

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 97 CrS 23654
FILE NO. 97 CrS 39580
FILE NO. 98 CrS 23485

STATE OF NORTH CAROLINA)
)
 v.)
)
RONNIE LEE KIMBLE)

T R A N S C R I P T

Transcript of proceedings taken in the General Court of Justice, Superior Court Division, Guilford County, North Carolina, August 3, 1998 Regular Criminal Session, before the Honorable Preston Cornelius, Judge Presiding.

A P P E A R A N C E S

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MONDAY, AUGUST 24, 1998

(Court convened at 9:34 a.m. The defendant was present.
The jury was not present.)

THE COURT: Any matters we need to take care of
before we bring the jury in?

MR. LLOYD: Your Honor, I think you had instructed
Mr. Panosh and I to see if we couldn't iron out some sort of
agreement on the statement of Mrs. Jackson. We have not
been able to reach an agreement on Mrs. Jackson's statement.
There's a great deal -- the first part of her statement, I
don't have any problems with, because I think it basically
corroborates her testimony.

MR. PANOSH: Your Honor, I'll hand them up. I
thought we had reached an agreement. If there's anything
else that needs to be redacted, we need -- I can probably
take care of it.

MR. LLOYD: Well, maybe if I could see it. Maybe
I misunderstood, Mr. Panosh.

(Mr. Panosh handed an exhibit to Mr. Lloyd.)

MR. LLOYD: This would be the redacted statement?

MR. PANOSH: Yes. Here you go. Here's the other
redacted statement.

(Mr. Panosh handed an exhibit to Mr. Lloyd.)

MR. LLOYD: Well, I see Mr. -- my discussions with
Mr. Panosh did do some good, Your Honor.

(Mr. Lloyd handed the exhibits to the Court.)

MR. LLOYD: He has eliminated what I requested.

THE COURT: So there's no problem at the present time?

MR. LLOYD: No problem, Your Honor.

(The Court handed the exhibits to the bailiff, and the bailiff placed the exhibits on the exhibit table.)

MR. LLOYD: I do, Your Honor -- and I think this is probably as good a time to bring it up as any. The statements of Rob Nicholes, those Your Honor had indicated would come in for corroborative purposes, if they did so. The problem that I have with it, Judge -- and we haven't passed those, we haven't published those statements to the jury yet, so there's still time on that. There's a great deal of material in what Mr. Nicholes said in his statements that simply is not corroborative, nor is impeaching, because we never asked him about it, Your Honor.

There's a statement in here, "Ted's father saw the generators --" this is in reference to the theft ring that involved Mr. Nicholes and Mr. Pardee and Ted Kimble. "Ted's father saw the generators and asked Ted to get one for him. I believe Ted's father knew they were stolen. He had to, because Ted's father helped with the books and went through the paperwork. Ted's father also saw the two-by-fours, two-by-eights, two-by-tens and all the other building materials,

so he had to know Ted wasn't buying the items." Never got into that. It's not corroborative of anything he said on the stand. It's not something that we inquired into on direct (sic) examination.

There are other statements -- my main concern, Your Honor, is, in one of his statements, he makes a reference to Ted saying that Ronnie had an alibi. And that's something that -- my clear recollection is that when we went up and we talked about this at the bench, Mr. Panosh said that he would not get into that, and Your Honor gave your seal of approval on that. We did not cross-examine him on that. We didn't cross-examine him on any of these statements. And so, now we've got a situation where we're attempting to, under the guise of corroboration, get in stuff that is not sworn testimony.

And I guess the final question we all have to ask here, Your Honor, is, is the sworn testimony from the witness stand the evidence in this case, or is it some statement that the witness signed and gave to the police officers? And I don't -- there's not a court in this land that would say that the evidence in a criminal trial ought to be the statements that the witness gave to some police officers at some time prior to his testimony, not under oath and not subject to cross-examination.

So I just wanted to alert the Court to that.

THE COURT: Mr. Panosh, do you wish to be heard?

MR. PANOSH: Your Honor, I don't have the case law in front of me right now, but the case law says that it is the -- that the prior statements need not be wholly consistent, and in fact, there can be new information in there, as long as that new information is not inconsistent. I can get that case law and hand it up the next time we discuss this, Your Honor.

THE COURT: Well, hold those from the jury at this point.

MR. PANOSH: We will.

THE COURT: They've not been shown to the jury at this point. The Court will rule on that. Certainly certain portions of it ought to be redacted out.

MR. PANOSH: Your Honor, I've got the case right now. It's State v. Ramey, 318 N.C. 457, a 1986 case. "In order to be corroborative and therefore properly admissible, the prior statement of the witness need not merely relate to specific facts brought out in the witness's testimony at trial, so long as the statement in fact tends to add weight or credibility to such testimony." Prior statements of the --

THE COURT: Well, the statement about his dad knowing about the generator being stolen, that has absolutely nothing to do with -- that should be redacted

out.

MR. PANOSH: Well, Your Honor, we don't --

THE COURT: The alibi part is the only one that gives me concern.

MR. PANOSH: We don't have any problems going over it and trying to reach an agreement about redaction, but we feel that the statements as a whole, under --

THE COURT: I think the witness was cross-examined from the statement, was he not?

MR. PANOSH: Extensively. And Your Honor did not allow the statements in on direct, but because of the extensive cross-examination, the State renewed its motion and Your Honor allowed it in.

THE COURT: That was part of the reason the Court allowed it in.

MR. LLOYD: Well, Your Honor's recollection may differ from mine. I don't recall doing that, but I -- my memory's not perfect, I'll be the first one to admit.

THE COURT: Well, anyway, that part about his dad should be redacted out. The alibi thing, I'm not -- I need to review my notes on that. Leave that pending and I'll look at that.

MR. LLOYD: Well, I know I specifically did not cross-examine him on that, because I -- I specifically remember that Mr. Panosh said he wasn't going to get into

that alibi concerning Ronnie. Here's what he said in the statement: "I asked again several times if he killed his wife or had anything to do with that, and he would always say that he had an alibi and that his brother also had an alibi. He said that Ronnie's alibi was that he was watching television with his wife and her parents." And then he goes in to describe what Ted told him, that he did have something to do with his wife, and not to ask any more questions about it.

THE COURT: Well, some of that may become relevant if Mr. Kimble testifies and may come out on cross-examination at some point.

MR. LLOYD: Well, if it does, then it comes in, Your Honor.

THE COURT: All right. The Court's going to rule that it should be kept out at this point and not be exhibited to the jury.

Any other matters before I bring them in?

Bring them back, sir.

(The jury entered the courtroom at 9:41 a.m.)

THE COURT: I'm very pleased to have the jury panel back. I hope each of you had a nice weekend and feeling okay this morning.

Mrs. Scoggins, feeling better?

MS. SCOGGINS: Just fine. Thank you.

THE COURT: Anyone else got any problems today that I should know about or any conflicts that I should know about?

Okay. If the witness would return to the witness stand, please, Ms. Kimble.

(The witness Kimberly Kimble returned to the witness stand.)

THE COURT: Ms. Kimble, the Court will remind you you're still under oath.

You may continue with your examination.

MR. PANOSH: Thank you.

KIMBERLY KIMBLE, having been previously duly sworn, testified as follows during CONTINUED CROSS-EXAMINATION by MR. PANOSH:

Q Ma'am, I believe on Friday you said that you didn't recall the events of October the 6th until about two weeks ago. Would you relate for the ladies and gentlemen of the jury the events of October the 6th, that is, Friday, Saturday and Sunday.

A Yes. Like you said, two weeks ago, I recalled it, or three weeks ago. My mother and I were talking, and that's why I remembered it, because of the wedding of my cousin.

That Friday, my husband came in with Dobesh, a friend, and they got there that evening around 5:30, 6:00 o'clock on Friday, the 6th. And then I don't really recall what we did that evening, but the next morning, I remember getting up

and doing things around the house, such as washing and stuff. And he did stuff, you know, just piddling around outside. And then sometime after lunch, we -- myself went to a wedding with my mother and my aunt and my cousin and sister. And I don't recall what he did, because, of course, I wasn't there.

I remember Dobesh saying he needed to leave sometime around 2:00 o'clock. He had duty the next day.

That Saturday night, I don't remember exactly what me and my husband did. But the next day, I do recall. It's a ritual we go to church every Sunday. And I don't really cook that much, so I always go with my -- over to my mother and father's house. We always went on Sundays after church and ate with them and hung around the house there, watch TV, talk, sleep, whatever. Then we go to back to the house. And if he didn't have to go back to the base that night, we would go to church or something like that.

Q And in fact, when you say "he didn't have to go back to the base," you're talking about Ronnie?

A Yes. But he did not have to that weekend, because he had the 96.

Q But your recollection is that Justin Dobesh had duty on Sunday?

A That's what he told us.

Q When you said you went to the wedding, you and your

mother, does that mean that Mr. -- that Ronnie Kimble went with you?

A No, sir, he did not. None of the men went. He didn't know my cousin, so he didn't really want to go.

Q So you don't know what Ronnie and Mr. Dobesh did?

A No, sir, I do not.

Q And the reason that you were -- when you were asked about whether he had a friend home, and you gave the name of Mr. Silverthorne as a possible friend, why was that?

A Because he was always coming home with him. That was the friend that was always there with him on weekends.

Q And I believe you have a friend or an acquaintance by the name of Sherry Wilson?

A Yes, sir.

Q And was Sherry Wilson dating Mr. Dobesh?

A Yes, sir.

Q And that Friday night, did you go to see her or get up with her in any way?

A I did not, no, sir.

Q Did Mr. Dobesh?

A I think he was trying to get up with her. I don't know if he ever, you know -- I know he was going to try, but I don't know if he ever succeeded or not. I do not know.

Q So you believe he spent the evening and the night at your trailer?

A I know he left at one point, but like I said, I don't know if he got up with her or really what he was doing that evening.

Q And you said that you got home from work and they were already there?

A No. I got home -- I get home around 20 minutes till 6:00, and they were probably there within 30 minutes. It was a real short time.

Q You testified about Ronnie being responsible or planning to put underpinning on the trailer?

A Yes, sir.

Q How long had that been planned?

A Oh, gosh. We had talked about it since we got the trailer in June. We knew we was going to have to go ahead and, you know, get that done. I mean, one, it makes the trailer look better, and so, we had discussed it once we got the trailer back in June.

Q June of '95?

A Yes, sir.

Q But he didn't begin working on it until Monday?

A Correct.

Q And you said that he was driving your vehicle?

A Yes, sir.

Q And what type of vehicle was that?

A It was a 1992 teal green Camaro.

Q It was what?

A A teal green Camaro. It was a 1992 teal green Camaro.

Q I show you now what's been marked as 135. Do you recognize your car in that photo lineup?

A This one right here. (Indicated.)

Q And would you say the number, please, for the record.

A 4.

Q And when did you sell that car?

A I'm trying to --

Q Did you sell it, ma'am?

A Yes.

Q Was it after Patricia's death?

A Yes.

Q Thank you. You indicated that on the evening of October the 9th, that you came home and got changed and went to your mother's house; is that correct?

A I didn't change. He did. I mean, he had taken a shower.

Q And then you went to your mother's house?

A Yes.

Q And you indicated you were there at approximately 6:15, and you stayed there until "Wheel of Fortune" came on?

A Yes. It was after 7:00.

Q Is there a reason that you never told the police about that?

A About what?

Q About you getting there at 6:15 and staying till "Wheel of Fortune" came on?

A I recall telling Detective Church that, and I think that Mr. Pendergrass was with him at that time. I told him that I was there after 6:00, I got there a little after 6:00.

Q Yes. Did you tell him about staying there until "Wheel of Fortune" came on?

A Yes, I did.

Q And if that's not in your written statement, you wouldn't know why?

A I do not know why, because I know I did state that.

Q So you don't think you mentioned Mr. Dobesh, but you do think you told them about "Wheel of Fortune"?

A Yes, I do remember that.

Q You indicated that you were at the fire scene for a few minutes, and then you decided to leave?

A Yes.

Q And you said Ronnie was upset?

A We both were upset.

Q Okay. When you said Ronnie was upset, what did you mean?

A I mean, you know, it was, it was -- it was tragic. I mean, you know, the fire and everything. I mean, why

wouldn't we be? I mean, it was just -- it was so many emergency personnel. We didn't know exactly what was going on, but we knew the house was on -- had been on fire, so it bothered us, as it did everyone that was there.

Q Ma'am, when you say he was upset, are you indicating he was crying or he was --

A No.

Q -- pacing, or what are you indicating?

A He was not crying. I mean, you could tell that we were just like, kind of in shock, I guess you could say. It was like -- I could see the expression on his face, as well as he could see it on mine. We were just like, "Man, how could this happen?" you know. "What happened?"

Q And you and Ronnie went to the house together?

A To what house?

Q Patricia's house at the time of the fire.

A Yes.

Q Did there come a time when he was riding with your father-in-law that night? I'm sorry. Did there come a time when he was riding with your father that night?

A My father?

Q Yes.

A We both rode with my mother and father over to the church that evening.

Q Any other time that you're aware of?

A No, sir.

Q You indicated you went to Winn-Dixie and you bought two stuffed flounder and some Tater Tots, I think you said?

A Yes.

Q And the total on that was \$4.06?

(Time was allowed for the witness.)

A Yes.

Q And you indicated that you got home that evening on October the 9th, prior to knowing about the fire, and you said it was kind of warm; is that right?

A I'm sorry. I didn't hear the last part of your question.

Q You indicated it was kind of warm that day?

A Warm?

Q Warm.

A I know when we left the fire -- when we left to go see about what had happened, I had on long sleeves. It was a little chilly to me.

Q All right. Drawing your attention to when you came home, when you first saw Ronnie Kimble working on the underpinning --

A Oh, okay.

