

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
97-CRS-23656, 39581,
98-CRS-23486, 99-CRS-23241-23248

STATE OF NORTH CAROLINA)

-VS-)

THEODORE MEAD KIMBLE,)

DEFENDANT.)

TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT OF PROCEEDINGS TAKEN IN THE GENERAL COURT
OF JUSTICE, SUPERIOR COURT DIVISION, GREENSBORO, NORTH
CAROLINA, AT THE JANUARY 25, 1999, REGULAR CRIMINAL SESSION,
BEFORE THE HONORABLE PETER M. MCHUGH, JUDGE PRESIDING.

APPEARANCES

RICHARD PANOSH
ASSISTANT DISTRICT ATTORNEY
EIGHTEENTH JUDICIAL DISTRICT
GREENSBORO, NORTH CAROLINA 27401
ON BEHALF OF THE STATE OF NORTH CAROLINA

H.W. ZIMMERMAN, JR.
FRED G. CRUMPLER, JR.
WHITE & CRUMPLER
11 WEST FOURTH STREET
WINSTON-SALEM, NORTH CAROLINA 27101

DEBORAH R. WISE
OFFICIAL COURT REPORTER
EIGHTEENTH JUDICIAL DISTRICT
GREENSBORO, NORTH CAROLINA 27402

1 THURSDAY, JANUARY 28, 1999 - 3:08 O'CLOCK P.M.

2 (THE DEFENDANT IS PRESENT IN THE COURTROOM.)

3 THE COURT:- ALL RIGHT, MR. PANOSH.

4 MR. PANOSH:- YOUR HONOR, WE'RE READY TO PROCEED IN
5 THE MATTER OF THEODORE KIMBLE. THIS IS 97-CRS-39581 ---

6 MR. ZIMMERMAN:- BEFORE HE DOES THAT, IF YOUR HONOR
7 PLEASE, LET'S CLEAR UP THAT OTHER MATTER. WE HAVE NO OBJECTION
8 TO THE COURT ENTERING AN ORDER QUASHING THE SUBPOENA AGAINST
9 PAULA CHRISTIAN WITH THE UNDERSTANDING THAT THE AFFIDAVITS OF
10 MS. CHRISTIAN AND MS. LAMB CAN BE OFFERED AND RECEIVED INTO
11 EVIDENCE.

12 THE COURT:- THANK YOU. UPON THE MOTION OF THE
13 RESPONDENT TO THE DEFENDANT'S MOTION SUBPOENA DUCES TECUM AND
14 WITH THE CONSENT OF THE DEFENDANT THROUGH COUNSEL, THE COURT
15 GRANTS THE MOTION TO QUASH THE SUBPOENA DUCES TECUM, AND THE
16 COURT WILL RECEIVE IN EVIDENCE THE AFFIDAVIT OF THE CUSTODIAN
17 OF THE RECORDS OF THE RESPONDENT NEWSPAPER CORPORATION. THANK
18 YOU, COUNSEL.

19 ALL RIGHT, MR. PANOSH. YOU MAY PROCEED.

20 MR. PANOSH:- YOUR HONOR, AS I SAID, THESE MATTERS
21 WERE SET FOR HEARING OF MOTIONS. THE PARTIES HAVE BEEN ABLE TO
22 RESOLVE THE CASES, AND THOSE MOTIONS, APPARENTLY, WILL NOT BE
23 NECESSARY. AT THIS TIME, I'D LIKE TO FILE BILLS OF
24 INFORMATION, 99-CRS-23241 THROUGH 23248, EIGHT COUNTS OF
25 SOLICITATION TO COMMIT FIRST DEGREE MURDER. THESE CASES ---

1 THE COURT:- HAS THE DEFENDANT AND COUNSEL EXECUTED
2 THE BILL OF INFORMATION ON EACH COUNT?

3 MR. PANOSH:- YES, SIR.

4 THE COURT:- THANK YOU.

5 MR. PANOSH:- THESE CASES AROSE IN TROY, WHICH IS
6 MONTGOMERY COUNTY. WE HAVE A FAXED COPY OF THE WAIVER OF VENUE
7 SIGNED BY THE DISTRICT ATTORNEY OF THAT JURISDICTION, AND WE
8 WILL PROVIDE YOUR HONOR AND THE FILE WITH A SIGNED ORIGINAL IN
9 DUE COURSE. MAY I APPROACH?

10 THE COURT:- YES. THE COURT WILL RECEIVE THE
11 FACSIMILE COPY AND ORDER IT FILED PENDING RECEIPT OF THE
12 ORIGINAL.

13 (DOCUMENT IS HANDED TO THE COURT BY MR. PANOSH.)

14 THE COURT:- MR. ZIMMERMAN AND MR. CRUMPLER, YOU AND
15 YOUR CLIENT HAVE EACH CONSENTED TO THE WAIVER OF VENUE TOGETHER
16 WITH THE DISTRICT ATTORNEY FOR THIS COUNTY AND THE DISTRICT
17 ATTORNEY FOR MONTGOMERY COUNTY, IS THAT CORRECT?

18 MR. CRUMPLER:- YOUR HONOR, WE HAVE CONSENTED AND
19 CONSENTED AFTER THOROUGHLY DISCUSSING THAT IN DETAIL WITH OUR
20 CLIENT.

