could be wrong in
4 that.

5 THE COURT: You put a bag or --

6 THE DEFENDANT: It was something -- I'm
7 sure it was a plastic bag, yeah.

8 THE COURT: Now, you say you put a bag
9 over her head and strangled her. What did you
10 strangle her with?

11 THE DEFENDANT: I actually -- I think on
12 that I had tied -- tied her legs to the bedposts and
13 worked up with the rope all the way up, and then
14 what I had left over I looped over her neck.

15 THE COURT: All right. So you used this
16 rope to strangle her?

17 THE DEFENDANT: Yes, uh-huh. I think --
18 I think it was the same one that I tied her body
19 with, mm-hmm.

20 THE COURT: All right. What happened
21 then?

22 THE DEFENDANT: Well, the kids were
23 really banging on the door, hollering and screaming,
24 and -- and then the telephone rang, and they had
25 talked about earlier that the neighbor's gonna check

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1 on 'em, so I cleaned everything up real quick like,
2 and got out of there, left and went back in -- to my
3 car.

4 THE COURT: Now, when you say you cleaned
5 everything --

6 THE DEFENDANT: Well, I mean put my
7 stuff -- I had a briefcase. Whatever I have laying
8 around, ropes, tape, cords, I threw that in there,
9 my -- you know, whatever, you know, that I had that
10 I brought in the house.

11 THE COURT: Had you brought that to the
12 Bright residence also or --

13 THE DEFENDANT: Yeah, there is some --
14 There -- I -- I think there's some basic stuff, but
15 I don't remember bringing total stuff like I did to
16 some of the others.

17 THE COURT: Was this a kit that you had
18 prepared --

19 THE DEFENDANT: Yeah. I --

20 THE COURT: -- beforehand?

21 THE DEFENDANT: Yes. I call it my hit
22 kit.

23 THE COURT: All right, sir. You left the
24 Vian residence, and had you parked your vehicle near
25 there?

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1 THE DEFENDANT: Yeah, still in the same
2 parking lot there at Dillons --

3 THE COURT: All right.

4 THE DEFENDANT: -- at Hydraulic and --
5 What is that? Harry? Lincoln. Lincoln, yeah.
6 Lincoln and -- Lincoln and Hydraulic.

7 THE COURT: All right. In Count Seven it
8 is claimed that on the 8th day of December, 1977, in
9 Sedgwick County, Kansas, that you unlawfully killed
10 a human being, that being Nancy Fox, maliciously,
11 willfully, deliberately and with premeditation, by
12 strangulation, inflicting injuries from which the
13 said Nancy Fox did die on December 8th, 1977. Can
14 you tell me what you did on that day here in
15 Sedgwick County?

16 THE DEFENDANT: Nancy Fox was another one
17 of the projects. When I was trolling the area I
18 noticed her go in the house one night. Sometimes I
19 would -- And anyway, I put her down as potential
20 victim.

21 THE COURT: Let me ask you one thing,
22 Mr. Rader. You've used that term when you were
23 patrolling the area. What do you mean by that?

24 THE DEFENDANT: It's called stalking or
25 trolling.

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1 THE COURT: So you were not working in
2 any form or fashion. You were just --

3 THE DEFENDANT: Well, I don't know, if --
4 you know, if you read much about serial killers,
5 they go through what they call the different
6 phases. That's one of the phases they go through is
7 a -- as a trolling stage. You're lay -- Basically
8 you're looking for a victim at that time, and that
9 can either be trolling for months or years. But
10 once you lock in on a certain person then you become
11 stalking, and that might be several of them, but you
12 really home in on that person. They -- They
13 basically come the -- That's -- That's the victim,
14 or at least that's what you want 'em to be.

15 MS. FOULSTON: Excuse me, Your Honor. I
16 think he said "trolling," with a T, not
17 "patrolling."

18 THE COURT: He did say "trolling" with a
19 T. I thought he said "patrolling."

20 THE DEFENDANT: Oh, okay.

21 THE COURT: All right, sir.

22 THE DEFENDANT: No, no. I wasn't
23 working, sir.

24 THE COURT: All right.

25 THE DEFENDANT: No, this was -- No, this

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1 was off -- off -- off my hours.

