



Interview with Kenneth Vodochodsky, 24 years old, on death row in Texas

The questions were asked by Ines Aubert, Switzerland 2007

Kenny, you reached what a lot of inmates are aiming for: your conviction and death sentence got overturned recently! Please tell me about your case in a few sentences.

I was charged with Capital Murder, under what's called the "Law of Parties". In short, the only way one can be charged with this specific law is if you do not murder anyone! In other words, you can receive the maximum sentence - death - for not even murdering anyone! That is exactly what happened to me!

I can write pages and pages about my case, but I know space is limited!

What do you think helped to overturn your case? Who helped you?

Would you like the legal answer or the spiritual answer?! I'll give you both!

Legally my case was overturned because I'm innocent! There was no evidence whatsoever that I participated in this crime. And I was stuck with two trial attorneys who had only tried ONE previous capital case - and the defendant in that case is also here on death row! I was basically convicted on emotions, being that three police officers were killed... Fortunately though I was blessed with a Direct Appeals attorney with lots of experience and he filed an awesome appeal that got my case overturned!

Spiritually, my case was overturned because I've managed to learn, grow, and better myself, as well as get myself on the right track... See, I'm one who believes that EVERYTHING in life happens for a reason - be it good or bad! I was messing up and on the wrong road when I was free... So, I believe I was put on Death Row so I can learn from my past and present, grow and better myself for my present and future. And that's exactly what I've been doing since I've been on death row! Each day is a learning and growing experience and each day I strive towards betterment.

When I first got to death row, I was lost, confused, scared, angry... There was a million things going through my mind, but the things that stuck there the most were: Why me? Why this? What is life about? What is my purpose in life? What is true love? Who am I?

So then I went in search for answers. It took a lot of soul searching, a lot of study, and just going through different changes in my life in here that brought me the answers...

It was here that I realized, looking at it from a spiritual aspect that my life was saved by me ending up in a situation like this...I know that sounds crazy, but I believe adversity brings out a person's true character. What I mean by that is: if a person is a weak-minded individual, then they will only break weak in hard times. But if a man/woman is strong, then the hard times only make them stronger and bring out the best in them. It's like a quote I once read that said: "Great men become the greatest of men whilst enduring the worst". Sometimes we go through hard times/adversity to be shown our full potential... So this place only woke me up to what life is

about, what love is about, who I am, etc... I'm not perfect but as I said before, each day I continue to strive for growth and betterment...God has blessed me in many ways...

I'm very impressed and touched by what you said. As it seems you achieved to give your time on death row a positive meaning. What interests me very much as a person who tries to help inmates: is there any outside action like signing a petition or writing letters etc. that you know had an influence on your success?

None that I know of... I had just prepared a case summary a few months before my case got overturned. And an anti-death-penalty group in Germany had just adopted me and my case to campaign in the same month my case got overturned! So my success pretty much happened on its own! My case is just one of many examples of how screwed up the Texas Judicial System is!

What support from your friends and other outside people helped you to keep up your hope and positive attitude?

I always strive to keep hope and stay positive... But without a doubt, my family and friends have been a tremendous help in this area. Plus, the fact that I'm innocent and have a good chance at freedom always helped me keep my hope alive and strong... And I'm also grateful for all the help and support from the many anti-death penalty organizations around the world.

To come back to the new values you came to discover on death row; do you think other inmates experience the same?

Most definitely! I've been around certain inmates for years and I can see the spiritual growth in most of them... I believe the majority of inmates strive for growth and betterment - some spiritually, some religiously. Either one is good! And of course you have those who wish to keep an "I don't care, I'm going to die" attitude. And then there are those who simply can't handle their situation and/or the conditions here and try to kill themselves... Not even a month ago, this guy that got to death row a few days before me killed himself in his cell. And just recently, another inmate cut himself up really bad... It's a sad situation, but it just goes to show how hard it can get at times... And it seems the conditions here are only going to get worse...