Q -- I believe you testified it was kind of warm?

A Yes. I'm sorry. I didn't know which part you were talking about.

Q And when -- did you hear the prior testimony that at that time, it was approximately 68 degrees? Is that what you mean by kind of warm?

A Yes.

Q Now, you indicated in January of 1997, you and Ronnie went to Virginia, specifically to Portsmouth, for medical tests; is that right?

A Yes, sir.

Q Is this the first or second time he was there?

A The first.

Q To your knowledge, has he been to Portsmouth for that same test on a prior occasion?

A Not to my knowledge.

Q Did he tell you he had a prior sleeping test?

A He had one, I think it was right before we got married, but I don't think it was in Portsmouth.

Q When was that?

A I do not know, sir. I know I was married in December of '94, so --

Q So you believe he had the test prior to December of '94?

A Thereabouts.

Q And you didn't go with him on that occasion?

A I was not married to him, no.

Q But you said on this particular occasion, the reason

you went with him is because he needed someone to drive him?

A That's what the military had said to him, I guess it was the doctor that was treating him at that time in Camp Lejeune, said that he needed someone to ride with him, since it was a great distance from Camp Lejeune to Norfolk or Portsmouth, Virginia.

Q Does that indicate that you drove or he drove or --

A When we first went, I think we were taking turns and then I drove.

Q So if he arrived at the testing center and told them that he had driven there without incident, would that be accurate?

A Yes. Because he hadn't had the test at that time, so it wasn't that big of a deal. Is that what you're -- I'm sorry.

Q Did he drive on the way to Portsmouth, Virginia?

A Like I said, we took turns.

Q And how long did that trip take?

A I could give you an approximate, but I don't know for sure.

Q Did you leave from your home in Julian, or did you leave from the base?

A He was at the base, and then he came by to pick me up, and then we went.

Q So he drove four hours to pick you up --

A Uh-huh.

Q -- approximately, and then you drove whatever time it took to go to Portsmouth?

A Uh-huh.

Q And do you know how long that was?

A Like I said, I could give you an approximate, but I really don't know.

Q Could you estimate for us, please.

A I'm sorry?

Q Could you give us an estimate, please.

A Maybe three hours, two and a half, three hours. I don't -- I don't know.

Q So your testimony is then that he didn't need someone to drive the four hours to your home, but he needed someone to drive with him the --

A Right.

Q -- two and a half, three hours?

A Correct. He had not had the test yet, so that was -- that was fine. They were just concerned after he had the test done, if he needed -- you know, if someone needed to be there, just in case.

Q Well, there was nothing invasive about the test, was there?

A No. I mean, the only thing is that they just -- he -- they let him sleep a lot, just to watch his pattern.

Q So his physical condition wouldn't be any different before the test than from after the test, would it?

A No.

Q And you stayed in the Holiday Inn?

A Yes, sir.

Q Was that one night or two?

A I think I said on Thursday it was two, but it was actually one. I was -- it was one.

Q Okay. So that would have been Wednesday night, does that sound correct?

A Yes.

Q And because the military approved your travel, was that paid for by the Marine Corps?

A Yes, later on it was.

Q What do you mean "later on"?

A We had to pay for it when we got there, and they were supposed to -- said they would reimburse later.

Q And how did you pay?

A I do not recall. I can't remember.

Q Credit card or cash, you can't recall?

A It was either credit card or cash. I can't remember. I think it was credit card.

Q And much later, you indicated that you or Ronnie paid for the meal at the restaurant that you and the Whiddens shared; is that correct?

A Yes, that's correct.

Q Was that paid for cash or --

A Cash.

Q Do you remember saying that you were low on cash that day?

A Low on cash? What day? I'm sorry.

Q When you arrived at the Whiddens' house, that was one of the reasons you decided to stay with them?

A No, sir. We -- I mean, we -- of course, we're not rich, but we -- you know, I had told him that I'd rather stayed at a motel, but since, you know, that was ridiculous, because we already had paid for one night, even though we was getting reimbursed, we knew that we was going to probably stay at least one or two nights, so we decided to try it out, and if it worked out okay the first night, then, you know, we could continue staying with them, if that was okay, but if not, we were going to get a room the next night.

Q My question to you, ma'am, is, do you remember on your direct testimony saying that "When we got there, it was after 10:00, the kids were up, and although we were low on cash, we decided to stay -- one of the reasons that we decided to stay with them was because we were low on cash"? Do you remember saying that?

A I don't recall saying that.

Q Was that true?

A Well, I mean, like I said, we weren't rich, but we wasn't low, low on cash. I mean, we could afford a room that night, either by check or credit card.

Q So you did have a credit card with you?

A We had one, yes.

Q And you indicated that Ronnie's plans were to get out of the military, the Marine Corps, on April the 6th of '97; is that correct?

A That's correct.

Q Why was it that he was applying for a medical discharge then in March of '97?

A The only thing I can tell you is, he was still having tests done, because this test was in January of '97. And he -- the medical there told him that he would probably end up having to get a medical discharge, because he could not go back to his regular job as a grunt, because of falling asleep at the post.

Q Well, my question to you is, he could have just let his term in the military expire, but he chose to apply for a medical discharge; is that correct?

A I do not know that, no.

Q Do you remember whether or not he told you that he was scheduled for a medical discharge board on the 9th of April of '97 at 1:00 p.m.?

A All I know is -- what he told me was that they were going to extend it, because of his -- they had not figured out -- they were still looking into his sleep disorder.

Q Ma'am, my question to you is, if he's due to get out anyway, why is he applying for this discharge?

A Because the medical department told him that that's probably what he would be doing. They had not discharged him yet. They have to discharge him.

Q You're saying the Marine Corps wanted him to do the medical, instead of just letting his time expire?

A I'm just telling you what he told me. They said that they were going to continue looking into his sleep disorder. He was supposed to get out April 6th. That was his day of four years.

Q In fact, he was applying for disability, wasn't he, ma'am?

A I -- no, sir.

Q Isn't that what the medical board is about?

A It's a medical discharge. It's not the same thing as a disability. That's two different things.

Q And they also determine disability, don't they? If you know.

A I don't know.

Q All right. You indicated that when you drove from Portsmouth to Lynchburg, that the weather was icy, I believe

you said?

A I'm sorry. Repeat that, please.

Q When you drove from Portsmouth to Lynchburg, what was the weather?

A It was clear.

Q When was it that you said that it became icy?

A The -- on that Friday, when we were there, and we were visiting Dr. Falwell, it was icy some then. It wasn't on the roads, but it was on the trees and vehicles.

Q So on Friday, when you were touring the campus, there was ice on trees and vehicles?

A Yes, sir.

Q But not on the roads?

A No, sir.

Q But you decided to get up and leave early the next morning on Saturday; is that what you said?

A Yes. We were thinking about leaving early that -- we were thinking about leaving Friday evening, but we decided to stay till Saturday morning.

Q Were the roads too bad to leave Friday evening?

A Well, we were figuring that, you know, people probably wasn't traveling as much in the evening, so we was afraid that the roads would be slick. So we was going to try to wait till the next morning, try to get an early start.

Q So, on Friday evening, based upon your observations of

the weather, the roads were icy?

A Yes, sir.

Q What type of vehicle do you have?

A Now?

Q Then.

A I had a --

Q What type of vehicle were you driving on that occasion?

A A Jeep Cherokee.

Q Is that a four-wheel drive?

A No, sir.

Q And you decided not to leave that Friday. Why was that?

A We thought the roads would be slick. We didn't want to take a chance.

Q But you decided to leave first thing Saturday morning?

A Correct.

Q Ma'am, wouldn't it be better if you'd have waited a few hours, till things warmed up?

A Yes.

Q Isn't that normally what happens when there's ice on the roads, the sun comes up, things warm up, and it's better driving conditions?

A Yes.

Q So you're saying you left early, to avoid the icy conditions?

A No, I didn't say that. I just said we left early Saturday morning.

Q Why did you leave so early that morning?

A Because we wanted to get back.

Q So, if you said yesterday (sic) that you left early to avoid the icy conditions, that wouldn't have been accurate?

A I'm sorry. Say that again.

Q If you said -- excuse me, on Thursday, that you left early to avoid the icy conditions, that wouldn't have been accurate?

A If I left -- No. We just left early Saturday morning.

Q To get back to Julian?

A Yes, sir.

Q You were planning to go to Julian and stay there, and not go on to the base?

A No. I had to go to work the next -- that following Monday.

Q And Ronnie planned to stay there that weekend?

A Yes.

Q And how long is the drive from Lynchburg to Greensboro?

A Depending on traffic, I would say approximately two hours, from --

Q And what time did you -- Excuse me. Go ahead.

A I was going to say, to our -- to our house.

Q All right. And what time did you return to Julian?

A Somewhere between 10:30 and 11:00, really.

Q So you feel you left Lynchburg around 8:30; is that correct?

A Actually, we left around 8:00. I think we stopped for gas.

Q And the evening before, there was this telephone call that you placed to your mother, in reference to Dr. Falwell; is that right?

A I called my mother, to let her know we got there okay, because I had not talked to her and let her know what the -- what, you know, that we had been to Portsmouth and everything.

Q This would have been the second night that you were there?

A Correct.

Q And just before you planned to leave?

A Yes. But I talk to my mother all the time, so it was not --

Q And you were calling her to let her know that you got there all right?

A I just called to let her know that we were there and to let her know that, you know, everything was okay in Portsmouth and that we'd be coming home the next day.

Q And what, if anything, did she say at that time about her conversation with Detective Church?

A She did not say anything. She just told me that she was on the phone with Detective Church, and that could she call me back.

Q And she did later on call you back?

A Yes, sir.

Q And did there come a time when you related that to Ronnie Kimble?

A Yes.

Q What happened?

A I just told him, I said, "Detective Church had called Mom again." I said, "I figured that, you know, we've helped them as much as we could and told them that we would call them if we knew anything." And I said, "But he was just asking her a couple of questions." I don't recall the questions.

Q You said you'd helped him as much as you could?

A Yes.

Q How many times were you interviewed?

A Prior to that date? I don't know. Three, maybe.

Q You --

A I don't recall.

Q You were interviewed three times?

A Two or three. Like I said, I'm not 100 percent sure of how many.

Q Okay. Where was the first interview?

A At my mother and father's house.

Q And that was with Detective Church?

A Yes.

Q Where was the second one?

A I'm not sure.

Q Was there a second one?

A I know that I was at my mother's office one time and he came in.

Q And when he came to your mother's office, did he interview you?

A We talked.

Q And when you say "we talked," did he ask questions about the death of Patricia Kimble and did he write down your answers?

A I don't think he wrote down any answers, but I know we discussed it.

Q What did you discuss?

A Just about everything, about Patricia's death, and, you know, if we knew any -- you know, "Do you know anything else?" you know. I mean, just questions like he'd been asking.

Q So, if your first interview was on June the 11th of 1996, then your second interview would have been sometime after that; is that right?

A Yes.

Q And your third interview would have been when?

A Just -- as far as I know, it was the phone interview with Mr. Pendergrass on July 31st of --

Q All right.

A -- this year.

Q But that had not occurred when you got this telephone call?

A No.

Q So, when you said you had cooperated with him as much as you could, you were referring to the fact that you spoke to him on --

A I cooperated --

Q -- two occasions?

A Yeah. I cooperated with him every time he called or I -- you know, or I seen him. I mean, to the best of my ability. I just didn't know anything, so I was just cooperating with the best I could.

Q And you knew, on October the 9th of 1995, when Patricia was killed, you knew your husband had been to her house on at least two occasions that day?

A Yes.

Q Did you go to the sheriff's department and tell them that?

A No, because I didn't think it was that big of a deal. I mean, he was there to get a box truck and then take it

back.

Q So, if you had been at the house of a person who was killed, and you'd been there within several hours of the date -- of the time of their death, you wouldn't feel it was appropriate to go to the sheriff's department or law-enforcement agency and say, "You need to know I was there, and this is what I saw" or "this is what I didn't see"?

A I wasn't with my husband, but I know that he did go there both times. I did not feel that it was a problem that I needed to tell the sheriff's department, because I knew my husband didn't do what they said he did.

Q But they hadn't said that he did that, that he was responsible, until April the 1st of '97.

A They --

Q Now, I'm going back to October of '95, ma'am. In the four or five days right after Patricia was killed, why didn't you go to the sheriff's department and say, "By the way, my husband was there on two occasions, and this is what he saw" or "this is what he didn't see"?

A Because, like I said, I didn't think it was that big of a deal.

Q In fact, Ronnie never went to the sheriff's department during those four or five days, either, did he?

A I don't know what my husband did.

Q I thought you said that you had a very close

relationship, you discussed everything that goes on in your marriage. Are you saying he could have gone to the sheriff's department and not discussed it with you?

A I just know that he and I -- I mean, he never told me if he did or if he didn't.

Q So, when you told the ladies and gentlemen of the jury on direct examination that you had cooperated 100 percent, we're talking about the interview that occurred on June the 11th of '96, which would have been eight, nine months after her death, and a subsequent interview?

A What I meant was that every time he called me or he came by the house, I cooperated. I didn't go hide from them. I didn't say, "I don't want to talk to you." I never did anything like that. That's what I --

Q And on this particular day --

MR. LLOYD: Well, let her finish her answer.

MR. PANOSH: I'm sorry.

THE COURT: Finish your answer, ma'am.

A That's where I say that I cooperated.

Q Now, on this particular day when you talked to your mother, and your mother mentioned Detective Church, how did Ronnie react?

A He was like me. I mean, we were kind of getting tired of it. We told everything we knew. We didn't know anything. And I mean, it was just -- it seemed like it was

getting old, because it seemed like he continuously kept coming back to us. So we were -- I mean, we weren't angry. We were just like, "I wish that they would just leave us alone." We told them that if we knew anything, we would come to them.