2 THE COURT: All right. So you basically
3 identified Nancy Fox as one of your projects. What
4 happened then?

5 THE DEFENDANT: At first she was spotted,
6 and then I did a little homework. I dropped by once
7 to check the mailbox to see what her name was, found
8 out where she worked, stopped by there once at
9 Helzberg, kind of sized her up. I had -- The more I
10 knew about a person the -- the more I felt
11 comfortable with it, so I did that a couple of
12 times; and then I just selected a night, which was
13 this particular night, to try it, and it worked
14 out.

15 THE COURT: All right. Can you tell me
16 what you did on the night of December 8th, 1977?

17 THE DEFENDANT: About two or three blocks
18 away I parked my car and walked to that residence.
19 I knocked at the -- knocked at the door first to
20 make sure, see if anybody was in there 'cause I knew
21 she arrived home at a particular time from where she
22 worked. Nobody answered the door, so I went around
23 to the back of the house, cut the phone lines. I
24 could tell that there wasn't anybody in the north
25 apartment. Broke in and waited for her to come home

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1 in the kitchen.

2 THE COURT: All right. Did she come
3 home?

4 THE DEFENDANT: Yes, she did.

5 THE COURT: What happened?

6 THE DEFENDANT: I confronted her, told
7 her there -- I was a -- I had a problem, sexual
8 problem, that I would have to tie her up and have
9 sex with her.

10 THE COURT: Mm-hmm.

11 THE DEFENDANT: She was a little upset.
12 We talked for a while. She smoked a cigarette.
13 While the -- While we smoked a cigarette I went
14 through her purse, identifying some stuff, and she
15 finally said, Well, let's get this over with so I
16 can go call the police. I said, Okay, and she said,
17 Can I go to the bathroom? I said, Yes. She went to
18 the bathroom and came -- and I told her when she
19 came out to make sure that she was undressed. And
20 when she came out I handcuffed her, and don't really
21 remember whether I --

22 THE COURT: You handcuffed her?

23 THE DEFENDANT: Sir?

24 THE COURT: You handcuffed her. You had
25 a pair of handcuffs?

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1 THE DEFENDANT: Yes, sir, uh-huh, mm-hmm.

2 THE COURT: What happened then?

3 THE DEFENDANT: Well, anyway, I had
4 her -- I handcuffed her, had her lay on the bed, and
5 then I tied her feet, and then I -- I -- I was also
6 undressed to a certain degree, and then I got on top
7 of her, and then I reached over, took either --
8 either -- either her feet were tied or not tied, but
9 anyway, I took -- I think I had a belt. I took the
10 belt and then strangled her with the belt at that
11 time.

12 THE COURT: All right. All right. After
13 you had strangled her what happened then?

14 THE DEFENDANT: Okay. After I strangled
15 her with the belt I took the belt off and retied
16 that with pantyhose real tight, removed the
17 handcuffs and tied those with -- with pantyhose.
18 Can't remember the colors right now. I think I
19 maybe retied her feet, if they hadn't already --
20 they were probably already tied, her feet were, and
21 then at that time masturbated, sir.

22 THE COURT: All right. Had you had
23 sexual relations with her --

24 THE DEFENDANT: No.

25 THE COURT: -- before?

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1 THE DEFENDANT: No, no. I told her I
2 was, but I did not.

3 THE COURT: All right. So you
4 masturbated. Then what did you do?

5 THE DEFENDANT: Dressed and then went
6 through the house, took some of her personal items,
7 and kind of cleaned the house up, went through and
8 made -- checked everything and then left.

9 THE COURT: All right.

10 MS. FOULSTON: Your Honor, for the
11 record, the address?

12 THE COURT: He's established it was in
13 Sedgwick County. I don't need an exact address.
14 For purposes of this -- It's in Sedgwick County.

15 Do you remember the address, Mr. Rader?

16 THE DEFENDANT: Oh, the Fox? Nine -- 913
17 or nine oh -- 903? No, I -- I sure don't. I know
18 it was on Pershing -- South Pershing. That's all.

19 THE COURT: Here in Wichita?

20 THE DEFENDANT: It was nine -- It was
21 nine something, sir, but I don't remember the other
22 numb -- digits.

23 MS. FOULSTON: It's 843.

24 THE COURT: The address, as I said, is
25 really not important as long as you remember it

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1 happened here in Wichita, Sedgwick County, Kansas.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right, sir. Let's turn
4 to Count Eight. In Count Eight it is claimed that
5 on or about the 27th day of April, 1985, to the 28th
6 day of April, 1985, in Sedgwick County, Kansas, it
7 is claimed that you unlawfully killed a human being,
8 Marine Hedge, maliciously, willfully, deliberately
9 and with premeditation, by strangulation, inflicting
10 injuries from which Marine Hedge did die on
11 April 27th, 1985. Can you tell me what occurred on
12 that day?