21 THE COURT:- THANK YOU.

22 MR. ZIMMERMAN:- I BELIEVE THE CLIENT HAS ALSO
23 CONSENTED AND WE DO CONSENT.

24 THE COURT:- THANK YOU.

25 YOU MAY PROCEED AT THIS TIME, MR. PANOSH.

1 MR. PANOSH:- YOUR HONOR, THERE IS A TRANSCRIPT OF
2 PLEA.

3 AT THIS TIME, HOW DOES YOUR CLIENT PLEAD IN
4 97-CRS-39581, TO SECOND DEGREE MURDER?

5 MR. CRUMPLER:- HE PLEADS GUILTY, YOUR HONOR.

6 MR. PANOSH:- 97-CRS-23656, CONSPIRACY TO COMMIT
7 FIRST DEGREE MURDER?

8 MR. CRUMPLER:- HE PLEADS GUILTY.

9 MR. PANOSH:- 98-CRS-23486, FIRST DEGREE ARSON?

10 MR. CRUMPLER:- HE PLEADS GUILTY.

11 MR. PANOSH:- AND 99-CRS-23241 THROUGH 23248, EIGHT
12 COUNTS OF SOLICITATION TO COMMIT FIRST DEGREE MURDER?

13 MR. CRUMPLER:- NOW, THEY ARE THE 1998 CASES SHOWN ON
14 THE PLEA TRANSCRIPT?

15 MR. PANOSH:- IT SHOULD BE '99. THEY'RE FILED TODAY.

16 MR. CRUMPLER:- OKAY. YOUR HONOR, HIS PLEA IS
17 GUILTY, BUT UNDER THE VIRTUE OF THE ALFORD PLEAS.

18 THE COURT:- ALFORD PLEA WITH REGARD TO THE OFFENSES
19 PRESENTED ON THE BILLS OF INFORMATION ONLY?

20 MR. CRUMPLER:- YES, SIR.

21 THE COURT:- ALL RIGHT. THANK YOU. GUILTY PLEA
22 WITHOUT RESERVATION WITH REGARD TO THE OTHER MATTERS PRESENTED
23 BY THE STATE?

24 MR. CRUMPLER:- YES, SIR.

25 THE COURT:- THANK YOU.

1 MR. ZIMMERMAN:- WELL, THERE IS A PLEA AGREEMENT, IF
2 YOUR HONOR PLEASE, ON THE BACK SIDE.

3 THE COURT:- YES, SIR. I'M REFERRING TO THERE'S NO
4 ALFORD PLEA WITH REGARD TO THE MURDER, CONSPIRACY AND ARSON.

5 MR. ZIMMERMAN:- NO.

6 MR. PANOSH:- CAN YOU STIPULATE YOUR CLIENT IS A
7 LEVEL TWO OFFENDER?

8 MR. CRUMPLER:- YES, WE WILL.

9 MR. PANOSH:- MAY I APPROACH, YOUR HONOR?

10 THE COURT:- YES, SIR.

11 (DOCUMENT IS HANDED TO THE COURT BY MR. PANOSH.)

12 THE COURT:- COUNSEL, ASK YOUR CLIENT TO STAND TO BE
13 SWORN, PLEASE.

14 PLACE HIM UNDER OATH ON THE TRANSCRIPT, PLEASE.

15 CLERK:- DO YOU SWEAR TO GIVE TRUE ANSWERS TO THE
16 COURT AND THAT IS YOUR SIGNATURE, SO HELP YOU GOD?

17 DEFENDANT:- I DO.

18 THE COURT:- WILL YOU PLEASE STATE YOUR FULL NAME FOR
19 THE COURT RECORD AT THIS TIME?

20 DEFENDANT:- THEODORE MEAD KIMBLE.

21 THE COURT:- HOW OLD ARE YOU, MR. KIMBLE?

22 DEFENDANT:- TWENTY-NINE.

23 THE COURT:- WHAT'S THE HIGHEST LEVEL OF EDUCATION
24 THAT YOU'VE COMPLETED?

25 DEFENDANT:- TWELFTH GRADE.

1 THE COURT:- ARE YOU ABLE TO READ AND WRITE, MR.
2 KIMBLE?

3 DEFENDANT:- YES, SIR.

4 THE COURT:- HAVE YOU READ THE TRANSCRIPT OF PLEA
5 THAT'S BEEN SUBMITTED TO THE COURT IN THESE CASES?

6 DEFENDANT:- YES, SIR.

7 THE COURT:- ARE ALL THE ENTRIES ON THE TRANSCRIPT OF
8 PLEA TRUE AND CORRECT AS FAR AS YOU KNOW?

9 DEFENDANT:- YES, SIR.

10 THE COURT:- AND HAVE YOU SIGNED THE TRANSCRIPT OF
11 PLEA AS THE DEFENDANT WHO IS CHARGED IN THESE ACTIONS?

12 DEFENDANT:- YES, SIR.

13 THE COURT:- CAN YOU HEAR AND CAN YOU UNDERSTAND
14 EVERYTHING I'M SAYING AT THIS TIME?

15 DEFENDANT:- YES, SIR.

16 THE COURT:- DO YOU UNDERSTAND THAT YOU HAVE THE
17 RIGHT TO REMAIN SILENT, THAT ANY STATEMENT YOU MAKE MAY BE USED
18 AGAINST YOU?