Q So you described the two occasions Detective Church came to you on June the 11th and a time thereafter as continually coming back to you?

A They called more than once. They were calling quite frequently --

Q Who called?

A -- at my mother's house. Detective Church.

Q But did they contact you?

A No. But I'm with my mother and father. I would -- you know, we're close, and they were calling them, so to me, it was the same thing.

Q So you and Ronnie were upset about the fact that Detective Church was in touch with your mother and your father?

A Yeah. Continuously asking questions that we've already answered or we couldn't answer, because we didn't know.

Q And that upset you?

A It didn't --

Q It upset you --

A -- upset me. It --

Q -- that the --

A -- just bothered me.

Q -- detective was working on the case?

A It didn't upset us, it just bothered us that they continuously called. I mean, like I said, if we knew anything, we would have -- we would have been there. I want to know who did this as much as anyone else.

Q I think you referred to Detective Church as bugging you; is that right?

A Yeah.

Q And so, you said Ronnie wasn't visibly upset?

A No.

Q Did you at that time discuss the case in front of the Whiddens?

A No, not really. I mean, we were just saying that we wish we knew who did this tragic thing. I mean, you know, who doesn't? We want to know who killed Patricia, and that's basically all we said.

Q So there would have been nothing for the Whiddens to observe and feel that Ronnie was upset?

A No.

Q So if they said that, they were not being accurate?

A No, sir, they were not.

Q Is there any reason that these folks, who you'd just known for a few days, and who had invited you to share their

home, is there any reason that they would say anything but the truth in regard to this matter?

A I'm sorry. Could you repeat that, please.

Q Is there any reason that the Whiddens would say anything but the truth in regard to this matter?

MR. LLOYD: Well, objection, Your Honor. It's not

--
THE COURT: Sustained.

MR. LLOYD: -- a proper question.

THE COURT: Sustained.

Q Based upon your relationship with the Whiddens, was there any animosity?

A No. I actually enjoyed my time with the Whiddens. We were discussing that on the way home. I told him, I said, "If we go to Lynchburg," I said, "they're going to be great friends." I thoroughly enjoyed being with Debra. She was just a nice person.

Q And did you also enjoy being with Mitch?

A Well, yeah, but I mean, he was a guy. I mean, you know, I didn't talk to him like I did with Debra. She and I, you know, talked and, like I said, played Game Boy and stuff. So we had a good time.

Q Was there any animosity between you and Mr. Whidden?

A No, none whatsoever.

Q And they were open to you, they shared their home with

you?

A Yes. I didn't see any problems whatsoever.

Q When you said you cooperated with the sheriff's department 100 percent, does that include the fact you didn't mention Mr. Dobesh?

A I told you, I'd forgotten that he came up that weekend, and I just recalled it a couple of weeks ago.

Q Why is that, ma'am, that you remember some events and forgot other events?

A I guess I'm just human. I don't remember everything. But when something tragic happens, you remember it.

Q Well, the wedding was something that you remembered; is that right?

A Not until my mother mentioned it to me a few weeks ago. That's what brought the events back.

Q And the reason -- and you knew that when you went to the wedding, Mr. Dobesh was there with Ronnie?

A What made me remember him coming in with Ronnie was, because Ronnie did not drive that weekend prior to. And I remember Ronnie stating he had wished he had drove, because he -- you know, he didn't have a car that week prior to and couldn't go about like he needed to that week.

Q So in those several days after Patricia's death, you certainly would have remembered your cousin's wedding?

A Yes. But he did not interview me until eight months

later.

Q I thought, ma'am, you said that they were constantly bugging you?

A They didn't start bothering us until eight months later, when he first interviewed me.

Q And you said that you were at dinner, and when you were at dinner with the Whiddens in Virginia, you don't remember your husband saying anything about having a haunted past?

A No, sir. I would have remembered that.

Q Were you present at the table at all times?

A Yes. When we went up to get food, he and I went up together.

Q Every time?

A Yes. Because I was on the inside of that booth. He was beside me. And we only went up once.

Q And you went to the buffet one time and you were together?

A Yes.

Q But there was a period of time when Mitch and your husband, Ronnie Kimble, were present in the van together and you weren't there; is that right?

A No, sir. We -- oh, yes. When he went to take the -- get the van, to drive it around to Best Products.

Q And you were window shopping, I believe you said?

A Yes, with Debra. We walked.

Q And then you said that during the period of time you were back at their home, Ronnie and Mitch went upstairs to do a Bible study or prayer?

A Yes.

Q And when they came down, everything was normal?

A Everything seemed normal, yes.

Q When was it that you noticed that Debra was having some distress or some physical discomfort?

A When they were upstairs, she seemed like she didn't feel good. I could tell that she didn't look, you know, up to par. She just looked weak. And she looked kind of pale. And I had asked her, I said, "Do you need to lay down?" you know. "Are you feeling okay?" And she said she just felt kind of weak at that point.

Q And when was it that you say she passed out or nodded off?

A Right after that. I mean, she -- like, within five minutes, she said, "Well, I think I'll lay down." So she laid down. And I could tell that she was going out. When they came downstairs is when I told, I think it was Mitch, I said, "Would you please get a wet cloth. Could you put it on her forehead," because she had gone out, and, you know, you need to apply a wet cloth once someone passes out, to try to help them come back.

Q So as they were coming downstairs, she had passed out,

and you suggested that he get a cloth?

A Yes, a wet clot, to put on her forehead.

Q But ma'am, didn't you just say that when they came downstairs, everything was normal?

A Well, everything was normal. I mean, with them two, everything was normal.

Q Okay. So, although you were concerned about Debra and whatever first aid she needed, and you were discussing with Mitch, you were able to look at your husband and make an assessment that everything was normal?

A Everything seemed fine, yes.

Q You weren't focusing your attention then on Debra at that point?

A Well, we all were.

Q And this underpinning that you had been discussing, that was going to be the project for the day?

A Well, it was going to be a project that he was starting that day.

Q And I think you said several times that he was a procrastinator?

A Yes.

Q But he did get up at -- before 7:00, to go get the boxcar?

A Well, he thought that the Atlantic Mobile Home Supplies opened at 8:00, but it did not. I do not know what time,

but he said it did not open at 8:00.

Q But he did get --

A He didn't call first.

Q He did get up early?

A So he could go get the box truck.

Q To get the --

A To get the keys from Ted, before he -- Ted left to go to work. And then he was going to try to be at the mobile home -- Atlantic Mobile Home Supply at 8:00.

Q When they opened?

A Yes. That's when he had thought they opened, but they did not.

Q Whenever they opened, he was there shortly after they opened?

A That's what he told me.

Q Got the supplies?

A That's what he told me.

Q And brought them back to the house?

A Yes.

Q To the trailer, rather?

A Correct.

Q What's procrastinating about that, ma'am?

A I didn't say that was procrastinating. I just stated that he is a procrastinator, but I didn't mean at that specific time.

Q But it was apparent from your discussions and his conduct that that was his project for the day; isn't that right?

A Yes.

Q And he got an early start on it?

A Yes.

Q You said he didn't go to the wedding with you on Saturday, but you're not sure what project he was working on that day?

A No, sir.

Q Then you said he called you around lunchtime; is that right?

A What day, sir?

Q On the day of Patricia's death, October the 9th.

A Yes. Around 12:30.

Q And where was he calling from?

A Lyles Building Material, is what he told me.

Q And that's when he was there to get the saw?

A No, sir.

Q Why was he at Lyles at 12:30?

A I do not know.

Q Did you and your husband, Ronnie Kimble, go to high school together?

A Yes, sir.

Q Do you remember an incident where he passed out in high

school?

A No, sir. We were not in the same grade.

Q In the course of his medical reports, he described his sleeping or his daytime sleepiness as a lifelong problem.

Is that the way he discussed it with you?

A I knew when we were dating, I did not recall seeing him sleep no more than anyone else. I mean, we would -- we would take naps on Sundays, you know, after church and after we ate, but who don't, you know? I didn't really see anything different.

Q My question to you, ma'am, is, he says in his medical reports, he refers to it as a lifelong problem. Did he use those words to you?

A No.

Q You said at one point in your examination, I believe it was direct examination last week, that the nightmares started to get worse. When was that?

A After we got married, I'd say the first six months, I didn't really see anything that, you know, would be a problem, but later on, afterwards, I'm a light sleeper, and he would wake me up, either jerking or moaning or talking in his sleep. And on occasion, like I think I said on Thursday, was that one dream where he was at the end of the bed, barking. So it was, I would say, six months or so after we got married.

Q So, getting married in December of '94, that would put it till mid-June --

A Yes.

Q -- before it started to get worse?

A Yes.

Q And they got especially worse after October the 9th of '95, didn't they?

A No.

Q Did they get better?

A No. I'd say they're the same. I mean, he just dreamed, or, you know, he would just jerk his body.

Q And did you suggest that he see a physician about this?

A Yes. I was the one who told him he needed to see someone, because I felt like he had a problem. And I was tired of not getting sleep.

Q In fact, what you complained about most was his snoring; is that right?

A No, he didn't really snore that much. He jerked a lot. That's what kept me up. Because, I mean, he would just jerk. I mean, it was -- it was a bad jerk.

Q So if the reports say on several occasions that he told the doctors that you complained about his snoring, that wouldn't be accurate?

A He snored, but it wasn't the biggest problem. You asked me the biggest problem. The biggest problem was where

he was jerking. But he did snore, but it wasn't that bad.

Q Well, obviously the snoring woke you up, or you wouldn't know about it; isn't that right?

A Yeah. I would wake him up because he would wake me up, because -- and I'd tell him to get on his stomach, because he was on his back.

Q And that would correct it, to some extent --

A Yeah, it --

Q -- the snoring?

A Yes, it would.

Q So as you think back upon it now, you did complain about his snoring?

A I mean, I complained about his snoring, but the jerking was the problem for me.

Q Did he ever tell you, in reference to his daytime sleepiness, that if he took sugar, that is, foods with sugar in it, that he got better?

A No.

Q And did you know that he had a sleep study on May the 4th of '95, which would have been just several months after you were married?

A I'm sorry. Could you repeat that. I don't understand.

Q Did you know that he had his first sleep study on May the 4th of 1995, which was several months after you got married?

A Right.

Q And --

A He had discussed that with me. I think he was going to go ahead and have that done down at Camp Lejeune.

Q And he discussed the results of that?

A I don't recall them.

Q Isn't it a fact that on or about July the 31st of 1995, he got the results back and the results said that his sleep was normal?

A I don't recall it.

Q He didn't discuss the results of the study that was done --

A All I remember --

Q -- just four or five months --

A -- is him stating --

Q -- after you --

A -- that they were going to --

Q -- were married?

A I just remember him stating that they were going to continuously observe him. And I know he was seeing a doctor down at Camp Lejeune.

Q Let me ask you this. You do agree that in about May, shortly after you were married, he had his first sleep study?

A Yes.

Q And are you saying he didn't discuss the results of that with you?

A I don't recall -- like I said, I don't recall any results. I just know that he said that he had that done. I don't recall him telling me about any results, but I do recall him stating that a doctor was seeing him pretty much on a regular basis.

Q Now, did he describe this study, where they make him spend the night overnight in the lab and put electrodes on various parts of his body?

A I just remember the last one he had done, because I was there.

Q Drawing your attention to the first one, did he describe the first sleep study?

A No.

MR. LLOYD: Well, objection. She said she just remembers the last one, Your Honor.

THE COURT: Sustained.

Q But in any event, you didn't discuss the results of that study, that you recall?

A I -- what did you say? I'm sorry.

Q You don't recall him ever discussing the results of that --

A No.

Q -- first study? Did he ever tell you that he

sleepwalked as a child?

A I do not recall that.

Q Are you saying he didn't, or are you saying that you don't recall such a discussion?

A I don't recall that discussion.

Q Do you remember him having an accident -- Did you know him in 1991?

A I've known him for 13 years, 12 to 13 years.

Q Do you remember him having an accident in 1991?

A I don't --

Q That is, an auto accident?

A I remember him having a car accident, but I was not there, we were not dating at the time, so I don't know anything about it. I just remember hearing about it.

Q Do you know whether he told you about that accident, and that it was caused by his daytime sleepiness?

A Yes.

Q He did tell you that?

A Yes.

Q And that would have been prior to him going in the Marines?

A Yes.

Q And you're telling the ladies and gentlemen of the jury that when you got up that Saturday in January of '97 and decided to return to Julian, that Mitch Whidden pretty much

asked you repeatedly to stay at his house?

A He asked us like twice, he says, "Would you like to stay and go to Thomas Road Baptist Church with us on Sunday morning, to see Dr. Falwell preach?" because he knew that we'd been wanting to do that.

Q Was he trying to persuade you to stay?

A Well, he asked us twice.

Q Did he seem like he was trying to persuade you to stay?

A I think so. I didn't -- I mean, he seemed real nice and, you know, he acted like he really wanted us to stay.

Q But you decided to leave early, to avoid the ice?

A Well, that was part of it. Part of it was because I knew he had to go back the next day, and that we wanted to get some things -- I wanted to get some things done around the house.

MR. PANOSH: No further questions. Thank you.

THE COURT: Additional questions, Mr. Lloyd?

MR. LLOYD: If I could have the Court's indulgence for just a second.

THE COURT: All right, sir.

You may stand and stretch, members of the jury, if you'd like.

(Mr. Lloyd and Mr. Hatfield conferred.)

MR. LLOYD: No questions, Your Honor.

THE COURT: Step down, ma'am. Watch your step.

Next witness, please.

(The witness left the witness stand.)

MR. LLOYD: The defense would call Judy Stump to the stand.