13 THE DEFENDANT: Well, actually, kind of
14 like the others. She was chosen. I went through
15 the different phases, stalking phase, and since she
16 lived down the street from me I could watch the
17 coming and going quite easily. On that particular
18 date I -- I had a -- a other (sic) commitment. I
19 came back from that commitment. Parked my car over
20 at Woodlawn and 21st Street at a bowling alley there
21 at that time. Before that I dressed into -- I had
22 some other clothes on. I changed clothes. I went
23 to the bowling alley, went in there under the
24 pretense of bowling, called a taxi. Had a taxi take
25 me out to Park City. Had my kit with me. It was a

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1 bowling bag.

2 THE COURT: All right. Now, is Park City
3 in Sedgwick County, Kansas?

4 THE DEFENDANT: Yes, sir, uh-huh, mm-hmm.

5 THE COURT: All right. You had the taxi
6 take you to Park City. What happened then?

7 THE DEFENDANT: There I asked -- I -- I
8 pretended that I was a little drunk. I just took --
9 I just took some beer and washed it around my mouth,
10 and the guy could probably smell alcohol on me. I
11 asked -- told him to let me out so I could get some
12 fresh air, and I walked from where the taxi let me
13 off over to her house.

14 THE COURT: All right. Where does she
15 live?

16 THE DEFENDANT: 62 -- What is it? -- 42?

17 (Off-the-record discussion between
18 the defendant and Ms. Mitchell.)

19 THE DEFENDANT: 54. 6254? 6254 --

20 THE COURT: All right. What was the --

21 THE DEFENDANT: -- North Independence.

22 THE COURT: All right. When you walked
23 over there what happened next?

24 THE DEFENDANT: Well, as before, I was
25 going to have sexual fantasies, so I brought my hit

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1 kit, and lo and behold, her car was there. I
2 thought gee, she's not supposed to be home. So I
3 very carefully snuck into the house, kind of like a
4 cat burglar, and after checking the house, she
5 wasn't there. So about that time the doors rattled,
6 so I went -- went back to one of the bedrooms and
7 hid back there in one of the bedrooms. She came in
8 with a male visitor. They were there for maybe an
9 hour or so. Then he left. I waited till wee hours
10 of the morning. I then proceeded to sneak into her
11 bedroom and flip the lights on real quick like, or I
12 think the bathroom lights. I just -- I didn't want
13 to flip her lights on, and she screamed, and I
14 jumped on the bed and strangled her manually.

15 THE COURT: All right. Now, were you
16 wearing any kind of disguise or mask at this time?

17 THE DEFENDANT: No. No.

18 THE COURT: You indicated this woman
19 lived down the street from you. Did she know you?

20 THE DEFENDANT: Casually. We'd walk by
21 and wave. She -- She liked to work in her yard as
22 well as I liked to work, and it's just a neighborly
23 type thing. It wasn't anything personal, I mean,
24 just a neighbor.

25 THE COURT: All right. So she was in her

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1 bed when you turned on the lights in the bathroom?

2 THE DEFENDANT: Yeah, the bathroom, yeah,
3 just to -- so I could get some light in there.

4 THE COURT: All right. What did you do
5 then?

6 THE DEFENDANT: Oh, I manually strangled
7 her when she started to scream.

8 THE COURT: So you used your hands?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And you strangled her? Did
11 she die?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. What did you do
14 then?

15 THE DEFENDANT: After that, since I was
16 in the sexual fantasy, I went ahead and stripped her
17 and probably went ahead and -- I'm not for sure if I
18 tied her up at that point in time, but anyway, she
19 was nude, and I put her on a blanket, went through
20 her purse, some personal items in the house, figured
21 out how I was gonna get her out of there.
22 Eventually moved her to the trunk of the car. Took
23 the car over to Christ Lutheran Church -- This is
24 with the older church -- and took some pictures of
25 her.

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1 THE COURT: All right. You took some
2 photographs of her. What kind of camera did you
3 use?