19 DEFENDANT:- YES, SIR.

20 THE COURT:- ARE YOU PRESENTLY UNDER THE INFLUENCE OF
21 ALCOHOL, DRUGS, NARCOTICS, MEDICINES, PILLS, OR ANY OTHER
22 INTOXICANTS?

23 DEFENDANT:- NO, SIR.

24 THE COURT:- WHEN WAS LAST TIME YOU USED OR CONSUMED
25 ANY SUCH SUBSTANCE?

1 DEFENDANT:- I'M ON MEDICATION.

2 THE COURT:- AND WHAT KIND OF MEDICATION ARE YOU
3 TAKING, SIR?

4 DEFENDANT:- VISTARIL AND PAXIL.

5 THE COURT:- I'M SORRY?

6 DEFENDANT:- VISTARIL AND PAXIL. ANTIDEPRESSANTS.

7 THE COURT:- ALL RIGHT. WHEN -- WHAT DOSAGE OF THAT
8 MEDICATION ARE YOU PRESCRIBED AND WHEN WAS THE LAST TIME YOU
9 TOOK ANY SUCH DOSAGE?

10 DEFENDANT:- I TOOK IT THIS MORNING. THREE TIMES A
11 DAY, 50 MILLIGRAMS OF VISTARIL, AND 20 MILLIGRAMS A DAY OF
12 PAXIL.

13 THE COURT:- IS THAT MEDICATION IN ANY WAY AFFECTING
14 YOUR ABILITY TO UNDERSTAND THE NATURE OF THIS PROCEEDING TAKING
15 PLACE AT THIS TIME?

16 DEFENDANT:- NO, SIR.

17 THE COURT:- ARE YOU SATISFIED THAT IT IS NOT
18 IMPAIRING YOUR ABILITY TO UNDERSTAND IN ANY WAY?

19 DEFENDANT:- YES, SIR.

20 THE COURT:- ALL RIGHT. THANK YOU. HAVE THE CHARGES
21 AGAINST YOU BEEN EXPLAINED TO YOU BY YOUR ATTORNEYS AND DO YOU
22 UNDERSTAND THE NATURE OF THOSE CHARGES?

23 DEFENDANT:- YES, SIR.

24 THE COURT:- HAVE YOU BEEN EXPLAINED AND DO YOU
25 UNDERSTAND EACH ELEMENT OF EACH OF THE OFFENSES YOU'RE PLEADING

1 GUILTY TO?

2 DEFENDANT:- YES, SIR.

3 THE COURT:- ARE YOU SATISFIED WITH YOUR ATTORNEYS'
4 LEGAL SERVICES ON YOUR BEHALF?

5 DEFENDANT:- YES, SIR.

6 THE COURT:- HAVE YOU DISCUSSED ANY POSSIBLE DEFENSES
7 THAT YOU MAY HAVE AVAILABLE TO ASSERT AGAINST THESE VARIOUS
8 CHARGES THAT HAVE BEEN FILED AGAINST YOU?

9 DEFENDANT:- YES, SIR.

10 THE COURT:- AND YOU ARE SATISFIED WITH YOUR
11 ATTORNEYS' SERVICES WITH REGARD TO THEIR CONSULTATION, IS THAT
12 CORRECT?

13 DEFENDANT:- YES, SIR.

14 THE COURT:- ALL RIGHT. YOU UNDERSTAND YOU HAVE THE
15 RIGHT TO PLEAD NOT GUILTY TO THESE CHARGES AND TO BE TRIED BY A
16 JURY UPON A PLEA OF NOT GUILTY?

17 DEFENDANT:- YES, SIR.

18 THE COURT:- DO YOU UNDERSTAND THAT, AT SUCH TRIAL,
19 YOU WOULD HAVE THE RIGHT TO CONFRONT THE WITNESSES AGAINST YOU
20 AND TO CROSS EXAMINE THE WITNESSES AGAINST YOU?

21 DEFENDANT:- YES, SIR.

22 THE COURT:- AND DO YOU UNDERSTAND THAT, BY ENTRY OF
23 THIS PLEA, YOU ARE WAIVING, THAT IS, GIVING UP, THESE AND ALL
24 OF YOUR OTHER CONSTITUTIONAL RIGHTS RELATING TO BEING TRIED BY
25 A JURY?

1 DEFENDANT:- YES, SIR.

2 THE COURT:- DO YOU UNDERSTAND THAT AT THIS
3 PROCEEDING, YOU ARE TENDERING PLEAS OF GUILTY TO THE FOLLOWING
4 OFFENSES: YOU ARE PLEADING GUILTY TO THE OFFENSE OF SECOND
5 DEGREE MURDER IN CASE 97-CRS-39581; YOU ARE PLEADING GUILTY TO
6 THE OFFENSE OF CONSPIRACY TO COMMIT FIRST DEGREE MURDER IN CASE
7 97-CRS-23656; YOU ARE PLEADING GUILTY TO THE CLASS D FELONY OF
8 FIRST DEGREE ARSON IN CASE 98-CRS-23486, AND YOU ARE PLEADING
9 GUILTY TO EIGHT COUNTS OF THE CLASS C FELONY OF SOLICITATION TO
10 COMMIT FIRST DEGREE MURDER UPON BILLS OF INFORMATION SUBMITTED
11 IN CASES 23241 THROUGH CASES 23248. IS THAT YOUR
12 UNDERSTANDING, MR. KIMBLE, OF THE OFFENSES TO WHICH YOU'RE
13 PLEADING GUILTY AT THIS HEARING?