What was your reaction when you found out your case was overturned?

I found out the very next day. My brother and his wife came to visit me and tell me the news - they weren't sure if I knew yet. The first thing they said was: "Did you hear?" And I was like: "Hear what? What are you talking about?" After they told me my conviction and death sentence got overturned, I said: "Are you sure?" It took a few minutes for the news to register! I always know this day would come I just didn't think it would come so soon, especially from my Direct Appeal (first appeal)! There really aren't any words to properly describe how happy and relieved I am!!

Kenny, to be honest; when I heard about your case, I thought that you'd have a life sentence to serve instead of the death penalty. So, this isn't true?

No way! Any time a conviction and death sentence is overturned, it usually means a full retrial or an acquittal. In my case, I was ordered to answer the capital murder charge in the indictment. So the state has the option of either retrying me or dropping the charges against me and let me go! You have others though who either get their death sentence commuted to life, or get a punishment reversal - meaning you get retried to see if you get another death sentence or a life sentence. There are many inmates in here that are seeking a life sentence and/or want a life sentence... To be honest I don't think I'd want a life sentence... I just can't see myself spending the rest of my life in prison for a crime I did not commit! Fortunately though, I don't have to worry about that since I have an excellent chance of being free soon...

How long does someone have to be in prison with a life sentence?

On a capital life sentence, you have to serve 40 years before your even eligible for parole! Even after you serve 40 years, the chances of getting paroled on a capital life is slim to none! You'll probably end up serving 50 or 60 years before the parole board even thinks about paroling you! The parole system is crazy!

What steps will be next? Why are you still on death row?

I'm still here because the state filed what's called a "motion for rehearing" to the CCA (Court of Criminal Appeals). It's basically a motion to try and convince the CCA to affirm my case, rather than overturn it... So as of right now, I'm just waiting for the CCA to rule/deny the states motion! After the CCA rules, the state can then file an appeal to the United States Supreme Court for the same reason. But if the state doesn't file to the US Supreme Court, then I'll be taken back to the county jail and the state will have to decide what they are going to do - either retry me or let me go...

Tell me, is there a risk that they give you the death penalty again? I hope not!

No! Although I'm not real sure of all the details on how everything will work out, my attorney believes that State will have to seriously consider just letting me go! The state may try and convince me to plea bargain to a lesser charge, but I don't plan to accept anything but freedom! So it's just a matter of time before I'm free!

Has your relationship to other inmates changed since your case was overturned?

Not really. I don't know very many inmates here to begin with. Mostly because I always try to just keep to myself... But the ones I do know are happy for me! Any time someone gets their case overturned, it opens the door for others to get action as well...So everyone is usually happy to see someone get any kind of action - especially someone who gets all the way off death row!

What thoughts are going through your mind when you think about your future?

Too many to list! I mostly think about what I'm going to do once I get out...I'm going to need a job, and I would also like to go to school for business or electronics, or both! And I want to continue fighting against the death penalty! I have so many thoughts and goals that it's hard to focus on them. I'm sure I'll narrow them down and focus once I'm free.

Hm. So maybe we'd better talk about dreams instead of plans, okay? So what is your dream to do as a first when you are free?

I want to hug my kids and tell them how much I love them and miss them! I miss my kids more than anything! They mean the world to me! Then I just want to spend a lot of time with my family and friends...

Before we end this interview, is there anything else you want to say?

I would like to thank everyone who fights to abolish the death penalty, and helping us on death row as much as possible...! And I wish you all the strength and means to continue the fight until the death penalty is abolished! Your efforts are greatly appreciated! I would also like to thank you for this interview allowing me to be a voice for myself, as well as those who are a victim of the death penalty...And to the readers: thank you for taking the time to read this!

Kenny I'm very glad that I could do this interview with you. Thank you very much for sharing all this with us. I wish you the very best for your future! Take care of yourself.