4 THE DEFENDANT: Polaroid.

5 THE COURT: All right. Did you keep
6 those photographs?

7 THE DEFENDANT: Yes. The police probably
8 have them.

9 THE COURT: All right. All right. What
10 happened then?

11 THE DEFENDANT: That was it. I went -- I
12 took -- She went through -- I tied -- She was
13 already dead, so I took pictures of her in different
14 forms of bondage, and that's probably what got me in
15 trouble is the bondage thing. So anyway -- That's
16 probably the -- the main thing. But anyway, after
17 that I moved her back out to the car, and then we
18 went east on 53rd.

19 THE COURT: All right. What occurred
20 then?

21 THE DEFENDANT: Sir?

22 THE COURT: What happened then?

23 THE DEFENDANT: Oh, trying to find a
24 place to hide her, hide the body.

25 THE COURT: Did you find a place?

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1 THE DEFENDANT: Yes. Yes, I did.

2 THE COURT: Where?

3 THE DEFENDANT: Couldn't tell you without
4 looking at a map, but it was on 53rd, between
5 Greenwich maybe -- maybe -- What's -- What's the
6 other one between Green -- Greenwich and Rock?

7 MR. OSBURN: Webb.

8 THE DEFENDANT: Webb. Between -- I think
9 between wed (sic) and -- Webb and Greenwich I found
10 a ditch, a low place on the north side of the rode,
11 and hid her there.

12 THE COURT: All right. You say you hid
13 her there. Did you --

14 THE DEFENDANT: Well, there were some --
15 there were some trees, some brush, and I laid that
16 over the top of her body.

17 THE COURT: All right. So you removed
18 the body from the car, put her in the ditch, then
19 laid some -- some brush over the body.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Sir, in Count
22 Nine it is claimed on or about the 16th day of
23 September, 1986, in Sedgwick County, Kansas, that
24 you unlawfully killed a human being, Vicki Wegerle,
25 maliciously, willfully, deliberately and with

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1 premeditation, by strangulation, inflicting injuries
2 from which the said Vicki Wegerle did die on
3 September 16th, 1986. Can you tell me what you did
4 here in Sedgwick County on that day that makes you
5 believe you are guilty?

6 THE DEFENDANT: Yes. Again, Vicki was --
7 Wegerle was another potential victim. I went
8 through those different phases, locked in on her, as
9 I would call it, and decided that I would try that
10 date. I used a ruse as a telephone repairman to get
11 in her house. Drove there in my own personal car,
12 around lunchtime, during lunch hour, or
13 approximately that time -- It was earlier in the
14 morning than that -- and put my -- I actually went
15 somewhere else and changed -- changed my clothes,
16 what I -- what I call my hit clothes. And --

17 THE COURT: Hit clothes?

18 THE DEFENDANT: Hit clothes. Basically
19 different, you know, things that I need to get rid
20 of later, not -- not the same kind of clothes that I
21 had on. I -- I don't know what other better word
22 use it. (sic) Crime clothes or hit clothes. I
23 just call 'em hit clothes.

24 Anyway, I walked from my car as a telephone
25 repairman. As I walked there I donned the telephone

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1 helmet. I had a briefcase, went to one other
2 address just to kind of size up the house. I'd
3 walked by it a couple times, but I wanted to check
4 it a little bit more. As I approached it I could
5 hear a piano sound and went to this other door,
6 knocked on 'em and told 'em I was -- that we were
7 recently working on telephone repairs in the area,
8 and then went to her -- went to her, knocked on the
9 door and asked her if I could come check her
10 telephone lines inside.

11 THE COURT: Did she allow you in?

12 THE DEFENDANT: Yes, she did.

13 THE COURT: What happened then?

14 THE DEFENDANT: I went over and found out
15 where the telephone was, simulated that I was
16 checking the telephone. I had a make-believe
17 instrument. And after she was looking away I -- I
18 drew a pistol at her and asked her if she'd go back
19 to the bedroom with me.

20 THE COURT: Was this the same .357 magnum
21 you'd used earlier?

22 THE DEFENDANT: No. This -- This was a
23 different one.

24 THE COURT: A different pistol. All
25 right. You asked her to go back to the bedroom with

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1 you after drawing a pistol on her.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: What happened then?

4 THE DEFENDANT: I told her -- We went
5 back to the bedroom. I told her I was going to have
6 to tie her up. She was very upset. And I think
7 we -- I used some material that was in -- And
8 that -- that's another thing. I'm not sure, but
9 I -- I think I used some material that they had in
10 their bedroom. And after I tied her hands she broke
11 that, and we started fighting, and we fought quite a
12 bit back and forth.