14 DEFENDANT:- YES, SIR.

15 THE COURT:- DO YOU UNDERSTAND THAT, WHEN YOU PLEAD
16 GUILTY TO THOSE SEVERAL OFFENSES, YOU ARE SUBJECT TO BEING
17 SENTENCED TO A MAXIMUM AGGREGATE TERM OF IMPRISONMENT OF 3,177
18 MONTHS, ASSIGNED TO THE STATE DEPARTMENT OF CORRECTION?

19 DEFENDANT:- YES, SIR.

20 THE COURT:- DO YOU UNDERSTAND THAT, WITH REGARD TO
21 CERTAIN OF THE OFFENSES TO WHICH YOU'RE PLEADING GUILTY, YOU
22 ARE SUBJECT TO A MANDATORY MINIMUM SENTENCE, AND THAT IS, WITH
23 REGARD TO THE OFFENSES OF SECOND DEGREE MURDER AND CONSPIRACY
24 TO COMMIT FIRST DEGREE MURDER, YOU ARE SUBJECT TO A MANDATORY
25 MINIMUM SENTENCE OF AT LEAST 130 MONTHS ON EACH OF THOSE

1 OFFENSES, THAT WITH REGARD TO THE FIRST DEGREE ARSON TO WHICH
2 YOU'RE PLEADING GUILTY, YOU ARE SUBJECT TO BEING SENTENCED TO A
3 MANDATORY MINIMUM SENTENCE OF AT LEAST 53 MONTHS, AND THAT WITH
4 REGARD TO EACH OF THE COUNTS OF SOLICITATION TO COMMIT FIRST
5 DEGREE MURDER, ON YOUR PLEA OF GUILTY, YOU ARE SUBJECT TO A
6 MANDATORY MINIMUM SENTENCE OF AT LEAST 80 MONTHS IMPRISONMENT?
7 ARE YOU AWARE OF THAT -- ALL OF THOSE FACTORS, MR. KIMBLE?

8 DEFENDANT:- YES, SIR.

9 THE COURT:- AT THIS TIME, DO YOU PERSONALLY PLEAD
10 GUILTY TO EACH AND EVERY ONE OF THOSE OFFENSES I'VE JUST
11 RELATED TO YOU?

12 MR. ZIMMERMAN:- WITH THE EXCEPTION OF THE EIGHT ---

13 THE COURT:- THIS IS WITH REGARD TO THE GUILTY PLEA.
14 I'LL ADDRESS THE ALFORD SHORTLY.

15 MR. ZIMMERMAN:- THANK YOU.

16 THE COURT:- ARE YOU PLEADING GUILTY TO EACH OF THOSE
17 OFFENSES, MR. KIMBLE?

18 DEFENDANT:- YES, SIR.

19 THE COURT:- WITH REGARD TO THE PLEAS OF GUILTY TO
20 SECOND DEGREE MURDER, CONSPIRACY TO COMMIT FIRST DEGREE MURDER
21 AND FIRST DEGREE ARSON, ARE YOU, IN FACT, GUILTY OF EACH OF
22 THOSE OFFENSES?

23 DEFENDANT:- YES, SIR.

24 THE COURT:- WITH REGARD TO THE EIGHT COUNTS OF
25 SOLICITATION TO COMMIT FIRST DEGREE MURDER, ARE YOU PLEADING

1 GUILTY TO THOSE OFFENSES BECAUSE YOU CONSIDER IT TO BE IN YOUR
2 BEST INTEREST TO DO SO?

3 DEFENDANT:- YES, SIR.

4 THE COURT:- DO YOU UNDERSTAND THAT WHEN YOU PLEAD
5 GUILTY TO THOSE OFFENSES UPON THAT CONDITION THAT YOU WILL BE
6 ADJUDGED GUILTY AND SENTENCED FOR THOSE OFFENSES WHETHER OR NOT
7 YOU, IN FACT, ADMIT THAT YOU ARE GUILTY OF THEM?

8 DEFENDANT:- YES, SIR.

9 THE COURT:- HAVE YOU AGREED TO TENDER A PLEA OF
10 GUILTY TO THESE SEVERAL OFFENSES AS PART OF A PLEA ARRANGEMENT
11 THAT WAS NEGOTIATED ON YOUR BEHALF BY YOUR ATTORNEYS WITH THE
12 DISTRICT ATTORNEY?

