

SUPREME COURT OF KENTUCKY

Windsor v. Commonwealth

413 S.W.3d 568 · Decided August 26, 2010

SUMMARY

The Kentucky Supreme Court affirmed Shawn Windsor’s convictions and death sentences for murdering his wife and son. The court held that the trial court did not abuse its discretion by denying a subsequent competency hearing, and it rejected challenges to the waiver of jury sentencing, judge sentencing, the capital sentencing procedure, and the appellate record. The court also concluded that the death sentence was not imposed arbitrarily or disproportionately.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Cunningham; Abramson; Cunningham; Minton; Noble; Schroder; Scott; Venters
JURISDICTION	Kentucky
DECIDED	August 26, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Windsor appealed as a matter of right from a Jefferson Circuit Court judgment imposing two death sentences after he entered an unconditional guilty plea to two murders and related offenses.
STANDARD OF REVIEW	The decision whether reasonable grounds exist to question competency and conduct a competency hearing is reviewed under an abuse-of-discretion standard, asking whether a reasonable judge should have experienced doubt regarding competency. The Supreme Court also conducted the statutory review required for death sentences under KRS 532.075.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Shawn Windsor v. Commonwealth of Kentucky

TOPICS

[criminal procedure](#)[sentencing](#)[appellate procedure](#)[standard of review](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Windsor's request for a second competency hearing before he pleaded guilty and sought death sentences.
2. Whether Kentucky law required the sentencing judge to find beyond a reasonable doubt that death was the appropriate punishment, in addition to finding an aggravating circumstance beyond a reasonable doubt.
3. Whether a capital defendant may waive statutory jury sentencing after pleading guilty.
4. Whether the Kentucky Constitution prohibits a trial judge from imposing a capital sentence when the jury's role is advisory.
5. Whether the Supreme Court of Kentucky's mandatory death-penalty review required a written transcript rather than the video recordings and clerk's record.
6. Whether Windsor's death sentences should be vacated or remanded for resentencing based on the Commonwealth's refusal to negotiate a lesser sentence, the absence of comparative-case information before sentencing, or questions about his competency.

HOLDINGS

1. The trial court did not abuse its discretion in finding no reasonable grounds to question Windsor's competency and denying his request for a second competency hearing.
2. Kentucky's capital-sentencing statutes require proof beyond a reasonable doubt of at least one statutory aggravating circumstance, but do not require a separate finding beyond a reasonable doubt that death is the appropriate punishment.
3. A criminal defendant may waive the statutory right to have a jury fix the sentence, including after pleading guilty to a capital offense.
4. The Kentucky Constitution does not confer a constitutional right to jury sentencing, and KRS 532.025(3)'s advisory-jury structure does not violate the Kentucky Constitution.
5. Video recordings of the proceedings, together with the clerk's written record, constitute the record on appeal and satisfy KRS 532.075; a written transcript is not required for the Supreme Court's mandatory review.
6. Resentencing was not warranted because the Commonwealth's insistence on seeking death was permissible, comparative-case information need not be provided before the initial sentencing, and the record showed no passion, prejudice, arbitrariness, disproportionality, or excessiveness.

KEY QUOTATIONS

"In light of these circumstances, we do not believe that the trial court abused its discretion in denying the RCr 8.06 motion." (572)

“There is no requirement in the plain language of the statute that the sentencing jury or judge must also make a determination beyond a reasonable doubt that capital punishment is appropriate.” (573)

“Video recordings of the proceedings, along with the clerk’s written record, constitute the official record on appeal.” (574)

“For the foregoing reasons, the judgment of the Jefferson Circuit Court is affirmed.” (575)

FACTUAL BACKGROUND

Windsor admitted murdering his wife and eight-year-old son by stabbing them with a kitchen knife and beating them with a dumbbell. Approximately six months after the crimes, he attempted suicide by overdosing on prescription medication shortly before trial. After a competency hearing, one psychiatrist found him competent and another believed he continued to suffer effects from the overdose. Four days later, Windsor repeatedly expressed his desire to plead guilty and receive death sentences, and the trial court accepted his plea after questioning him about his mental and physical condition.

PROCEDURAL HISTORY

Windsor was found competent to stand trial after a competency hearing conducted four days before he pleaded guilty. The trial court denied his request for a second competency hearing, accepted his guilty plea, conducted a sentencing hearing, and imposed two death sentences. The Supreme Court of Kentucky conducted mandatory review of the death sentences and affirmed.

DISPOSITION

affirmed

CASES CITED

- Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)
- Gray v. Commonwealth, 233 S.W.3d 715, 718 (Ky. 2007)
- Chapman v. Commonwealth, 265 S.W.3d 156, 173-181 (Ky. 2007)
- Rees v. Peyton, 384 U.S. 312, 86 S. Ct. 1505, 16 L. Ed. 2d 583 (1966)
- Harston v. Commonwealth, 638 S.W.2d 700, 701 (Ky. 1982)
- Hunter v. Commonwealth, 869 S.W.2d 719, 724 (Ky. 1994)
- Brown v. Commonwealth, 313 S.W.3d 577 n.2 (Ky. 2010)
- Skaggs v. Commonwealth, 694 S.W.2d 672, 680 (Ky. 1985)
- Wilson v. Commonwealth, 765 S.W.2d 22 (Ky. 1989)
- Williams v. Jones, 338 S.W.2d 693, 694 (Ky. 1960)
- Ward v. Hurst, 300 Ky. 464, 189 S.W.2d 594 (1945)
- Commonwealth v. Johnson, 910 S.W.2d 229, 230 (Ky. 1995)
- Moore v. Commonwealth, 983 S.W.2d 479, 487 (Ky. 1998)

- Johnson v. Commonwealth, 103 S.W.3d 687 (Ky. 2003)
- Parrish v. Commonwealth, 121 S.W.3d 198 (Ky. 2003)
- Hodge v. Commonwealth, 17 S.W.3d 824 (Ky. 2000)

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