13 THE COURT: All right. She was
14 physically fighting you?

15 THE DEFENDANT: Oh, yeah. Yes, sir,
16 mm-hmm.

17 THE COURT: What happened then?

18 THE DEFENDANT: Finally got the hand on
19 her and got a -- a nylon sock and started strangling
20 her.

21 THE COURT: So you wrapped a stocking
22 around her neck?

23 THE DEFENDANT: Yes, mm-hmm.

24 THE COURT: What happened then?

25 THE DEFENDANT: I -- I finally gained --

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1 gained on her and -- and -- and put her down, and I
2 thought she was dead, but apparently she wasn't, but
3 after -- after she was down and not moving anymore,
4 I -- I -- I rearranged her clothes a little bit and
5 took some quick photos -- I think three of 'em, if I
6 remember -- and then after that I -- there was lot
7 of commotion. She had mentioned something about her
8 husband coming home. So I got out of there pretty
9 quick. The dogs were raising a lot of Cain in the
10 back. The doors -- The windows were all open in the
11 house, a lot of noise when we were fighting, so I
12 left pretty quickly after that. Put everything in
13 the briefcase and had her -- I had already gone
14 through her purse, got the keys to the car and used
15 her car for my getaway car.

16 THE COURT: All right. Now, you indicate
17 that you thought that she was dead. Did you
18 discover later that she was not dead?

19 THE DEFENDANT: Yes. I guess the
20 paramedics arrived, and they tried to attempt to
21 re -- relieve her or revive her, and after that
22 failed, I don't know whether she died there or on
23 the way to the hospital or at the hospital. I don't
24 recollect.

25 THE COURT: But you later found out she

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1 did die as a result of your strangulation?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, sir, let's turn to Count
4 Ten. In that count it's claimed that on or about
5 the 18th day of January, 1991, to the eight -- 19th
6 day of January, 1991, in the County of Sedgwick,
7 State of Kansas, that you did then and there
8 unlawfully kill a human being, that being
9 Dolores E. Davis, maliciously, willfully,
10 deliberately and with premeditation, by
11 strangulation, inflicting injuries from which the
12 said Dolores E. Davis did die on January 19th,
13 1991. Mr. Rader, please tell me what you did here
14 in Sedgwick County, Kansas, on that day that makes
15 you believe you're guilty.

16 THE DEFENDANT: That particular day I had
17 some commitments. I left those, went to one place,
18 changed my clothes, went to another place, parked my
19 car, finally made arrangements on my hit kit, my
20 clothes, and then walked to that residence. After
21 spending some time at that residence -- It was very
22 cold that night. Had reservations about going in
23 'cause I -- I had cased the place before, and I
24 really couldn't figure out how to get in, and she
25 was in the house, so I finally just selected a -- a

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1 concrete block and threw it through the plate glass
2 window on the east and came on in.

3 THE COURT: All right. Where is this
4 residence located?

5 THE DEFENDANT: It's on Hillside, but I
6 couldn't give the address. I know it's probably
7 61 -- probably 62 something. I don't know. 62
8 something.

9 THE COURT: North or south?

10 THE DEFENDANT: North. North Hillside.

11 THE COURT: All right. So you used a
12 concrete block to break a window?

13 THE DEFENDANT: Mm-hmm, plate glass
14 window, patio door, mm-hmm.

15 THE COURT: All right. What happened
16 then?

17 THE DEFENDANT: Noise. I just went in.
18 She came out of a bedroom and thought that a car had
19 hit her house, and I told her that I was -- I used
20 a -- the ruse of being wanted. I was on the run; I
21 needed food, car, warmth, warm up, and then I asked
22 her -- I handcuffed her and kind of talked to her,
23 told her that I would like to get some food, get her
24 keys to her car, and kind of rest assured, you know,
25 walked -- talked with her a little bit and calmed

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1 her down a little bit. And then eventually I
2 checked -- I think she was still handcuffed. I went
3 back and checked out where the car was, simulated
4 getting some food, odds and ends in the house, kind
5 of like I was leaving, then went back and removed
6 her handcuffs and -- and then tied her up and
7 then -- and then eventually strangled her.

8 THE COURT: All right. You say
9 "eventually strangled her."

10 THE DEFENDANT: Well, after I tied her
11 up. I went through some things in the room there
12 and then -- and then strangled her.