13 DEFENDANT:- YES, SIR.

14 THE COURT:- IS THIS A CORRECT STATEMENT OF WHAT YOU
15 UNDERSTAND YOUR FULL PLEA ARRANGEMENT TO BE: THE STATE OF
16 NORTH CAROLINA HAS AGREED, PURSUANT TO THE PLEA ARRANGEMENT, TO
17 ACCEPT A PLEA OF GUILTY TO SECOND DEGREE MURDER IN CASE
18 97-CRS-39581. COUNT ONE IN THAT -- IN CASE 97-CRS-23656 SHALL
19 BE DISMISSED BY THE STATE UPON YOUR PLEA OF GUILTY. IN RETURN,
20 THE DEFENDANT AGREES TO ENTER PLEAS OF GUILTY TO SECOND DEGREE
21 MURDER IN CASE 39581, CONSPIRACY TO COMMIT FIRST DEGREE MURDER
22 IN CASE 97-CRS-23656, AND FIRST DEGREE ARSON IN CASE
23 98-CRS-23486, AND EIGHT COUNTS OF SOLICITATION TO COMMIT FIRST
24 DEGREE MURDER PURSUANT TO THE BILLS OF INFORMATION WHICH HAVE
25 BEEN SUBMITTED TO THE COURT. THE DEFENDANT AGREES PURSUANT TO

1 THAT PLEA ARRANGEMENT AND UNDERSTANDS THAT HE WILL RECEIVE
2 CONSECUTIVE SENTENCES IN EACH OF THESE CASES. FURTHER, THE
3 DEFENDANT AGREES TO RETURN THE ASHES OF PATRICIA BLAKLEY KIMBLE
4 TO THE BLAKLEY FAMILY. THE STATE AGREES PURSUANT TO ITS
5 COMMITMENT AND THE PLEA ARRANGEMENT TO DISMISS ANY BREAKING AND
6 ENTERING OR LARCENY INDICTMENTS PENDING AGAINST THEODORE MEAD
7 KIMBLE WHICH ARE PRESENTLY PENDING IN GUILFORD COUNTY, NORTH
8 CAROLINA. THE PARTIES STIPULATE, PURSUANT TO THE PLEA
9 ARRANGEMENT, THAT THE DEFENDANT, THAT IS YOU, IS SUBJECT TO
10 SENTENCE AS A LEVEL TWO OFFENDER, AND THAT, PURSUANT TO THE
11 STRUCTURED SENTENCING ACT, THE MAXIMUM SENTENCE THAT THE
12 DEFENDANT MAY RECEIVE FOR EACH OF THE B2 FELONIES IS 254
13 MONTHS, FOR EACH CLASS C FELONY, IT'S 159 MONTHS, AND FOR THE
14 CLASS D FELONY, IT IS 108 MONTHS. IS WHAT I'VE JUST SAID TO
15 YOU A CORRECT STATEMENT OF WHAT YOU UNDERSTAND YOUR FULL PLEA
16 ARRANGEMENT TO BE, MR. KIMBLE?

17 DEFENDANT:- YES, SIR.

18 THE COURT:- AND DO YOU PERSONALLY ACCEPT THE PLEA
19 ARRANGEMENT AT THIS TIME?

20 DEFENDANT:- YES, SIR.

21 THE COURT:- OTHER THAN THE CONDITIONS OF THE PLEA
22 ARRANGEMENT I HAVE JUST RECITED TO YOU, HAS ANYONE THREATENED
23 YOU OR MADE ANY PROMISES TO YOU TO IN ANY WAY ATTEMPT TO CAUSE
24 YOU TO ENTER THIS PLEA OF GUILTY AGAINST YOUR WISHES?

25 DEFENDANT:- NO, SIR.

1 THE COURT:- ARE YOU ENTERING THE GUILTY PLEA OF YOUR
2 OWN FREE WILL AT THIS TIME, FULLY UNDERSTANDING WHAT YOU'RE
3 DOING?

4 DEFENDANT:- YES, SIR.

5 THE COURT:- DO YOU HAVE ANY QUESTIONS YOU'D LIKE TO
6 ADDRESS TO ME AT THIS TIME REGARDING YOUR CASE, MR. KIMBLE?

7 DEFENDANT:- NO, SIR.

8 THE COURT:- ALL RIGHT. THANK YOU, SIR. WOULD YOU
9 PLEASE BE SEATED NEXT TO YOUR ATTORNEY.

10 DOES THE DEFENDANT STIPULATE THAT A FACTUAL BASIS
11 EXISTS FOR THE ENTRY OF THE PLEAS OF GUILTY?

12 MR. CRUMPLER:- THE DEFENDANT DOES, YOUR HONOR.

13 THE COURT:- DO YOU STIPULATE THAT, IF NECESSARY, THE
14 STATE MAY SUMMARIZE THE FACTUAL BASIS?

15 MR. CRUMPLER:- YES, SIR, WE DO.

16 THE COURT:- THANK YOU.

17 MR. PANOSH, YOU MAY PROCEED.

18 MR. PANOSH:- YOUR HONOR, AT THE APPROPRIATE TIME, I
19 BELIEVE COUNSEL WILL MOVE TO CONTINUE THE ACTUAL SENTENCING IN
20 THIS MATTER TO BRING IN WITNESSES. WE CONCUR IN THAT. THERE
21 ARE EIGHT VICTIMS THAT WE NEED TO NOTIFY SO THEY CAN BE PRESENT
22 FOR THAT PROCEEDING.

23 THE COURT:- I WILL GRANT ANY MOTION TO CONTINUE THE
24 SENTENCING. YOU MAY PROCEED WITH THE PLEA ADJUDICATION AT THIS
25 TIME.