JUDY STUMP, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. LLOYD:

Q Mrs. Stump, would you state your name for the record, please, ma'am.

A Judy Stump.

Q And where do you live?

A 5313 Coble Church Road, Julian.

Q And where do you work, Mrs. Stump?

A Edge Paper Company.

Q Okay. Do you know the defendant, Ronnie Kimble, in this case?

A Yes. He's my son-in-law.

Q All right. And if you could keep your voice up, Mrs. Stump, so that the jurors on the very back can hear you.

A Okay.

Q Would you repeat that, please.

A Yes. He's my son-in-law.

Q And how long have you known him?

A Since he was 14 years old.

Q And directing your attention to the events of October 9, 1995, did there come a time when you saw Ronnie and Kim

on that day?

A Yes.

Q And when was that, Judy?

A They came down to the house, the Channel 2 news was on, and it was early on, because the weather report, I know, had not come on, and they came to the house. And Ronnie went in and laid across the living room floor, talking to James and watching the TV, too. And Kim and I stayed in the kitchen and was working on an order that she wanted me to take to work with me the next day, to send off with some of the other girls in the office, to help on the shipping and handling.

Q Now, what was the --

A It was --

Q What was the purpose of this order?

A Christmas. She was wanting to start buying some -- getting some Christmas gifts early, because they're -- it was -- well, she couldn't buy it all at one time, so she wanted to go ahead and start getting some Christmas things together.

Q All right. And were you and Kim looking at a catalog on this occasion?

A Oh, yes. She had looked at it quite a bit, and I kept telling her "The girls are going to send this order off on Tuesday. You've got to get this order to me, so I can get

it to them." And she just kept adding to her list. And then finally she came down, and we -- we stood at the bar for a while, then we sat down at the table, and we were going over it item by item, to make sure I got the correct thing down.

Q All right. Now, while you were looking at the catalog, Mrs. Stump, did you talk about other things?

A Well, probably not.

Q Okay. Well, my question to you is, was your conversation with Kim centered solely on --

A Right.

Q -- exactly what she was going to order?

A Yes. Because we wanted to make sure we got the item number right, the page number, and that there would be no question that everything would come in exactly like she wanted it.

Q Now, were you doing a little socializing during this time, as well?

A Probably me making a comment to her, "What do you want that for?" or "Who are you ordering that for?" but that would be about it.

Q All right. Now, did there come a time when you left the kitchen area?

A After we finally finished the order, we walked in and sit down and -- in the den with James and Ronnie and talked

for a little bit. And they finally said they had to -- they needed to leave, they had not had any dinner, Kim needed to take a shower, Ronnie needed to get up to leave early the next morning, to go back to the base, because he had to be there at noon, and that they were going to go up to Winn-Dixie and get something to eat.

Q Now, had you and your husband already eaten at this time?

A Yes.

Q And when you -- Well, let me ask you this, Mrs. Stump. Did Ronnie and Kim leave your home?

A Did they leave my home?

Q Yes.

A Yeah.

Q All right. And when was that?

A Just before we left to go -- or walked out on the carport, "Wheel of Fortune" had come on. And when Ronnie was going to be going back to the base, it bothered me, because it was a long trip, I knew he got sleepy real, real easy. And I would always -- every time he came in for the weekend, my last words to him when he was at our house, because usually on Sunday afternoon, they would eat -- or Sunday lunch, they would eat with us, we'd go out on the carport, and I would say, "Ronnie, please be careful. Watch your speed. Stay awake. If you get sleepy, pull off the

road. Even if it means you getting back late. Please be careful. We want to see you the next time." And I always hugged him, kissed him, told him I loved him. So we were probably on the carport a good 10 minutes.

Q And did you say these things to Ronnie on this occasion?

A Every time.

Q All right. Now, directing your attention to when you were all in the house together, do you recall what programs had come on the news?

A Well, I -- well, I know that on News 2, which I wasn't -- I heard James mention it to him, and then when we went into the den, James said something -- was talking about it again. News 2 had been talking about, on "2 Wants to Know," about how people had had problems getting -- where they had bought mobile homes and had problems getting people back out to work on the mobile homes, to get the problems corrected. And I made the comment, I said, "Well, y'all really haven't -- you've had some problems, but you really haven't had a problem getting them back out to work on y'all's," simply because we would make the date available for me to be up there, for them to come out and work on it, because with Kim -- Kim was working full-time, I only worked part-time, Ronnie at the base during the week. So we never had a problem with them getting there, but we -- you know, they

were having a segment on News 2, "2 Wants to Know," about people having these problems.

Q All right. And to the best of your recollection, Mrs. Stump, what time did Kim and Ronnie leave your house that night?

A Well, it was after 7:00, because "Wheel of Fortune" had come on. But I couldn't tell you whether it was five after, 10 after, three after, but it was after 7:00. And then we stood out on the carport probably, I would say -- I don't know how to say "bye" quick. We probably stood out on the carport a good 10 minutes --

Q Did --

A -- five to 10 minutes.

Q Did you see Ronnie and Kim again that night?

A When they came back to the house, after they had been over to Patricia and Ted's.

Q Okay. And did you get a phone call from Kim anytime before that?

A Yes. Kim called and she says, "Mom," she says, "we got a call. Ted and Patricia's house is on fire. And Ronnie and I want to go over there." And she says, "I've paged Edna, and I can't get her." She said, "Will you continue to try to page her and put your phone number in." She says, "But, now, when she calls, don't scare her." She says, "Be calm about it, and tell her that Ted and Patricia's house is

on fire." And she says, "Ronnie and I are going to go on over there."

Q All right. And were you able to get up with --

A Well, I paged her --

Q -- Edna Kimble?

A -- and then she -- yeah, she did -- she did return my page.

Q Did she know about the fire at the time that she returned your page, or were you the one who told her?

A I told her. I didn't ask her if she knew. I just told her that I had gotten this call from Kim, and the call that she had gotten, and then I told her what I was paging her about.

Q All right. Now, so you did not -- you and your husband, James, did not go over to the --

A No.

Q -- to the scene of the fire --

A No.

Q -- at Ted and Patricia's house? And when you saw Ronnie and Kim, do you remember what time that was, Judy?

A After the fire? I mean, after they --

Q Yes.

A -- had been over to -- No. It was, I would say, probably between 10:00 and 10:30, but that's -- you know, because they said they were going to go up to South Elm

Street Baptist Church, and they wanted -- and I said -- because friends and family was going to meet up there, and I said, "Well, we'll go with you." And we -- in fact, we drove and they rode with us.

Q Okay. Now, when you went up to the church, how long did you stay at the church?

A 2:00, 2:30 in the morning.

Q And after that, what did you do?

A Okay. We went back home, but we had to drive -- James drove Ted's Jeep, with Edna and Ted in it, because neither one of them were in the shape to drive. Kim drove Edna's car, and Ronnie was in it, along with their little dog, I believe was with them, but I'm not positive about that. And I drove our car, by myself.

Q All right.

A And then I went to the Kimbles', to pick up James --

Q All right.

A -- because they all drove to the Kimbles'.

Q Now, directing your attention to January of 1997, did there come a time when you got a phone call from Kim when she was in Lynchburg, Virginia?

A Uh-huh.

Q And what were the circumstances of that?

A She just called -- well, she just called to tell me that they were in Lynchburg and what they had done that day.

But anyway, she was just a rattling off, and I said, "Kim, Kim, hold on. I'm on the phone." I said, "Can I call you back?" Well, she said, "Who are you on the phone with?" But this is -- she always does me this way. I mean -- "Who are you talking to?" Anyway, I said, "I'm on the phone with Detective Church." I said, "Can I call you back?" I said, "No, call me back." Then I said, "You've used your calling card. Give me that number and let me call you back. I'll pay for it." And she said, "Okay." So she -- I heard her ask them the number, and she gave me the number.

And so, when I got off the phone with Detective Church, I called her back. And then she proceeded to tell me -- well, she wanted to know what Detective Church wanted, and I said, "Nothing new. He was just asking some of the same questions that I've been asked over and over." And I said, "So tell me about what you've been up to." So she was telling me about talking to Jerry -- them talking to Jerry Falwell, going to the university, and just basically what they'd been doing.

Q Okay. And do you remember how long the phone conversation lasted?

A Well, knowing us, probably 10 or 15 minutes.

Q Okay. Have you had a chance, Judy, to review your phone bills for that period of time?

A I got a copy of it.

Q All right. And was that phone call that you made to Lynchburg to the Whiddens, was that reflected on your phone bill?

A Uh-huh.

Q All right.

MR. LLOYD: Your Honor, we would ask the Court's indulgence. Mr. Hatfield tells me his recollection is that we marked that exhibit, that is, her phone record, for identification.

THE COURT: All right. Do you want to take the morning break then?

MR. LLOYD: If we could, Your Honor.

THE COURT: You may step down, Ms. Stump.

(The witness left the witness stand.)

THE COURT: Members of the jury, we'll take our morning recess. It'll be a 15-minute recess. Please remember the Court's instructions. At the end of the 15-minute period, please report to the jury room.

(The jury left the courtroom at 10:44 a.m.)

THE COURT: You may declare a 15-minute recess, sheriff.

(A recess was taken at 10:45 a.m.)

(Court reconvened at 11:00 o'clock a.m. The defendant was present. The jury was not present.)

(The witness returned to the witness stand.)

(The jury entered the courtroom at 11:01 a.m.)

THE COURT: You may continue, Mr. Lloyd.

MR. LLOYD: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION by MR. LLOYD:

Q Now, Mrs. Stump, I show you what's been marked as Defendant's Exhibit Number 6, and ask you if you recognize that.

A That's a page of one of my telephone bills.

Q All right. And does that billing statement reflect a phone call -- or the phone call that you made to Lynchburg, Virginia?

A On January the 24th.

Q All right. And what was the duration of that phone call, Mrs. Stump?

A It says 16 minutes.

Q And does that square with --

A I --

Q -- your memory of the call on the occasion?

A That would sound right, because we don't ever talk -- when we -- when we talk, we don't ever talk just two or three minutes or five minutes.

MR. LLOYD: Your Honor, we would move the introduction of Defendant's Exhibit Number 6.

THE COURT: The Court'll allow the introduction of Defendant's Exhibit Number 6.

Q Now, Judy, when you talked to Kim on that occasion, what did you talk about?

A She was telling me when they had got to Lynchburg from Portsmouth, and that she didn't really know a whole lot about the sleeping disorder test, and that they had been over to the university, they had talked to Jerry Falwell, he had given Ronnie a book, he had signed it, that he had had prayer with them, and that they were going to go out to eat.

Q And did Kim indicate the purpose of her calling you in the first place?

A "Hey, we're here. We're okay. We've been here since late last night," and just to chitchat. I mean, that's -- it's nothing unusual for her to call me. I mean, when they were living in Swansboro, if she just had a question, she'd up and call me. I mean, it's nothing unusual for her to call me, just for -- to chitchat.

MR. LLOYD: That's all I have, Your Honor.

THE COURT: Mr. Panosh, any cross-examination?

MR. PANOSH: Yes. Thank you, Your Honor.

CROSS-EXAMINATION by MR. PANOSH:

Q Ma'am, did you know where Ronnie Kimble was prior to when he came to your house about 6:10 on October the 9th of 1995?

A Well, my husband, when he got home, said he had been by Ronnie and Kim's trailer.

Q But of your own knowledge, did you see him prior to 6:10?

A No, sir, not on that particular day, huh-uh.

Q You heard -- Well, let me ask you this. Did you hear Kimberly's testimony earlier today?

A Yes, sir.

Q Do you remember her relating to a time when Detective Church came to your work?

A Yes. In fact, I think he came to my office a couple of times.

Q Okay.

A And one time, Kim was there.

Q And drawing your attention to the one time when Kim was there, do you remember what the purpose of that was?

A Well, he didn't even know Kim was there. I don't even think he recognized Kim. He started into my office, and then he noticed that there was someone else sitting at my boss's desk, and he just -- he hesitated. And I said, "Come on in." I said, "This is Kim." And I don't even think he recognized Kim. And he came in and sit down. And I guess just to ask, you know, questions about the thing with Patricia. But I couldn't tell you what he asked me that day.

Q Would it seem right that he was there to pick up that \$4.06 check?

A Yeah, he did come, but I didn't know whether it was that particular time or another time, because he did come to my office twice.

Q And he got that from Kimberly?

A Yeah, he got -- uh-huh.

Q So that would have been the time that Kimberly and you and he met at your office?

A I don't know if it was that time or not, because, like I say, he came more than once. And I don't know if that was the day he picked up the check. Kim didn't even know he was coming -- I mean, or -- you know, she wasn't there just because she knew he was coming.

Q In any event, how long did that conversation last?

A I have no idea.

Q Would you describe it as brief or extensive?

A In between.

Q You indicated that you were aware of Ronnie Kimble's tendency to fall asleep in the daytime?

A Uh-huh.

Q And you'd been aware of that for how long?

A Probably ever since they'd been married.

Q Did you know him in high school, when he was in high school?

A Uh-huh.

Q Did you know about his tendency to fall asleep back

then?

A Well, I just know that when he'd come to our house -- when he and Kim were dating and he'd come to our house on Sunday afternoon -- well, eat lunch with us on Sunday and they would just -- they didn't really go out that much, they just -- well, they'd stay at the house, watch TV, and he would fall asleep in the middle of the floor, living room floor. But I mean --

Q That was prior --

A Pardon?

Q Go ahead.

A I was just going to say, he would just -- he'd take -- well, they'd both take naps, but he would -- it didn't take much, you know, for him to go to sleep.

Q Was that prior to him going in the Marine Corps?

A Oh, yes.

Q So if he had any episodes of sleepwalking when he was young, you weren't aware of it?