13 THE COURT: All right. You say you went
14 through. Were you looking for something?

15 THE DEFENDANT: Mm-hmm. Well, some
16 personal items, yes. I took some personal items
17 from there.

18 THE COURT: Did you take personal items
19 in every one of these incidents?

20 THE DEFENDANT: I did on the Hedge. I
21 don't remember anything in Vicki's place. The
22 Oteros we got the watch and the radio. I don't
23 think I did any in Bright's. Vian's, no, I don't
24 think so. Fox, yes. I took some things from Fox.
25 It was hit and miss.

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1 THE COURT: All right. But in regard --

2 THE DEFENDANT: Prob -- Probably if it --

3 if it -- if it was a controlled situation where I
4 had more time I took something, but if it -- if it
5 was a confusion and other things I didn't 'cause I
6 was trying to get out of there.

7 THE COURT: All right. So in regard to
8 the Davis matter, you went around the room, took a
9 few personal things. What did you do then?

10 THE DEFENDANT: Strangled her.

11 THE COURT: What did you strangle her
12 with?

13 THE DEFENDANT: Pantyhose.

14 THE COURT: All right. What happened
15 then? Did she die?

16 THE DEFENDANT: Kind of like Mrs. Hedge.
17 I already figured out my -- I had a, you know, plan
18 on leaving and put her in a blanket and drug her to
19 the car, put her in the trunk of the car.

20 THE COURT: So you were able to strangle
21 her to death with these pantyhose.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. You put her in
24 your car.

25 THE DEFENDANT: In her car.

DAVID G. HOLT, CSR, RMR, CRR
OFFICIAL COURT REPORTER

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1 THE COURT: Or in a car.

2 THE DEFENDANT: Her car.

3 THE COURT: Her car or trunk.

4 THE DEFENDANT: Uh-huh, the trunk of her
5 car, uh-huh.

6 THE COURT: What happened then?

7 THE DEFENDANT: I really had a commitment
8 I needed to go to, so I moved her to one spot, took
9 her out of her car. This gets complicated. Then
10 the stuff I had, clothes, gun, whatever, I took that
11 to another spot in her car, dumped that off. Okay.
12 Then took her car back to her house. Left that.
13 Let me think now.

14 (REPORTER'S NOTE: The defendant
15 made a repetitive popping sound with
16 his lips.)

17 Okay. In the interim -- I took her car back to
18 her house. In the interim I realized that I had
19 lost one of my guns. I dropped it somewhere. So I
20 was distraught trying to figure out where my gun
21 was. So I went back in the house, realized I had
22 dropped it when I went in the -- when I broke the
23 plate glass window. It dropped. It fell on the
24 floor right there, and I found it right there. So
25 that solved that problem. Anyway, I went back out,

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1 threw the keys -- checked the car real quick --
2 quick like and threw the keys up on top of the roof
3 of her house, walked from her car back to my car,
4 took my car, drove it back, and I either dropped
5 more stuff off or I picked her up and put 'em in my
6 car, and then I drove up northeast of Sedgwick
7 County and dropped her off underneath a bridge.

8 THE COURT: All right. So all of these
9 incidents, these ten counts, occurred because you
10 wanted to satisfy a sexual fantasy; is that
11 correct?

12 THE DEFENDANT: Yes, mm-hmm.

13 THE COURT: Does any party desire any
14 further matters to be put on the record at this
15 time?

16 MR. OSBURN: No, Your Honor.

17 THE COURT: All right. You may be
18 seated, Mr. Rader.

19 (The defendant and his counsel were
20 seated.)

21 I will find that you, Dennis L. Rader, have
22 knowingly, intelligently and voluntarily waived your
23 Constitutional rights and entered your pleas of
24 guilty. I will find that you understand the nature
25 of the charges and the consequences of your pleas.

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1 Based upon your statements to the Court I will find
2 there are factual bases for each of these pleas of
3 guilty. I will accept these pleas of guilty and
4 adjudge you, Dennis L. Rader, guilty of Murder in
5 the First Degree in Count One, a Class A felony;
6 Murder in the First Degree in Count Two, a Class A
7 felony; Murder in the First Degree in Count Three, a
8 Class A felony; Murder in the First Degree in Count
9 Four, a Class A felony; Murder in the First Degree
10 in Count Five, a Class A felony; Murder in the First
11 Degree in Count 6, a Class A felony; Murder in the
12 First Degree in Count Seven, a Class A felony;
13 Murder in the First Degree in Count Eight, a Class A
14 felony; Murder in the First Degree in Count Nine, a
15 Class A felony; and Murder in the First Degree in
16 Count Ten, a Class A felony.