1 MR. PANOSH:- YOUR HONOR, IN REGARD TO THE FIRST
2 DEGREE MURDER, THE STATE CONTENDS THAT ON OR ABOUT OCTOBER 9TH
3 OF 1995, ABOUT 4:00 P.M. IN THE AFTERNOON, PATRICIA KIMBLE, WHO
4 WAS THE DEFENDANT'S WIFE, WAS RETURNING TO HER HOME, AND AS SHE
5 RETURNED TO HER HOME, SHE ENTERED AND SHE WAS SHOT IN THE SIDE
6 OF THE HEAD. HER DEATH RESULTED ALMOST IMMEDIATELY THEREAFTER.
7 HER DWELLING WAS BURNED DOWN AROUND HER BODY. THE FIRE WAS
8 DISCOVERED APPROXIMATELY 8:00 P.M. THAT EVENING, AND THE
9 INVESTIGATION BEGAN.

10 THE INVESTIGATION TOOK ALMOST TWO YEARS TO LEAD TO AN
11 ARREST. THE COURSE OF THE INVESTIGATION LED US TO BELIEVE THAT
12 THE DEFENDANT WENT OUT AND ATTEMPTED TO OBTAIN LARGE LIFE
13 INSURANCE POLICIES ON HIS WIFE. HE DID, IN FACT, TRANSFER ONE
14 LIFE INSURANCE POLICY TO HIS NAME FOR \$50,000.00. HE DID
15 ACQUIRE A SECOND LIFE INSURANCE POLICY FOR \$50,000.00, AND
16 THERE WOULD BE EVIDENCE TO SHOW THAT HE BELIEVED THAT HE WAS
17 ENTITLED TO A THIRD \$50,000.00 POLICY THROUGH HER WORK. HE
18 ALSO ATTEMPTED IN SEPTEMBER OF 1995, IN THE DAYS BEFORE HER
19 DEATH, TO OBTAIN A \$200,000.00 LIFE INSURANCE POLICY ON HER
20 LIFE, AND, IN FACT, HE DID FORGE AN APPLICATION FOR THAT
21 POLICY, AND THAT WAS PENDING APPROVAL AT THE TIME OF HER
22 MURDER.

23 THE EVIDENCE WOULD SHOW THAT ON OCTOBER 9TH OF 1995,
24 THE DEFENDANT'S BROTHER, WHO WAS A MARINE STATIONED AT CAMP
25 LEJEUNE, RETURNED TO GREENSBORO, SPOKE TO HIS BROTHER, AND THAT

1 AT APPROXIMATELY THAT TIME, APPROXIMATELY 3:00 TO 4:00 P.M., HE
2 WENT TO HER HOME, LET HIMSELF IN WITH A KEY, AND WAS WAITING
3 FOR HER WHEN SHE ARRIVED HOME, AND THE BROTHER DID KILL MS.
4 KIMBLE. THE EVIDENCE -- THE DEFENDANT'S BROTHER HAS PREVIOUSLY
5 BEEN CONVICTED BY A JURY OF THAT OFFENSE.

6 THE EVIDENCE WOULD INDICATE THAT, THEREAFTER, THEY
7 TOOK STEPS TO COVER UP THE CONSPIRACY, INCLUDING NOT REVEALING
8 TO THE SHERIFF'S DEPARTMENT THAT THE BROTHER, RONNIE KIMBLE,
9 WAS IN GUILFORD COUNTY AT THE TIME OF THE DEATH.

10 AS TIME WENT ALONG, YOUR HONOR, THE DEFENDANT BECAME
11 ENGAGED IN A BREAKING AND ENTRY SCHEME, AND IN THAT BREAKING
12 AND ENTRY SCHEME WHICH BEGAN IN LATE 1996, HE HAD TWO
13 CO-CONSPIRATORS IN THE COURSE OF A NUMBER OF OFFENSES. HE
14 ADMITTED TO THOSE CO-CONSPIRATORS THAT HE WAS RESPONSIBLE FOR
15 THE DEATH OF HIS WIFE. EVENTUALLY, HIS BROTHER WENT TO AN
16 ASSOCIATE, A FORMER MARINE, AND ADMITTED TO THAT FORMER MARINE
17 THAT HE HAD, IN FACT, KILLED MS. KIMBLE, AND THAT HE HAD DONE
18 SO IN AN ATTEMPT TO GET THE INSURANCE MONEY, AND THAT HE
19 CONSPIRED WITH HIS BROTHER. ONCE THAT INFORMATION CAME TO
20 LIGHT IN ABOUT FEBRUARY OF 1997, THE INVESTIGATION HEATED UP,
21 AND, IN APRIL, THE DEFENDANT WAS ARRESTED, AND SHORTLY AFTER
22 APRIL OF 1997, THE TWO CO-CONSPIRATORS IN THE BREAKING AND
23 ENTRY SCHEME CAME FORWARD AND GAVE THEIR INFORMATION ABOUT THE
24 DEFENDANT'S ADMISSIONS TO THEM. SINCE THAT TIME, THE DEFENDANT
25 HAS PLED GUILTY AND HE WAS INCARCERATED IN THE STATE DEPARTMENT

