

1 mother and father. And number 19, he has a positive
2 employment history, and at the time of this was gainfully
3 employed.

4 If Your Honor pleases, the Court well knows
5 Your Honor can sentence anywhere from the lowest of the
6 mitigating to the highest of the aggravating, and we
7 would say to Your Honor to please give consideration to
8 the mitigating factors in this case. And please, we ask
9 Your Honor, to render a judgment which will give this
10 young man some hope in the future of returning to society
11 after he's paid his debt to society at some point in
12 time.

13 We humbly suggest to this Court that Your
14 Honor sentence from the mitigating range. If not, from
15 the presumptive range. And with that, I'll yield to Mr.
16 Crumpler.

17 THE COURT: All right, thank you, Counsel.

18 MR. ZIMMERMAN: Thank you.

19 THE COURT: Mr. Crumpler.

20 MR. ZIMMERMAN: Anybody here from One Step?

21 MR. CRUMPLER: May it please the Court, I had
22 asked Mr. Zimmerman to go first simply because this case
23 is so complex and there's so many deep emotions, I really
24 was not clear in my mind how to proceed. I compliment
25 Mr. Zimmerman on his expressions.

1 My thoughts, as I sat here this morning in
2 the courtroom, Your Honor, and I've done this many years,
3 and I've been involved in many murder cases, and as Mr.
4 Zimmerman had said, they're all bad. The most difficult
5 role that anyone has to play in this case is Your Honor
6 as a judge. We, as advocates, are supposed to, we have
7 an obligation to our clients and do all we can to support
8 their interest. Mr. Panosh representing the State has
9 the duty to doing that as our opponent. That prepares
10 work, very careful work which he has done. But our
11 duties are not as difficult as yours.

12 Your Honor, I think of our profession, and
13 I've thought about this throughout my career, I remember
14 Dr. Williams in law school when he taught us, and he
15 taught us to believe that practice in law was the most
16 honorable profession, going back to Athens and to Greece
17 where common people would select somebody whom they
18 believed to be prominent who could stand up and speak for
19 them, and there's where it started. I'm always
20 flattered, and I always feel inadequate when I speak in
21 someone else's behalf remember that. And with Ted Kimble
22 we're confronted with facts, just a mass of facts, of
23 obviously we've gone in our society beyond the days --
24 and my heart goes out to all of these people. When I
25 listen to each one, you can't help but have sympathy.

1 But, Your Honor, justice rises up above. You can't --
2 the days when you were put to death or you were punished
3 by your victims is a day really of chaos. These people
4 should have the right to be heard, and I have great
5 respect for that right. But, Your Honor, Your Honor is
6 placed on a much higher level. It's your very difficult
7 duty to put all of these things together and render a
8 judgment that's just and rises above our emotions.

9 The part of this that I address probably most
10 seriously are the parts of the evidence that was offered
11 concerning Ted's plan as alleged by the State to
12 exterminate these witnesses and the various things we
13 heard in court. That's supported only and primarily by
14 William Stewart. We brought four witnesses, whom I had
15 never seen and who had never seen me, had nothing
16 whatever to gain, and as I recall what they testified to
17 was that this man was a notorious liar. That he was
18 playing himself a con game to solicit whatever he could
19 from the defendant.

20 Now, I understand how people would be in
21 fear. Any of us would be in fear because you don't
22 understand really whether there is a real threat. But I
23 submit there was no threat at all, other than that this
24 was primarily the act of a con man who gained something
25 from it. And it was his idea and his act and not the

1 defendant's. It originated with him. It did not
2 originate with the defendant.

3 Your Honor, as I conclude, I think both sides
4 of this case, and the terrible sorrow and tragedy that
5 they're confronted with, you have two parents. The
6 Blakleys have lost their daughter. And I know they will
7 grieve forever. I would do that if it were my daughter.
8 The Kimbles, him being a pastor and her his wife, having
9 only two sons, have lost both of their sons. None of
10 those parents are guilty of any wrongdoing. Apparently
11 they've all tried to be good parents. The Kimbles have
12 raised their children in church, just as the Blakleys.
13 And yet, those two sides have this in their future. One
14 has lost their daughter. The others have lost both sons.
15 And I submit that a life forever in prison is sometimes
16 worse than death. And they face this on a loaded issue
17 each morning. And, Your Honor, somewhere in between that
18 lies justice. Where that is, I don't know. I simply ask
19 in your wisdom that you consider all of these factors,
20 and enter judgment that comes from the judge in a
21 position that rises above all of us, and I feel you will
22 do your very best to do that. And I thank you.

23 THE COURT: Thank you, Counsel.

24 MR. PANOSH: Your Honor, we have submitted a
25 sentencing memorandum. As to the second degree murder