17 I will at this time order presentence
18 investigation. I will schedule sentencing on Counts
19 One through Nine for August 17th at 9:00 o'clock in
20 the morning.

21 (Off-the-record discussion between
22 the Court and the administrative
23 assistant.)

24 All right. I'll do it at 9:00 o'clock in the
25 morning. In regards to Count No. Ten, we will

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1 schedule a hearing relative to the Hard 40 matter at
2 that time.

3 Now, it's my understanding the State -- Do you
4 desire to present evidence to a jury?

5 MR. O'CONNOR: No, Your Honor. I believe
6 that it was mentioned earlier in the acknowledge --
7 Acknowledgment of Rights and Entry of Plea that the
8 defendant is waiving his right to a jury trial on
9 the question of sentence as it relates to the Hard
10 40 on Count Ten. We would ask the Court to have the
11 defendant affirmatively waive that right now. We --
12 That's the only stipulation that we'll accept. We
13 will not accept a stipulation to the existence of
14 the aggravating factors. We wish to present
15 evidence in support of those aggravating factors.

16 THE COURT: All right.

17 Well, Mr. Osburn, do you desire on Mr. Rader's
18 behalf -- does he desire to accept that portion of
19 the stipulation and waive his right to a jury trial
20 in regards to the sentencing on Count Ten?

21 MR. OSBURN: We will affirmatively waive
22 his right to a jury trial regarding those sentencing
23 factors, Your Honor.

24 THE COURT: All right. Mr. Rader, your
25 lawyer has indicated to the Court it's your desire

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1 to give up your right to a trial by jury in regards
2 to Count Ten, the sentencing aspect of it. Is that
3 your desire?

4 THE DEFENDANT: Yes sir.

5 THE COURT: Now, sir, you understand that
6 based upon the law of the State of Kansas you have
7 the right to have a jury of 12 determine whether the
8 aggravating circumstances outweigh the mitigating
9 circumstances and therefore whether or not a
10 sentence of life with a parole eligibility of 40
11 years should be imposed. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand without the
14 jury's presence the Court would have to make that
15 determination? Do you realize that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: So you would give up the
18 right you would have to require that be proven to a
19 jury beyond a reasonable doubt, and it would have to
20 be proven to the Court beyond a reasonable doubt.
21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: So having all of that in
24 mind, is it your desire to give up your right to a
25 jury trial?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: All right. I'll accept that
3 waiver, and I'll set that count, Count Ten, for a
4 sentencing hearing on the 17th of August at 9:00
5 o'clock in the morning.

6 Anything further on the record at this time?

7 MS. FOULSTON: Nothing by the State,
8 Your Honor, although we do intend to produce some
9 evidence at the sentencing hearing with regard to
10 the sentencing procedure.

11 THE COURT: Anything further?

12 MR. OSBURN: Nothing -- Nothing,
13 Your Honor.

14 THE COURT: Very well. The Court will be
15 in recess.

16 (Proceedings in the courtroom were
17 adjourned for the day at 10:15
18 a.m.)

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1 STATE OF KANSAS)
) ss:
2 SEDGWICK COUNTY)

3 C E R T I F I C A T E

4 I, DAVID G. HOLT, a Certified Shorthand Reporter,
5 under and by virtue of the laws of the State of
6 Kansas, and a regularly appointed, qualified, and
7 acting Official Reporter for the Eighteenth Judicial
8 District of the State of Kansas, do hereby certify
9 that as such Official Reporter, I was present at and
10 reported in Stenotype shorthand the above and
11 foregoing proceedings in Case No. 05 CR 498, heard on
12 June 27, 2005, before the Honorable Gregory L. Waller,
13 Judge of Division 5 of said court.

14 I FURTHER CERTIFY that upon the oral request of
15 Mr. Ron Sylvester, I personally prepared the foregoing
16 transcript of my shorthand notes via computer-aided
17 transcription, and that said transcript, consisting of
18 77 typewritten pages, is true and correct, all to the
19 best of my knowledge and ability.

20 SIGNED, OFFICIALLY SEALED, and DELIVERED this
21 _____ day of _____, 2005.

22
23
24
25

CERTIFIED SHORTHAND REPORTER

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OFFICIAL COURT REPORTER