1 OF CORRECTIONS.

2 ON OR ABOUT -- IN OCTOBER AND NOVEMBER OF 1998, THERE
3 WAS A SERIES OF SCHEMES HE DEvised FOR ESCAPE, AND ABOUT
4 NOVEMBER 4, 1998, HE COMMUNICATED TO ONE WILLIAM STEWART HIS
5 DESIRE TO NOT ONLY ESCAPE, BUT TO HAVE WITNESSES KILLED.
6 BELIEVING THAT MR. STEWART WAS ABOUT TO GET OUT OF PRISON, HE
7 DELIVERED TO HIM A HANDWRITTEN LIST OF EIGHT WITNESSES AND
8 SPOUSES OF WITNESSES THAT HE WANTED KILLED, AND INSTRUCTIONS
9 THAT WERE SOMEWHAT IN CODE BUT THEY WERE VERY EASY TO
10 DETERMINE. MR. STEWART, UPON RECEIVING THESE DOCUMENTS,
11 NOTIFIED THE D.A.'S OFFICE. WE INTERVIEWED HIM. HE TURNED
12 THEM OVER TO US. SUBSEQUENTLY, THE DEFENDANT'S FINGERPRINTS
13 WERE FOUND ON THOSE DOCUMENTS, ALONG WITH THE S.B.I. OPINION
14 THAT SHOWS THAT IT WAS HIS HANDWRITING. THE LIST OF WITNESSES
15 WAS ON A DIAGRAM OF THE COURTROOM, AND IT SHOWED THIS COURTROOM
16 AND THE COURTROOM BELOW IT, AND ALSO, THE HOLDING CELLS, AND IT
17 ALSO LISTED THE VICTIMS THAT HE WANTED TO KILL, THE WITNESSES
18 THAT HE WANTED TO KILL, AND DIRECTIONS TO THEIR HOMES. YOUR
19 HONOR, THAT WOULD BE THE BASIS OF THE EIGHT COUNTS OF
20 SOLICITATION TO COMMIT MURDER.

21 YOUR HONOR, SINCE THIS MATTER IS GOING TO BE
22 CONTINUED, I'D LIKE AN OPPORTUNITY ON THAT FUTURE DATE TO
23 PRESENT MORE DETAILED EVIDENCE, BUT THAT WOULD BE THE STATE'S
24 RECITATION AT THIS TIME.

25 MR. ZIMMERMAN:- YOUR HONOR ---

1 THE COURT:- THE STATE MAY RESERVE THE RIGHT ON
2 JUDGMENT.

3 YES, SIR?

4 MR. ZIMMERMAN:- IF YOUR HONOR PLEASE, I DON'T WANT
5 TO BELABOR THE COURT. I'VE STOOD WHERE MR. PANOSH STOOD FOR A
6 LONG TIME, AND -- BUT WE STIPULATED THAT THERE WAS A FACTUAL
7 BASIS FOR THE ENTRY OF THIS PLEA. I UNDERSTAND YOUR HONOR HAS
8 TO HEAR A LITTLE BIT ABOUT IT TO MAKE THE PROPER ENTRIES. I
9 JUST WOULD ASK THE COURT IN ITS INFINITE WISDOM TO PLEASE LOOK
10 THROUGH SOME OF THE FACTS THAT HE'S RECITED THAT HE SAYS HE CAN
11 PROVE. A LOT OF THOSE, WE CONTEST, AND WE'D BE OFFERING
12 EVIDENCE ALSO TO CONTRADICT SOME OF THAT EVIDENCE, AND I WOULD
13 APPRECIATE YOUR HONOR KEEPING AN OPEN MIND ABOUT IT WHEN IT
14 COMES TO PASSING SENTENCE ON THE MATTER BASED ON WHAT THE
15 EVIDENCE SHOWS AT THE SENTENCING HEARING.

16 THE COURT:- MR. ZIMMERMAN, THE COURT WILL HEAR ANY
17 EVIDENCE WHATSOEVER RELEVANT TO THE ISSUES OF JUDGMENT AT THE
18 TIME OF THE SENTENCING HEARING.

19 MR. ZIMMERMAN:- I THANK YOU, YOUR HONOR.

20 THE COURT:- IS THERE ANY OBJECTION AT THIS TIME TO
21 THE FACTUAL SHOWING MADE BY THE STATE ON THE FACTUAL BASIS?

22 MR. CRUMPLER:- YOUR HONOR, NOT OTHER -- ONLY WITH
23 THE EXCEPTION OF WHAT MR. ZIMMERMAN JUST RELATED TO YOU.

24 THE COURT:- DOES THE DEFENDANT WISH TO PRESENT ANY
25 EVIDENCE ON THE FACTUAL BASIS AT THIS TIME?

1 MR. CRUMPLER:- NO, SIR.

2 MR. ZIMMERMAN:- NOT AT THIS TIME, YOUR HONOR.

3 THE COURT:- THANK YOU.

4 ENTER FINDINGS, PURSUANT TO A CONSIDERATION OF THE
5 RECORD IN THIS ACTION, PURSUANT TO A -- THE STATEMENTS OF
6 COUNSEL REGARDING THE FACTUAL BASIS, PURSUANT TO THE ANSWERS OF
7 THE DEFENDANT TO THE COURT, STATEMENTS OF COUNSEL, THE COURT
8 FINDS THAT A FACTUAL BASIS EXISTS FOR THE ENTRY OF THE
9 DEFENDANT'S PLEA OF GUILTY. THE COURT FINDS THAT THE DEFENDANT
10 IS SATISFIED WITH THE SERVICES OF COUNSEL. THE COURT FINDS
11 THAT THE DEFENDANT IS COMPETENT TO STAND TRIAL AND THAT THE
12 PLEA ENTERED IS THE DEFENDANT'S INFORMED CHOICE AND IT IS MADE
13 FREELY, VOLUNTARILY AND UNDERSTANDINGLY. THE DEFENDANT'S PLEA
14 IS HEREBY ACCEPTED BY THE COURT AND IT IS ORDERED RECORDED.

