

1 -- Long Beach Police have patrolled around our street and
2 around the street behind us. Afraid to go out of the
3 house. Afraid of every sound that you hear. You don't
4 know if you're going to live or not, which is what she
5 told me when she called. She said, "Rose, I don't know
6 if I'll wake up in the morning or not. Ted sleeps with a
7 gun under his pillow." I do hope for closure. Thank
8 you.

9 THE COURT: Thank you, ma'am.

10 MR. PANOSH: That will be the State's
11 presentation. Thank you.

12 THE COURT: All right. Do you have your
13 sentencing memorandum ready at this time?

14 MR. ZIMMERMAN: Anybody here from One Step?
15 Not here at this time, Your Honor.

16 THE COURT: All right, I'll hear arguments of
17 counsel at this time. Defendant may be heard through
18 counsel.

19 MR. ZIMMERMAN: The defendant goes first?

20 THE COURT: Yes, sir. State has the right to
21 close at this point.

22 MR. ZIMMERMAN: If Your Honor pleases, I do
23 hope that at some point in time if this report gets here
24 Your Honor will consider it, if it gets here before Your
25 Honor is going to pass sentence.

1 THE COURT: I'll certainly look at it if it
2 comes here at any time, or even if it---

3 MR. ZIMMERMAN: Thank you very much. If Your
4 Honor please, Your Honor has heard the evidence in this
5 case based upon the plea to all these offenses. The
6 defendant understands that he will receive consecutive
7 sentences based upon the Court's interpretation of the
8 evidence that Your Honor has heard, based upon the fact
9 that Your Honor is to decide within the Level 2
10 punishment of mitigation to aggravation what this
11 particular sentence will be in each and every category
12 and as to each and every offense.

13 I'm not going to stand here and try to
14 justify anything that has come into evidence here today
15 or yesterday with respect to the crime itself. This
16 Court is very able Court, very knowledgeable Court. This
17 Court has heard a number of cases. Every case stands on
18 its own bottom, and every murder case is a bad case. As
19 the old bard once said, "Murder shrieks out," and it
20 does. But if Your Honor pleases, we'd ask on behalf of
21 the defendant, Ted Kimble, and his mother and father that
22 Your Honor give close scruple to the facts as elicited by
23 the State and by the defendant as to the particular
24 factors in this homicide. When Your Honor fashions a
25 judgment in this case, the only thing that we could ask

1 is that Your Honor closely scrutinize the evidence,
2 particularly with respect to what Your Honor has heard
3 today with respect to these victims as to this so-called
4 alleged and intended killing of witnesses.

5 Now, if Your Honor please, this case is
6 replete throughout with promises of sentence reductions,
7 with promises of early release if you'll tell us what you
8 know, promises made by the State, the all powerful State,
9 and actually carried through as to early release of
10 somebody who tells your story. A promise. And I say to
11 Your Honor that that evidence is fraught with error. I
12 say to Your Honor in all candor that this so-called plot
13 to kill eight witnesses does not hold water based upon
14 the evidence that Your Honor has heard. And one of the
15 excellent things about a plea is that you've got someone
16 who is learned sitting on the Bench who can distinguish
17 these things. Now, Your Honor heard the evidence. Your
18 Honor heard the evidence from these people in custody.
19 What reason have they got to tell a lie? They're not
20 going to get any sentence reduction. They're not going
21 to get out early. And I just say to Your Honor that I
22 don't believe William Stewart is worthy of belief. And I
23 don't believe there was any serious plot to kill any
24 eight witnesses. If indeed it was, it was about the most
25 ludicrous plot I've ever heard of in my life. Then you

1 couple that with a press release announcing to the world
2 that there's some kind of a plot to kill eight witnesses
3 based upon the testimony, or so-called affidavit or so-
4 called statement of one Stewart.

5 Now, if Your Honor pleases, we'd ask that you
6 closely scrutinize the factors so that when you fashion a
7 judgment, you'll fashion a judgment that does do justice.
8 Justice tempered with mercy, if Your Honor please. And
9 that, I think is what the robe and being a judge is all
10 about. If you can do justice to the victim, to this
11 defendant, tempered with mercy, that's all in the world
12 we ask, if Your Honor please. That's all in the world we
13 can ask because we've thrown ourselves on the mercy of
14 the Court. On the mercy of the Court.

15 And, if Your Honor pleases, Your Honor heard
16 testimony yesterday as to the character of this young man
17 from the time he was in the third or fourth grade all the
18 way up to until the present or till the time he got in
19 this trouble. And I submit to the Court that the
20 preponderance of the evidence shows that this defendant,
21 number 12 in the mitigating factors, has been a person of
22 good character and had a good reputation in the community
23 in which he lived at some point in time. Also number 18,
24 that he has a support system in the community. That is,
25 his friends and neighbors, and certainly his loving

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.