A No.

Q And your daughter called you from Lynchburg in part to talk about the sleep -- the overnight sleep test?

A She just called to check in -- I guess you'd say check in with me, because she had not talked to me since she had left.

Q But she did tell you that they didn't know the results

at that point?

A Right.

Q There did come a time when they were aware of the results; is that right?

A I guess.

Q Did they discuss that with you?

A Not really.

Q Do you know what the results were --

A No.

Q -- of that sleep test of January of '97?

A No.

Q You said you came into contact with Ronnie Kimble on the night of Patricia's death about somewhere around 10:00 or 10:30 -- does that sound right -- p.m.?

A The second time. That he was --

Q Right.

A -- at my house earlier.

Q After they'd been to the fire; is that correct?

A After they had been to the fire, it was somewhere around, I'd say, 10:00 -- between 10:00 and 10:30.

Q What was Ronnie's demeanor when you were with him from 10:00 to 10:30, on into the early morning hours the next day?

A Well, he and Kim both seemed real concerned over the fact that this had happened, and wondered why. They both --

well, he seemed upset, but no more than what I had seen him upset over tragic things in the past.

Q And drawing your attention again to your telephone conversation with your daughter, did you indicate to your daughter that Detective Church was in any way bothering you or, I think her word was bugging you?

A Well, when she called and I said, "I'm on the phone. Can I call you back?" And she said, "Who are you on the phone with?" And I said, "Detective Church." And she said, "What does he want?" And I said, "Kim, I'm on the phone. I'll call you back." And I said -- well, I said, "You call me back." Then I said, "No, let me call you back. I'll pay for it." And she gave me the telephone number. And when I called back and -- she asked me, she said, "What did Mr. -- Detective Church want?" And I said, "Nothing new. Just going over some stuff that we've been talking about." It was, you know, same old, same old.

Q And did you indicate to her that he was bothering you?

A I don't know that I actually used the word that he was bothering me that night. But I have said -- I had said to her, "I wish they would quit asking me -- or they'd quit talking to me about it over and over. I have told them everything I know. And I know nothing new. I feel like I'm just repeating the same thing over and over and over."

Q But you didn't say it on that occasion?

A I don't know whether I did or not.

Q Of the 16 minutes that you spent on the phone, about how much time was devoted to the details of your conversation with Detective Church?

A Probably two or three minutes. Not long. I was more interested in what they had done and what -- if they were having fun and --

MR. PANOSH: Thank you. No further.

MR. LLOYD: That's all I have, Your Honor.

THE COURT: You may step down, Ms. Stump.

(The witness left the witness stand.)

THE COURT: Next witness, please.

MR. HATFIELD: I'd like to call James Stump, please.

JAMES R. STUMP, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Will you state your name, please, sir.

A James R. Stump.

Q And what is your relationship to Ronnie Kimble?

A Son-in-law. He's my son-in-law. I mean, I'm his --

Q And Judy Stump is your wife?

A Right.

Q And Kim's your daughter --

A Right.

Q -- is that correct? Now, Mr. Stump, where are you

employed?

A Berico Fuels.

Q How long have you been there?

A 28 years.

Q Briefly stated, what are your duties there?

A I do a little bit of everything. I started off as far as installing heating and air conditioning. But what I do now is just strictly sales.

Q And are you familiar with the workings of oil fire and natural gas heating units?

A Yes, sir.

Q And air conditioning units?

A (The witness nodded his head up and down.)

Q Are you also familiar with basic code requirements for residences?

A Yes, sir.

Q Do you have any firsthand knowledge as to code requirements having to do with precautions that are necessary in the home against gasoline vapors?

A I know you have to -- anytime you put anything in a closet -- when I say closet, like in a utility room that may be in a garage area, or just in a garage, it has to be 18 inches off the floor.

Q And what is the reason for that rule?

A It's because of vapors rising.

Q Does that mean that it is very difficult for gasoline
--

MR. PANOSH: We object, please.

Q Does that mean that gasoline --

THE COURT: Overruled.

Q -- vapors will not rise about 18 inches under normal
circumstances?

MR. PANOSH: Object to --

A I don't --

MR. PANOSH: -- examining his own witness.

THE COURT: Overruled.

A I really don't know if that's the reason for it or not. I know that this code come out probably about five or six years ago. The problem we were running into was, people were setting these things right down onto the floor. And if you've got -- most people that's got a good garage -- or a good size garage, they put everything in there, except the car. If you look, they'll be a lawn mower or something like that pushed right up to it. And anytime you've got a natural gas and you got gas, it's very simple to get vapors off of that, and then you've got an explosion.

Q Now, with regard to gas-fired heating units, are you familiar with both LP and natural gas?

A Yes, sir.

Q Is there any difference in the way those two function?

A Well, LP gas has got a tendency to lay down. It's got a tendency like a cloud. It wants to settle on the floor. Natural gas has got a tendency to rise. That's the reason, if you got a leak -- one thing we look for real good when we go into a house, or we try to, at least sniff a little bit, in other words, smell. If we go into a house and somebody said they have a problem with their heating system, you know, automatically we go -- when we go in there, when we open the door, they let us in, the first thing we have to do is smell. If you're in a house, you cannot tell if you have a leak or not, because you're already there. But if a person just comes from outside, inside from the fresh air, you usually can pick it up. But natural gas does rise. You cut a light switch on, you got a problem.

Q So a light switch or any other electrical contact switch could arc and ignite these fumes --

A That's it.

Q -- is that right?

A Takes very little.

Q And is that the reason -- again, one of the reasons why the code requires that pilot lights and arcing ignition devices be 18 inches above the floor?

A Right.

Q Now, Mr. Stump, you say that when you go into a house where there may be a repair problem, that you sniff the air.

What's your reason for that?

A Well, most of the time is when somebody calls us, usually, you know they got -- their furnace is bad, there's something wrong with it. Because I don't do the service, I do the selling end now. So if you go in there, automatic when you open the door, there's sometimes you can smell natural gas, you can actually smell it when you open the door up to the house. And then you know what you're looking for. And then you say, "Well," you know, "you must have a leak in your gas system here." Sometime that doesn't mean that. It can be something else, but it may not be bad enough to cause a problem.

Q Now, based on your 28 years of experience and what you've just said, are you sensitive to the fumes of ignitable --

A Very.

Q -- easily ignitable materials?

A Yes, sir.

Q Are you also sensitive to the fumes of gasoline?

A Yes, sir.

Q All right. Now, taking you back to October 9, 1995, did you see your son-in-law, Ronnie Kimble, that day?

A I sure did.

Q When did you see him?

A Around, I guess it was -- are you talking about the

9th?

Q Yeah. The night that --

A Okay.

Q -- Patricia died, did you see him?

A It was 10 minutes to 5:00.

Q About 10 minutes --

A Right.

Q -- to 5:00?

A Right.

Q What was the occasion for you to see him then? Had you been to work that day? I know it was a Monday and it was a holiday.

A Yes, sir.

Q Had you worked that day?

A Uh-huh. Sure had.

Q And what time did you leave your work?

A I got a guy to lock up. See, we have an alarm system we have to put on, so I got this other fellow to lock up for me, and I stayed there, I guess, around 4:30.

Q So you left Berico at approximately 4:30?

A Uh-huh.

Q Where is that location?

A 721 Winston Street.

Q So what was your route down to your residence?

A Well, I leave Winston Street, come right down through

Lee Street Extension. And I can't think of what that other road is. But they were working right in that area. Wiley-Lewis Road. I cut off of Wiley-Lewis and get on Alamance Church Road. Alamance Church Road, after you go through the curve at the bottom of the hill, you turn right back up on Coble Church Road. So it's a very simple route.

Q Now, there's an illustration up there that was drawn by Detective Church or one of his assistants, indicating the location of your house and Ronnie's house. Would you step over there and look at that.

(The witness approached the diagram.)

Q And would you state the number that's up on the blue marker on that exhibit. What's the blue number?

A 7.

MR. HATFIELD: Your Honor, we move for its admission as a defense witness (sic), as well.

THE COURT: The Court'll allow the introduction --

MR. HATFIELD: Thank you.

THE COURT: -- of Exhibit Number 7.

Q Does Defendant's 7 show the location of your house?

(Time was allowed for the witness.)

A Number 1.

Q All right. Does it also show the location of your daughter and Ronnie Kimble's --

A Number 2.

Q -- house trailer?

A Number 2.

Q Would you say that the proximity of those two dots is reasonable and accurate, based on your knowledge of the actual terrain?

A Pretty close.

Q Pretty close?

A (The witness nodded his head up and down.)

Q Looking at the part of map that includes the location of your residence and Ronnie and Kim's residence, is that generally accurate?

A This part -- this part here is. (Indicated.) I don't see Wiley-Lewis Road. Some of the roads that come off here is not in here at all. (Indicated.)

Q Okay. Have a seat.

(The witness returned to the witness stand.)

Q So, based on your recollection of leaving work at approximately 4:30, what time did you -- did you go to your house first --

A No, sir.

Q -- or did you go to Ronnie's?

A I went straight to Ronnie's house.

Q Well, what time did you get there?

A I got to his house about 10 minutes to 5:00.

Q All right. What did you find when you got there,

please?

A Ronnie had everything already laid out. He had already had -- there was a saw. And I'm wanting to think there was a drill sitting there. But the drop cords and everything was pulled out. He was already busy when I pulled up there.

Ronnie was trying -- I don't know if you know anything about pickets, like you see on a -- on a deck. They're real small, the way they're cut on 45, you have to put them together. And what he was trying, he was trying to reset (sic) this underpinning under the trailer, instead of just coming straight down with it. So that's what was taking him so long, as far as I know.

When I got there, he had already probably put up 12, 13 of those pickets or something like that. He had the runner down, which you have to put nails down, which goes on the ground. And that's probably about an inch, inch and a half thick. And that's where you take it and stick the panels in that and go up against to the treated pickets that he was putting up. But that didn't work. After I got there, I think me and him worked somewhere around -- I stayed there about 5:30, and we only got one more of those things up. And one of them, we couldn't even get a screw to even hit.

Q Now, the runner that's on the ground, is that a U-shaped metal channel?

A Right.

Q And do you -- and you attach it to the ground --

A Right.

Q -- by driving large nails into the earth?

A Nails probably about eight, 10 inches long.

Q Sort of like the nails that hold up guttering on a house?

A Yes, sir.

Q Long, thick nails?

A Uh-huh.

Q Now, is there a comparable channel at the top of the underpinning, that holds the top part of it, stabilizes it?

A Well, he didn't pick those up. I don't know if they had those or not. I'm not that familiar with the stuff or not (sic). I just do about anything, once I got started, I just do it. They make the stuff where it hooks onto the side of the trailer, where you've already got your siding, because there's siding on there now, it's regular vinyl siding. So this -- if he'd have got the right pieces, he could have fit it right there and come right down with it.

Q Could you -- had you ever done a project like that before, put --

A No, sir.

Q -- underpinning on a house trailer?

A Never have.

Q Did you wind up completing that job afterwards or

assisting Ronnie in completing it?

A I had a guy to come by, to help me on this, to show me how this went together. And I think after that, Ronnie would come in on a weekend or two, then he would -- he would, you know, catch up to where I was at or where I'd finished at. He had -- probably 90 percent of it I did myself.

Q Can you estimate, based on your experience completing that job, and what you saw on the afternoon of October 9th, can you estimate how much time Ronnie had spent actually engaged in that project that day?

A That day?

Q Yes, sir.

A If it took him as long as it took me and him to get this straight, because like I say, you have to level it, it's a possibility he could have been there for two to three hours. I'm only guessing now. I don't know.

Q All right. Now, when you were working with him, did you detect any odor of gasoline on his person?

A No, sir.

Q Did you have occasion to look at his shoes and clothes, to see if gasoline had splattered on him?

A I didn't pay any attention to it.

Q In any event, if his clothes and shoes had gasoline, would you have smelled it?

A Oh, yeah.

Q Now, did you --

A I'd have picked that up real fast.

Q -- notice anything unusual about Ronnie's demeanor, when you confronted him at 10 of 5:00?

A No, sir. Everything was just like it's always been. Me and Ronnie's always kidding, cut up, and that's what we were doing, we was sitting there talking. Because I remember I said, "Well, man, you ain't hardly done anything here." But then after we got started, I found out, hey, this is not easy to put up, because I had never done it, either, you know.

Q Now, did Ronnie have some sort of saw blade that he had obtained?

A He was -- what Ronnie had done, he had like a Skil saw over there, and I told him, I said, "Man," I said, "you don't need that thing." I said, "I got a pair of bulldogs," because, you know, that's what I do for a living. I said, I --

Q Would you tell the jury what bulldogs are.

A Bulldogs is a pair of long snips like this that we cut metal with. (Indicated.) You can go up to 24 gauge, which is very thick, you know, as long as you're man enough to do this, so that you can cut it without any problem. Well, vinly siding is nothing, it's just about like paper. It's

not heavy at all.

Q So your suggestion was, it would be easier to use these bulldogs than it would be to use a saw --

A Right.

Q -- is that right?

A Right.

Q In any event, he had the fine-toothed --

A He had a fine-toothed blade. Now, Ronnie did tell me that he did get that from Ted that afternoon.

Q Now, do you know what time Ronnie got back there and started that work that you joined him in at 10 minutes to 5:00?

A No, sir.

Q Do you recall seeing Kim at the -- at her house trailer, or did you leave to go home before she got home from work?

A Talking about Kim?

Q Yeah.

A Yeah. I left before Kim got there.

Q Do you know what time that was?

A Probably around 4:30. And it could give or take, it could vary a little bit. But I know when they got down at the house, the first thing Kim said, she said, "Ronnie said it's a wonder we hadn't run into each other."

