

# Commonwealth Of Kentucky

## Court of Appeals

NO. 2002-CA-001830-MR

SHAWN WOODYARD

APPELLANT

v. APPEAL FROM BOYLE CIRCUIT COURT  
HONORABLE DARREN W. PECKLER, JUDGE  
INDICTMENT NO. 01-CR-00031

COMMONWEALTH OF KENTUCKY

APPELLEE

### OPINION

#### VACATING AND REMANDING

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BEFORE: DYCHE, GUIDUGLI, AND McANULTY, JUDGES.

DYCHE, JUDGE. Shawn Woodyard entered a RCr 8.09 conditional plea of guilty to Criminal Attempt to Manufacture Methamphetamine; he challenges the constitutionality of KRS 218A.1432, arguing that the statute is vague and overbroad.

The highest Court of this state has considered this issue, and held, in Kotila v. Commonwealth, Ky., 114 S.W.3d 226, 237 (2003), that the statute passes constitutional muster; under that decision, however, possession of *all* of the chemicals or

all of the equipment to manufacture the prohibited substance is necessary to support a conviction.

We are unable to tell from the record whether appellant's plea meets this requirement. We therefore vacate the judgment of the Boyle Circuit Court and remand this action for proceedings consistent with Kotila and this opinion.

ALL CONCUR.

BRIEF FOR APPELLANT:

Gail Robinson  
Assistant Public Advocate  
Frankfort, Kentucky

BRIEF FOR APPELLEE:

Albert B. Chandler III  
Attorney General of Kentucky

Todd D. Ferguson  
Assistant Attorney General  
Frankfort, Kentucky