15 THE DEFENDANT HAS HERETOFORE STIPULATED AND DO YOU
16 STIPULATE AT THIS TIME, COUNSEL, THAT THE STATE'S SHOWING OF
17 TWO PRIOR RECORD POINTS IS AN ACCURATE POINT ASSESSMENT?

18 MR. ZIMMERMAN:- SO STIPULATED.

19 THE COURT:- THE COURT FINDS THAT THE DEFENDANT
20 STIPULATES THAT THE DEFENDANT IS SUBJECT TO AN ASSESSMENT OF
21 TWO PRIOR RECORD POINTS, AND THE COURT CONCLUDES AS A MATTER OF
22 LAW THAT THE DEFENDANT IS SUBJECT TO SENTENCE AT PRIOR RECORD
23 LEVEL TWO ON THE FELONY OFFENSES BEFORE THE COURT.

24 UPON THE MOTION OF THE DEFENDANT, AND WITHOUT
25 OBJECTION BY THE STATE, THE SENTENCING HEARING IN THIS

1 PROCEEDING SHALL BE CONTINUED FROM DAY TO DAY AND FROM TERM TO
2 TERM. DO YOU HAVE A TIME CERTAIN IN MIND AT THIS TIME,
3 GENTLEMEN?

4 MR. PANOSH:- YOUR HONOR, WE'LL MEET WHATEVER IS
5 AGREEABLE WITH COUNSEL.

6 MR. CRUMPLER:- YOUR HONOR ---

7 THE COURT:- DO YOU KNOW WHEN YOU WANT TO COME BACK,
8 MR. CRUMPLER?

9 MR. CRUMPLER:- WE WOULD LIKE TWO WEEKS, AND I'M
10 REALLY ASKING THE COURT. WOULD THAT FIT INTO THE COURT'S
11 DOCKET, BECAUSE IF WE HAVE ROUGHLY THAT AMOUNT OF TIME, THAT
12 WOULD BE SUFFICIENT FOR WHAT WE NEED.

13 THE COURT:- I BELIEVE I'M STARTING A CAPITAL TRIAL
14 IN HIGH POINT FEBRUARY 8TH.

15 MR. PANOSH:- I BELIEVE THAT'S CORRECT, YOUR HONOR.
16 CAN COUNSEL AND I CONFER AND COME TO YOU WITH A DATE?

17 THE COURT:- YES, SIR.

18 MAKE THIS ENTRY. THE SENTENCING HEARING IN THESE
19 PROCEEDINGS SHALL BE CONTINUED FROM DAY TO DAY AND FROM TERM TO
20 TERM UNTIL SUCH TIME AS IT SHALL PLEASE THE STATE AND THE
21 DEFENDANT BY CONSENT TO BRING THIS MATTER ON FOR HEARING FOR
22 SENTENCE BEFORE THE UNDERSIGNED PRESIDING JUDGE.

23 LET THE RECORD FURTHER SHOW THAT THE COURT ACCEPTS
24 THE WAIVER OF VENUE FILED IN THIS ACTION AND ORDERS VENUE
25 TRANSFERRED TO GUILFORD COUNTY, NORTH CAROLINA, WITH ALL REGARD

1 FOR THOSE OFFENSES AND ISSUES SET OUT IN CASES 23241 TO 23248.

2 LET THE RECORD FURTHER SHOW THAT, BY STIPULATION OF
3 THE PARTIES, THE SUBPOENA DUCES TECUM ISSUED FOR THIS DATE HAS
4 BEEN QUASHED BY ORDER OF THE COURT AND THE WITNESS SUBPOENAED
5 PURSUANT TO THAT PROCESS HAS BEEN RELEASED FROM THE COURT PRIOR
6 TO THIS HEARING.

7 ANYTHING FURTHER AT THIS TIME, COUNSEL?

8 MR. PANOSH:- YOUR HONOR, YOU ANTICIPATE SENDING HIM
9 BACK TO THE DEPARTMENT OF CORRECTIONS UNTIL THE DATE ---

10 THE COURT:- THAT WAS MY INTENT; YES, SIR.

11 MR. PANOSH:- WE'D ASK THAT; YES, SIR.

12 THE COURT:- ALL RIGHT. THAT WILL BE DONE.

13 HE'S REMANDED TO THE DEPARTMENT OF CORRECTIONS,
14 SHERIFF.

15 ALL RIGHT. THANK YOU.

16 MR. ZIMMERMAN:- YOUR HONOR PLEASE, WE NEED TO TALK
17 TO OUR CLIENT JUST A LITTLE BIT AND WE'D ASK YOU TO HOLD HIM
18 BACK HERE ---

19 THE COURT:- SHERIFF, WOULD YOU PLEASE GIVE COUNSEL
20 AN OPPORTUNITY TO CONFER WITH THEIR CLIENT?

21 HOW MUCH TIME DO YOU NEED?

22 MR. ZIMMERMAN:- ABOUT 20 MINUTES, YOUR HONOR PLEASE.

23 THE COURT:- THAT WILL BE ALLOWED.

24

25

END OF TRANSCRIPT