Q So as far as your recollection goes, it would have been

a quick -- pretty close --

A Right.

Q -- time right there --

A It would have --

Q -- between you leaving --

A -- been pretty close.

Q -- and Kim arriving; is that right?

A Uh-huh.

Q Now, do you know what vehicle was in the area before Kim got home, when just you and Ronnie were there, what Kimble vehicle was there?

A Camaro, teal green.

Q Teal green? And whose car was that at that time?

A Kim's.

Q Did Ronnie seem to be out of breath or nervous or sad or emotional or any -- did he show any signs of emotion at all?

A No, sir.

Q Based on your experience from knowing him for many years, do you think he would have shown emotion if he'd been involved in something terrible, like the death of Patricia?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q So you saw no signs whatsoever of emotion on or about him; is that right?

A No, sir.

Q Now, after you left and went home, what time did you next see Kim and Ronnie?

A It was after 6:00 o'clock. I could say 10 after and I could say quarter after, but I'm not really sure about that.

Q Do you remember what you were doing the next time you --

A I was --

Q -- saw them?

A -- watching the news. News 2 was having segments on about -- I could even tell you the trailer, but I'm not. But they were talking about people having problems getting their trailers fixed after they purchased these things. And I was telling Ronnie when he came in, I said, "Hey," I said, "this is what I've been looking for." But I cannot swear to you that that was on that afternoon. They were running segments on it now from Channel 2. But that's what I was setting there for.

Q And you wanted to see another segment --

A That's exactly --

Q -- about house trailers and remedies for owners that were unsatisfied with warranty problems?

A That's exactly it. See, they had a few problems with theirs, but these people won't come out, unless they're in the area. And that's what we were -- that's what we were

sitting there discussing.

Q So the representatives of the manufacturer won't come, unless they're in that area?

A Got to be in that area.

Q All right. Now, do you remember what -- after they came in the house, what time it was, when Kim and Ronnie came in the house?

A Came in our house?

Q Yes.

A Sometime after 6:00 o'clock.

Q And do you remember where Ronnie positioned himself?

A Ronnie will not walk in -- I don't know why he won't walk in the living room, but he won't walk in there with his shoes on. As far as I -- he must have had his shoes on, because he laid down. His feet was still in the kitchen area or the dining area, but his body was in the living room area.

Q Did he have the same clothes on that he'd had when you'd seen him a little earlier?

A No, sir.

Q He'd changed his clothes?

A (The witness nodded his head up and down.)

Q Have you got some kind of special rug or carpet in that den that --

A No. It's just a habit he's always had. I think he did

it as a child, you know. And a lot of people do that, they take their shoes off. But he eventually came in there and we set down and we was in there talking.

Q Now, do you remember what your wife and your daughter were doing during that period of time?

A They had an ABC book and they were talking about ordering some stuff for Christmas, and they was going over this. And I think Judy was talking about some of the people where she'd worked was doing the same thing, and she was telling Kim I think of what some of those people were ordering. And that's the onliest (phon.) thing I know that they was doing.

Q Do you know what time they finally got up to leave?

A Kim and Ronnie?

Q Uh-huh.

A Seemed like we'd walked into the kitchen -- or Judy and them was sitting there, and then we walked in the kitchen and we was standing there. Now, I did hear the music of "Wheel of Fortune" come on, but I cannot sit here and tell you it come on. I don't know. But I did hear the music. We --

Q And after that, what happened?

A We was -- well, we stood in the kitchen for, I guess, maybe a minute or two, and we walked them outside. And when we got outside, Judy was sitting (sic) out there, as always,

we always tell Ronnie "Please be careful going back."
Because I do -- I do know that there's times that he's had to pull off the side of the road. I do know that. But I've always told him, I said, "Ronnie, you've got to be careful." I said, "You pull off the side of that road, somebody's going to knock you in the head." I said, "Be sure your window's up, or at least it's cracked, so," you know, "somebody's going to make some noise before they get to you."

But I would say we stood out there approximately 10 minutes. It could have been a little longer.

Q Do you know where they went when they left your house?

A They had said something about going to Winn-Dixie, because they both was tired, they was going to bed --

Q Now --

A -- to pick up something for lunch (sic).

Q -- when was the next time you heard from Kim and Ronnie?

A The phone rung, I think it was around quarter after 9:00. And I do not answer the telephone at my house. If you call, you'll find that out. I just don't do it. I have enough phone calls when I'm at work. But Judy answered the telephone, and Kim said that they was trying to get in touch with Edna, that there'd been a fire over at Ted's place.

Q And as a result of that conversation, what did you and

your wife do, do you remember?

A She kept trying -- she kept trying to get in touch with Edna, at least paged her one or two times. And I sat there. She said, "What do you think?" I said, "Well, it's probably just an electrical fire." I never look at something real, real major till something happens.

Q So you did not jump to conclusions --

A No.

Q -- and decide the worst?

A No, sir.

Q So did you and your wife eventually leave the house that evening?

A Kim and Ronnie came by, I think it was sometime after 10:00 or 10:30, and we left there and went over to the church.

Q And so, Kim and Ronnie picked you all up?

A No. No. No. I drove.

Q Did you go by and get them, or how did it work?

A They come to our house.

Q Did they leave their vehicle at your house?

A Uh-huh.

Q Which vehicle were they operating?

A Teal green. I think now. I'm not even sure about that.

Q Okay. So then the four of you went where?

- A Over to the church, where everybody else was meeting --
- A So you at --
- Q -- where Patricia was a member.
- Q -- no time visited Brandon Station Court on that evening?
- A No, sir. Me and my wife never went over there. I have never been there, except one time when me and Ronnie, his dad, went by there, I think it was sometime in the summer.
- Q So you went with Ron, Sr. --
- A Uh-huh.
- Q -- over there at some point? And you were not accompanied by Ronnie at that time?
- A No, huh-uh.
- Q Now, after you got to the church, what did you find? What was going on?
- A There was a lot of people there.
- Q Which church was this? Was this South Elm Street --
- A South Elm Street Baptist Church.
- Q That was Patricia's church?
- A Right, uh-huh. On the corner of Ritters Lake Road there.
- Q And you say there were a lot of people there?
- A A lot of people were there.
- Q And how long did you and your wife remain there?
- A Probably somewhere after 2:00, 2:30, something like

that out there.

Q So were you there from 10:00 or 10:30 until 2:00 or 2:30 --

A Uh-huh.

Q -- in the morning? When did people generally understand that Patricia had died in this fire?

A What I -- what I was listening to when we got to the church, that there was a body. And I think everybody was putting it together that it had to be Patricia. You know what I'm saying? I don't think anybody really knew, but the car was there, from what I understood, the car was setting there, and stuff of that sort. So it was pretty obvious it was Patricia inside.

Q Did you know Patricia's immediate family? Did you know her brother, Reuben --

A No.

Q -- or her dad, Richard, or her mom or any of those people?

A No, sir.

Q Did you meet those people that night?

A I saw those people that night.

Q Did you have any chance to extend any sympathies to them and talk to them?

A I just -- I don't remember. You know, in a situation -- in a situation like that, I probably didn't say too much

to anybody.

Q Before you and your wife went home, did everyone at the gathering understand that Patricia had died in this fire?

A I think that's what the conclusion, that everybody thought that was Patricia.

Q But there had been no autopsy and no positive identification?

A No, sir.

Q Of course, at that time, there was no thought at all of murder or gunshot or anything like that, was there?

A No, sir.

Q So no one at the church had any idea that anything illegal had happened?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q Based on your recollection of what was being said, did anyone alert you that a crime may have occurred?

A No, sir.

Q Do you know what -- when you left, who did you leave with?

A I took the Jeep, took it to Edna and Ronnie, Sr.'s house. Edna was in there and Ted was in there. I drove them home.

Q So you drove Edna and Ted back to Edna's house?

A Yes, sir, on Liberty Road.

Q Now, Monnett Road is there -- is Ron, Sr.'s church, isn't it?

A Yes, sir.

Q And what is the size of that congregation?

A He probably can -- if you count the choir and everybody, it's a possibility you can seat somewhere between 400 and 450 people.

Q And have you been a member there a long time?

A Probably 12 years, 11 or 12 years.

Q I take it your wife and Kim were members of that church through that --

A That's right.

Q -- same period of time?

A Yes, sir.

Q So you know Ron and Edna quite well?

A Uh-huh.

Q He's your pastor?

A Right.

Q Now, Ron himself was not present that night, was he?

A No, sir.

Q Did you know where he was?

A Liberty University. They was having a pastors' conference up there.

Q So is that why you drove Ted and Edna over there, or do you know?

A I just drove them back to their house, from the church.

Q Do you remember what Ted's demeanor was on that occasion?

A I think Ted was about like everybody else. Everybody was a little upset, you know. You couldn't understand why something like this was going on. And you'd pay no attention to anything like this, until it kind of gets close to home, then it kind of bothers everybody. But everybody was -- everybody was pretty upset.

Q Now, you said the Jeep. Whose vehicle were you driving?

A Ted's.

Q So after you got there, did someone come and join you, somebody come get you?

A Judy did. Judy was driving our car. Kim was driving Edna's car. And I think she had the little dog in there with her.

Q Was there some concern that Ted and Edna were unfit to drive?

A I think there was a little bit of concern that, you know, they were upset, just like everybody else, you know.

Q Where was Ronnie at this time?

A Little Ronnie?

Q Yes, sir.

A I mean -- Little Ronnie. That's what we call him. I

think he may have been in the car with Kim.

Q And that was not the same car your wife was driving?

A No. She was driving ours. Kim -- Ronnie was in there with Kim, with the dog. And I had Ted's Jeep, and I had Edna and Ted in the -- in the car with me.

Q All right.

A They were sitting in the back seat.

Q Okay. Now, after you got over to Ron and Edna's house, how long did you remain there?

A We really didn't. We pulled up and they got out, and Judy pulled in. We got in the car. We told them we'd see them later, and we got in the car and left. Because I felt like it was already late, and everybody needed to get some rest.

Q And what time was it at that point?

A It could have been 2:30, something to 3:00. I'm really not sure.

Q And it was -- now it was early, in the early morning hours of Tuesday morning?

A That's right.

Q And you then drove back to your house with Judy, your wife?

A Yes, sir.

Q And went to bed?

A (The witness nodded his head up and down.)

Q Did you hear any more from Kim and Ronnie? You must have. When did you next hear from Kim and Ronnie on the 10th of October?

A Well, I didn't hear from them, I don't think, at all, until that afternoon. Because I went on to work, like normal. We got together that afternoon. Me and Ronnie drove back over to Reuben's house. And Judy and Kim, they was going to come later. They had something they had to do.

Q Do you know whether Kim had an appointment for an MRI or some such medical evaluation?

A I don't remember. I just don't know.

Q In any event, you and Ronnie drove over to Reuben's house together?

A Uh-huh.

Q And who drove?

A I did.

Q Did you notice anything unusual about Ronnie's demeanor then?

A No.

Q Did he seem nervous or unhappy or distracted or anything?

A No, sir.

Q Well, what was the reason to go over to Reuben's house?

A That's where the family and everybody was going to meet.

Q So this was an extending of sympathy --

A Right.

Q -- and acknowledgment? Now, as you and Ronnie rode over to Reuben Blakley's house -- By the way, where is Reuben Blakley's house?

A I could take you there, but I can't tell you. I just know it's in Randolph County, off of Randleman Road. I think it's on back down there in that area somewhere, off of 220 --

Q Is it --

A -- over 220.

Q -- more than a few miles between Brandon Station Court and where Reuben lives?

A I would say approximately, guessing, five miles or so.

Q So you knew how to get there, it's just -- it's too complicated to explain; is that --

A Well, I don't know the streets.

Q Now, as you and Ronnie drove over to Reuben's house, did you have any knowledge of the cause of Patricia's death?

A No, sir.

Q Did Ronnie indicate to you that he knew anything about this?

A No, sir.

Q Did you find out what had happened to Patricia when you got to the Blakleys' house?

A I think we found out when Judy and Kim came in. I think somebody had said something about it was on the news. I'm not sure. But anyway, I think when Judy and Kim -- or one of them told us, that they said something about she'd been shot.

Q So, rather than hear it from anybody in Patricia's immediate family, you think you heard it as a result of a newscast?

A I think I heard it from Judy or Kim one.

Q Now, do you know what time you got to the Blakleys' -- to Reuben Blakley's house?

A It was still daylight. It could have been 6:30, 7:00, something like that right there.

Q And your --

A And I'm not sure about that.

Q And your wife and daughter were not yet there?

A No, sir.

Q How many people were there?

A It was quite a few. 20, 25. There was quite a few people inside. There was quite a few people standing outside, talking. It was a nice day.

Q Now, how long were you there during the period of time that Ronnie was there?

A I guess the biggest portion of the time.

Q Did you -- did anyone introduce you to the immediate

members of the family, now that you were at Reuben Blakley's house?

A I think I knew who they were. You know what I'm saying? I mean, I knew who they were. But I may have talked to Ms. Blakley or something like that, because I think she was sitting in the living room. I knew Reuben's wife was walking around, and I'd spoke to her.

Q Was it pretty obvious that Ronnie Kimble was there?

A Ronnie was there.

Q If Detective Church wanted to know where Ronnie was on October 10th, could he have asked anybody at that gathering and found out?

A Should have been able to.

Q Now, did Detective Church at any time ask you any questions about your knowledge of the events of those days?

A Yes, sir.

Q When was that?

A It had to be sometime in the first part of June. I could guess and say the 10th or 11th. I don't keep up with the dates.

Q So June is the sixth month of the year.

A Well, my birthday's the 9th, and I think it was a little bit after that.

Q All right. But June is the sixth month --

A Right.

Q -- of the year? And October is the tenth month of the year, isn't it?

A Yeah. I mean, that's a long period of time.

Q So it would have been nine or 10 months --

A Uh-huh.

Q -- after Patricia had died, before Detective Church made his first inquiry of your --

A Right.

Q -- recollections?

A That's right. The reason I know it was sometime like that, Judy bought me a utility building, and I was redoing it on the inside. I was going to do the electrical work, put the sides and stuff, because I was going to make myself a gym, you know, put my equipment in there. And when she told me, she come there and she said, "Somebody's here to talk to you." And I said, "Well, who is it?" And she said, "Well, there's somebody here to talk to you." And I said, "Well, you tell them to come up here or just leave me alone." And then she told me it was Detective Church, I said, "Okay." So I just dropped everything and we went -- we went back down and went in the house, sat down and talked.

Q So you were working on this utility shed, was it somewhere in your back yard?

A It was right on the other side of the carport.

Q And when you found out it was a detective from the Guilford County Sheriff's Department, had you ever met him before?

A I seen him at the church, but I didn't talk to him.

Q Was he attending as a member of the congregation, or was he --

A No. No. No. He was there the night of the 9th, when Patricia had got killed.

Q So you saw Detective Church at South Elm Street Baptist Church on the night that Patricia was killed?

A (The witness nodded his head up and down.)

Q And of course, you were there with Ronnie?

A Uh-huh.

Q So if Detective Church had wanted to know where Ronnie was on October 9th, he could have just looked at Ronnie, couldn't he?

A Yes, sir.

Q Now, taking you back to the utility room -- utility house episode shortly after your birthday on June 9th, was Detective Church alone?

A Yes, sir, he was.

Q Did you invite him in to sit down?

A Yes, sir. I always do.

Q And which room did you all sit down in?

A In the living room.

Q Did you offer him a refreshment?

A I don't think so.

Q Did he have a piece of paper or a --

A He had his note pad, like a pad that y'all are using there, and it was --

Q Do you remember what he asked you?

A I think he was asking me, as far as where Ronnie was that day, was I with him or vice versa, you know, things that we'd went over so far.

Q So did you tell Church all the things that you have just gotten through telling this jury on that occasion?

A I don't think he asked me all of that stuff. I think he was more or less asking me where was -- did I -- was I with Ronnie that day, did I know anything about Ronnie that day.

Q Okay. Did he explain to you why, eight months after Patricia died, he was beginning to ask questions about Ronnie Kimble?

A Not that -- not on that occasion, no, sir.

Q Did he tell you that Ronnie had been spotted near Patricia's house by a witness?

A I don't think he told me on that occasion. It's possible he could have, but I don't think he did.

Q Do you know how long your meeting with Detective Church was?

A It wasn't that long.

Q Did you answer every question he asked you?

A To the best of my ability.

Q Was your wife there?

A She was there, but she was like, she was going backwards and forwards from room to -- one room to the other.

Q So, Detective Church appeared to have the objective of talking to you, and not to you and Judy?

A Well, he didn't ask to talk to her at that time.

Q And did he talk to her in your presence?

A I really don't know.

Q Did he make any notes of what he'd found out from you?

A Yeah. He was taking notes. He sure was.

Q Did he show you his notes?

A No, sir.

Q Did he at any time type up any kind of a statement, based upon his interview with you in the early days of June of 1996?

A No, sir.

Q Did he ever come out a week or two or a month later and show you a statement and say, "Mr. Stump, this is what I've typed up for my report"?

A I haven't seen anything. If I hadn't have got what you give me, I would have never known anything that was going

on.

Q So you have never had an opportunity to know what Mr. Church says you said until I turned it over to you?

A That's exactly right.

Q Now, returning to October 10, 1995, over at Reuben Blakley's house, do you know how long you and Ronnie were there before Kim and Judy arrived?

A I want to say somewhere around an hour. It seems like -- I don't know if Judy and them got there just before it got dusty (sic) dark, but seemed like it was after -- it may have been after dark. I'm not --

Q Do you remember whether Ted and any of his family were there?

A I know Ted was there.

Q Now, did you see Edna, by any chance?

A I want to think Edna was there in the kitchen, but I'm not sure.

Q Did --

A Because I really didn't have any reason to look at it this-a-way.

Q Well, Ted was sort of the nearest relative, other than Patricia's mom and dad, wasn't he? Did you see any signs of distress in his demeanor?

MR. PANOSH: Objection.

A No, sir.

Q What did you --

THE COURT: Sustained.

Q -- see when you observed Ted?

MR. PANOSH: Objection.

THE COURT: Overruled.

A He seemed to be just like always.

Q Was he moving around the room, talking to people?

A He sure was. He was going from one place --

Q Were --

A -- to the other.

Q Were people hugging and --

A Oh, yeah.

Q At that point in time, do you know whether or not it was generally understood that Patricia had been murdered?

A On the 10th?

Q Yes, sir.

A I would say yeah, at that time we probably did.

Q Well, you say that the night before, you had not known that she had been murdered.

A Right. But this -- it depends on what the time was.

Judy and them had came over there, and they said it was on the 6:00 o'clock news that Patricia had been murdered, you know, they'd found a gunshot wound in the head. So probably at that time right there, we probably knew about it ourself then. But I think Judy or Kim one told us about it -- or

told me.

Q Were you -- did that -- the knowledge that she'd been murdered have any effect upon you?

A It bothered me. Well, the whole thing has bothered me from day one.

Q When was day one, the day before?

A Well, the day she got killed. I've lived this thing since she got killed.

Q Did anything that you saw on the night of the 10th cause you to suspect that Ted or Ronnie was in any way responsible?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q Did you see anything about Ronnie that made you think that he was responsible?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q Can you tell the jury when you first met Ronnie Kimble.

A From day one?

Q Yes, sir.

A I met Ronnie probably, I guess he was 14 years old, at the church. Because, like I said, we've always been church-going people. Ronnie used to come down to the house quite a bit, eat dinner with us, things like that, after church. He would stay down there and we'd go back -- he'd go back to

church that night and then he'd go back and he'd go on home. But I got to know Ronnie pretty good. I never had any boys. Of course, I treated my girls, most of them -- my girls was raised up on a ball field. So I'd treat my -- Kim there, I treated her a lot like a boy. She could play baseball as good as most any guys do.

But me and Ronnie did a lot of things together. We'd go outside and we'd play badminton like in the summertime and stuff like that. If it was snowing or something like that, because we live on the real steep hill, we was always down there, you know, on the -- on the hill, we'd go down, me and Kim. We just had good times together, you know.

If there's anything there with Ronnie --

MR. PANOSH: We object, please.

A -- I feel like I --

THE COURT: Sustained.

MR. PANOSH: We object, please.

Q Now, what year was it when you first began to be acquainted with him on this regular basis that you've described?

A It would have probably been somewhere in the neighborhood of about 1975 -- I mean, '80. I'm losing my train of thought, ain't I? It would have been somewhere -- like I said, I knew Ronnie, like I said, at age 14. And I probably -- the year would have been somewhere '84.

Q So you've known him since approximately 1984 fairly well?

A Fairly well, not -- I wouldn't say that good. But like I say, we did play around some like at -- right there at the house and things like that, you know, at that age, 14.

Q So was he also the type of athlete that you brought your girls up as, playing a lot of ball and that type of thing?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q Do you remember whether it was sports activities with him?

MR. PANOSH: Objection.

THE COURT: You may answer.

A Sports activities with Ronnie?

Q Yeah.

A Ronnie played at school. I think he played a little bit of football one year or so. Other than that, I -- you know, he just -- me -- we'd just go outside and just play. We'd do about anything, play some softball in the back yard, pitch, just anything, just to stay out of the house.

Q Now, you stated that your -- on a busy day with the choir and everything, the church, Monnett Road Church, could have as many as 400 people there; is that correct?

A No, it will seat that many. It may seat 450. Our --

the big-- the most we've ever had there, I think, is like 311.

Q What do you have on an average week?

A Now?

Q Yes, sir.

A People coming to Sunday school, it's down in the 80's

--

Q What was it --

A -- about 89.

Q Two or three years ago, what was the average, a little higher?

MR. PANOSH: We object, please.

Q Could you tell, if you know, what the average was two or three years ago?

THE COURT: How is this relevant, Mr. Hatfield?

MR. HATFIELD: Because it shows his relationship with a person who's on trial for murder.

THE COURT: Overruled.

Proceed. You may answer.

A Probably average somewhere between 135, 140.

Q Now, how many regular activities are there at the church in any given week?

A Well, you got Sunday morning service. You got Sunday night service. You have Wednesday night service. Which is three. You have visitation on Tuesday night. And usually

there's something maybe once a month or so that may come up that's -- that you -- you know, that the church is doing.

Q Now, are you personally an active participant in all of those weekly meetings?

A I used to be.

Q You used to be?

A (The witness nodded his head up and down.)

Q Do you know, when you were more active, was Ronnie an active member in all of those proceedings?

A Yes, sir.

MR. PANOSH: Object, please.

THE COURT: Overruled.

Q After Kim and Ronnie got married, did they go to church every Sunday together at that church?

A Uh-huh. Yes, sir.

Q And did you and your wife go to church every Sunday at that church?

A Uh-huh. Sure did.

Q And where did Kim and Ronnie sit?

A They sat over there pretty close to us about every Sunday on the same bench. And sometimes they may sit to the other side. I mean, you know, it was always pretty close.

Q Do you remember, after Kim and Ronnie got married, whether or not Ronnie would from time to time bring friends home from his Marine Corps days?

A Yes, sir.

Q Do you know the names of any of those young men that would come?

A I know Neil Silverspoon (sic) used to come by quite a bit. We got to know him real well.

Q Was that Neil Silverthorne?

A Silverthorne, that's right.

Q Would you say that Neil Silverthorne was Ronnie's best friend during his Marine Corps years?

A I would say that was Ronnie's best friend, period.

Q Do you know any other young men who were enrolled in the Marine Corps with Ronnie during that period that accompanied Ronnie to Greensboro?

A There's a guy named Dobesh.

Q And how many times did you see Mr. Dobesh?

A No more than three or four.

Q And do you recall anyone else who came on a regular basis?

A Jim Dziadaszek.

Q Is that Dziadaszek?

A That's it.

Q Okay.

A I just can't pronounce that last name.

Q Now, other than those three people whose names you've told the jury, can you recall anybody else from the Marine

Corps that came on a regular basis with Ronnie?

A I just don't remember.

Q Now, during the period when they were first married, and before anything had happened to Patricia, who was Kim's best friend?

A Repeat that, sir.

Q Who was Kim's best friend during that period, before Patricia died, while Ronnie was in the Marine Corps?

A I would say probably Troy Dodson.

Q Was Sherry Wilson a good friend?

A Sherry Wilson, too.

Q Now, are the Wilsons also members of Monnett Road?

A Yes, sir.

Q And do you know Sherry Wilson and her mom and dad?

A I've known Sherry for years. We used to go to another church together, before we ever went to Monnett Road.

Q So your relationship with Sherry and her parents goes back even further --

A Oh, yeah.

Q -- than the relationship with Ronnie --

A Right.

Q -- is that right?

A Uh-huh.

Q Now, do you remember whether there was a period of time while Ronnie was in the Marine Corps when Sherry lived with

Kim?

A Right. She stayed with her off and on quite a bit.

Q So that Kim could use her house trailer --

A Right.

Q -- while Ronnie was away at the Marine Corps?

A Right. Yes, sir.

Q All right. Now, returning to September (sic) 11, 1995, over at Reuben's house, do you recall Ronnie and Ted leaving for any reason?

A I sure do.

Q What do you recall about that?

A Ronnie came out and he said, "Mom wants me to ride with Ted up to the business." He had to get some forms of the employees or something like that. I don't know what it was. And I said, "Ronnie, are you sure?" He says, "Yeah." He said, "She wants me to go up there with him." They didn't want him to be by himself. I said, "Okay."

Q So did they do anything, did they make any requests of Reuben in your presence?

A No. No, sir.

Q We are talking about October 11, 1995, aren't we? We're talking about the day after Patricia died on the late hours of the 9th, we are talking about October 10th, aren't we? I may have misspoken.

A I think you said -- I think you give me a date that was

either the 11th, I think it was.

Q All right. I may have said September.

A But I think that the 10th -- I think the 10th may be the night that they went up there.

Q Well, the 10th was the -- the 9th was a Monday, and you've already described people's activities that night, when you did not go to the fire scene, but you went over to the Kimbles' -- Ron Kimble, Sr.'s house.

MR. PANOSH: We object. It's the wrong day.

THE COURT: Overruled.

Q I've got mixed up on my dates, because of the 9 and the 10. On the night of October 9th, there was a fire and Patricia died, wasn't --

A Yes, sir.

Q -- is that correct? Now, on the 10th of October, you were at Reuben's house for a gathering of concerned family members; is that right?

A That's correct.

Q Now, do you recall what time it was when you were told that Ronnie's mother had asked him to go with Ted over to the business?

A I don't remember. It seemed like to me it was dark out there, outside.

Q Did you see anything unusual in that?

MR. PANOSH: Object.

A Well, not really.

THE COURT: Overruled.

A Not when they was saying what they're -- you know, what -- I understood what they were going for. I heard -- I think it was later that somebody said that --

MR. PANOSH: We object to this hearsay.

THE COURT: Sustained.

Q Do you know how long they were gone?

A It could have been an hour and a half, hour.

Q How long would it have taken any normal driver under those conditions to drive from where Reuben Blakley lives up to Lyles Building Supply on Lee Street anyway?

A Guessing?

Q Yes, sir.

A It probably would take somewhere in the neighborhood between 20 and 25 minutes to get there, 20, 25 minutes to get back.

Q And you think that they were gone how long?

A Seem like to me around an hour and a half.

Q After they left, did Reuben Blakley express any surprise that they had gone and done this?

MR. PANOSH: Objection.

A I didn't talk to him.

THE COURT: Sustained.

Q Did Reuben Blakley say anything to you in your presence

--

A No, sir.

Q -- about it? Okay. Now, were you still there when Ronnie got back?

A Uh-huh. Yes, sir.

Q And how much longer were you there, and with whom did you leave?

A I really don't know. It could have been an hour or so. It could have been an hour and a half.

Q Did you at any time see Detective Church or any representatives of the sheriff's department at this gathering?

A No, sir.

Q Was Ronnie there, with the exception of the time that he went off with Ted to run this errand, was he back there again --

A Oh, yeah.

Q -- visible to everyone?

A I was there when him and Ted come back.

Q All right. And did you see anything unusual about their appearance then?

A No, sir.

Q And did any -- did either Ted or Ronnie explain to you what they had done or whether they'd accomplished whatever it was they'd wanted to do?

A No. The only thing I knew is, when they left, Ronnie
--

MR. PANOSH: We object, please.

THE COURT: Overruled.

A -- Ronnie said something about that Ted had to have
some paperwork on the employees or something like that who
was employed at the business. It was something of that
sort. So I didn't really pay any attention to it.

Q Okay. Now --

MR. PANOSH: We ask that be stricken, since he
doesn't know what was said.

THE COURT: Sustained.

Disregard that, members of the jury.

MR. HATFIELD: Your Honor, I think he's given a
perfectly clear answer, and I don't understand why we're
striking the testimony, just because the prosecutor --

THE COURT: I've stricken the testimony, Mr.
Hatfield. Proceed with your question.

Q Do you know whether, based on your knowledge and
experience of what happened that night, do you know whether
Ted Kimble got any of these documents that he wanted?

A No, sir.

Q Did you at any time subsequent to that discuss this
incident with Ronnie in any way?

A I don't think so. I may have said something to Ronnie

about that, you know, later, but it would have been a long time later.

Q All right. Now, what time did you and your wife leave that gathering that night?

A Guessing, it could have been anywhere from 9:30 to 10:00 o'clock.

Q Do you know whether, when you and your wife left, that Ronnie and Kim were still there?

A I would say that they -- again, this is saying -- I don't know, no, sir. I don't know if they were there when we left or not.

Q All right. Now, that would have been Tuesday, October 10, 1995; is that right?

A Right.

Q On Wednesday, do you know whether anything happened involving Patricia and her family?

A No, sir.

Q Was there a funeral or a memorial service of any kind?

A They had something on, I think it was on a Saturday.

Q Did you attend that?

A Yes, sir.

Q And do you know whether Ronnie Kimble was given permission by the Marine Corps to wait -- remain in Greensboro and wait for the memorial service?

A Right. Ronnie had called in, and they told him with

the situation he was going through, he could just, I think, report to -- not that week, he'd have been out the rest of that whole week, but it would have been like on that coming Monday, that he'd be reporting back.

Q Now, the following day, which would have been a Wednesday, did you go to your job at Berico --

A Yes, sir.

Q -- in the morning? And do you remember seeing Ronnie and Kim that evening, or any other time before the memorial service?

A Probably seen Ronnie and Kim every evening.

Q Do you know what they did during the daytime?

A As far as I know, Kim was at work.

Q Do you know how Ronnie spent his time?

A No, sir.

Q You say you think the memorial service was on Saturday?

A I think that, but -- you know, because it seemed like everybody was off that day.

Q Was it at South Elm Street Baptist?

A Yes, sir.

Q And --

A Well, they had -- now, they did have the -- we met at the -- the memorial service what I'm looking at is where everybody met at the church. That's what I would call the memorial service for me. Now, we did meet at the funeral

home one night, everybody was over there, which is on High Point Road, going into Jamestown, the new one out there.

Q Was that one of the week nights?

A Right. Uh-huh. That was on a night.

Q And when you went to the funeral home, did you see Ronnie and Kim there?

A Yes, sir.

Q Did you see Detective Church?

A No, sir.

Q During this period between the gathering at Reuben's the day after Patricia died, when everyone realized that she had been murdered, and her memorial service at South Elm Street Baptist the following Saturday, did you at any time see Detective Church or any other sheriff's department people?

A No, sir.

Q Now, was there any time when there was a gathering of people concerned and sympathetic to Patricia that you didn't see Ronnie and Kim in attendance?

A No, sir.

Q Now, do you know whether or not Ronnie and Kim were well acquainted with Patricia?

A I have no idea. I know they wasn't around that much each other. You know, it seemed like they had their friends at their church and Kim and Ronnie had their friends at

their church. And they didn't get together that much.

Q Were you and your wife invited to Ted and Patricia's marriage?

A Yes, sir.

Q Was that the December private ceremony or the later ceremony?

A Later, at the church wedding.

Q When you went to the invitation ceremony later, did you know that they had already been married a few months before?

A No, sir.

Q Now, did you receive your invitation because your daughter is married to a Kimble or because you and your wife and daughter have been members of Ron Kimble, Sr.'s church for more than a dozen years, or do you know?

A I would say that because we're members of the church. And we knew Patricia, just knew her, but we knew Ted, you know, as long as we've known Ronnie.

Q So how did you know Patricia?

A We had -- I had met her, I think, one time before that.

Q Was she with Ted?

A I think so.

Q So --

A But I don't remember where I met her. It may have been at church. They may have come by. They used to come by the church after their service was over, and if ours was still

going or something, maybe at night, maybe in the morning, they may walk in or something like that.

Q Now, before -- so you may have seen Patricia one time in Ted's company before you were invited to their marriage ceremony?

A Could have.

Q Did you ever speak one-on-one with her or face-to-face with her?

A No, sir.

Q So would it be fair to say, you really -- other than knowing who she was, that's as far as it went?

A That's it.

Q Now, did you know any of Ted Kimble's former fiancées?

A I knew a few of them.

Q And were there a lot of them?

MR. PANOSH: We object, please.

THE COURT: Overruled.

A I don't know how many -- what you mean a lot, but there was -- there was a few.

Q Did Ted take it upon himself to introduce you to women that he was interested in?

A No. No, sir.

Q Now, up until Ted was married to Patricia, do you know what church Ted belonged to?

A Now, as far as I know, he was still a member of our

church. Now, he may have joined their church over there, but I wouldn't -- I wouldn't know that.

Q So, for all of the years that you recall the Kimble family, up until the marriage, at least, Ted was a member of his dad's church?

A As far as I know. He may have already joined her church. I don't know.

Q Well, now, you described seeing Ronnie around for years --

A Right.

Q -- and some sports activities? Did you have a similar familiarity with Ted Kimble?

A Not really. To be honest with you, I never really knew Ted that good. Still don't know Ted that good.

Q Do you know what the difference in age is between Ted and Ronnie?

A Two years, I think, or a little over two years, something like that.

Q Now, at any time, was Ted a friend of your daughter's?

A No. Well, I mean, he could have been a friend.

Q Can you recall any occasion when Ted Kimble visited your home?

A Ted has eat lunch at our house I think a few times, with his parents. We've invited his parents down. Being a minister of the church, we've invited them to have lunch.

Q So if Ted Kimble ever visited you and Judy -- By the way, how long have you and Judy resided at the home that's -- that you live in now?

A 23 years.

Q And that's the one that's indicated --

A Yes, sir.

Q -- up on the drawing?

A Uh-huh.

Q During the years you knew Ted then, if he visited in your home, it was in the company of your pastor and your pastor's wife?

A There's only one other instant I can recall Ted and Ronnie being there without their dad.

Q What was that instance?

A They was coming in off the highway up there, coming into Monnett Road, and I think Ronnie was turning like he was coming to our house, and Ted had weaved around somehow. So they bumped each other --

Q So --

A -- in their vehicles.

Q -- they were both driving vehicles, and they had a collision near --

A Right.

Q -- your house?

A Right. One was going one way, one's going the other,

one turning in front of the other one. And I didn't even go up there to take a look at it, either.

Q And did they come up -- after this happened, did they come over to your house?

A They come to our house, because that's the closest place.

Q Do you remember -- and is that to use the telephone or something?

A Right. Ted was going to call the state patrol, and which I think he did finally call them out there. But, you know, they were blaming each other.

Q Each one said the other one had caused it?

A Right. And I didn't -- wasn't about to get involved in that one.

Q Now, so other than this occasion of which you have just spoken, was there any social occasions when Ronnie Kimble brought Ted over to your house?

A Not as I know of. I know in one of the statements, there's something about this Lynn, I can't think of --

MR. PANOSH: We object to the statement.

THE COURT: Sustained.

Q Well, you've listened to all the testimony in the trial, haven't you?

A Yes, sir.

Q Do you recall an occasion when a Lynn McLeod Johnson

may have come to your house with Ted, while Ronnie was there?

A There's always that possibility, but I just don't know.

Q You don't know about that?

A No, sir.

Q Now, you've known Ronnie Kimble since approximately 1984. Have you also known Ted Kimble from that period of time?

A Right. As I said, I've known them both the same, but I never really got to know Ted. As Ronnie being 14 years old, you know, Ted would have been 16, probably had his license, and he probably had a lot more freedom than Ronnie had. So you just didn't see that much of Ted.

Q So is it your observation that Ted and Ronnie were close as brothers?

A No, sir --

MR. PANOSH: We'd object, please.

A -- they --

THE COURT: Overruled.

A -- were not close.

Q They were not close?

A They were not close. They love each other as brothers, but they're not close.

Q Well, what do you base that on?

A Because they fight like two dogs after a while, if they

stay together.

MR. PANOSH: We object, please.

THE COURT: Overruled.

A They just didn't get along.

Q And can you give the jury some specifics, that let you know this?

A Well, one of the situations come along about the car, and it wasn't nothing but a bump-up. But they couldn't work together. Of course, his dad knows more about that than I do, Ron. Gary Lyles that was in here, when them two would be working up there together, they --

MR. PANOSH: Your Honor, this is all hearsay. We object.

THE COURT: Sustained.

A They couldn't get along.

MR. HATFIELD: Well, it's all just hearsay, but I asked --

THE COURT: Objection sustained.

MR. HATFIELD: -- the witness to testify to what he knew.

THE COURT: He may testify to what he saw and what he observed.

MR. HATFIELD: I can't control what he says, Your Honor.

THE COURT: Proceed.

Q What do you know of your own knowledge about their relationship, not relying on what Gary Lyles said or --

A Okay.

Q -- what Ronnie said?

A My -- the things that I've seen with Ronnie and Ted is this. Ronnie has always, in my opinion, been a little bit different treated, a little bit different than Ted was treated.

MR. PANOSH: We object to his opinion, please.

THE COURT: Overruled as to what he saw.

A And when it comes down to somebody being accused of something or something was to happen --

MR. PANOSH: We object, please.

THE COURT: Overruled.

A -- it was always Ronnie.

MR. PANOSH: We object. These are not observations. These are his opinions.

THE COURT: Sustained as to opinion. What he observed, specific instances, he may testify to.

Q So what -- you heard the rules of what you -- how you have to testify from His Honor. What did you observe, based on your own firsthand knowledge of those two young men interacting since you've known them?

A The best of my ability that I can tell you, that I witnessed myself -- That's hard to say, because a lot of it

is hearsay. But what I have seen myself, just little things, is, everything was Ronnie's fault. Everything was Ronnie's fault.

Q Now, do you remember when Kim and Ronnie got married?

A Yes, sir.

Q Did you observe that Ted participated in that wedding?

A Yes, sir.

Q Was he -- did he have a role in the wedding?

A Yes, sir.

Q What was his role?

A He wasn't the best man. I think he was -- I don't know what you call all these things you dress up in the suits, but he was in there.

Q Now, after Kim and Ronnie got married, did you see Ronnie with his brother at any time?

A After they got married?

Q Yes, sir.

A Are you talking about that same day?

Q No. At any time during the period that Ronnie was married to Kim, did you see them, Ted and Ronnie, hanging out together or doing things together?

A No, sir.

Q Now, do you know whether Ronnie spent time at Lyles Building Supply?

A Right. He did.

Q And do you -- and how much time did he spend there?

A He would come in on the weekends, but not every weekend. There's a lot of times Kim would have to go down there. Because you never know when you got duty. But he would go up there and work some with them. What he would do, there were a lot of times that he would get something from --

MR. PANOSH: We object, unless he was present.

THE COURT: Sustained.

Q So do you know that Ronnie went up there and worked?

A Off and on, yes, sir.

Q Was he on the payroll?

A No, sir.

Q So what was his mode of compensation?

MR. PANOSH: Object. This is not personal knowledge.

THE COURT: Overruled.

Q Do you know how Ronnie was compensated if he went up there?

A What Ronnie would do, as he would pick up stuff from Ted, to use around the trailer --

MR. PANOSH: We object, unless it --

A -- he would --

MR. PANOSH: -- was personal knowledge.

A -- work it off.

THE COURT: Overruled.

A He would go up there and work it off. He didn't get a paycheck.

Q Do you remember some items of building material that Ronnie actually got from Ted and put around the trailer?

A That's where the underpinning come from.

Q And was there anything else that Ronnie got from Ted?

A There was a lot of pilasters, like you would be using on railroad tracks, those type of things. There's a pile of those back there. I've already moved them back behind the trailer. He got those --

Q Railroad ties?

A Right. There's a pile of those back there behind the trailer now that he got from Ted.

Q He got them from Ted?

A Right. And I know that we were doing his dog lot for the dog that he's got, and there's some four-by-fours and things like that he got from Ted. But the understanding I got now, everything he gets from Ted --

MR. PANOSH: We object to understanding, please.

A -- he would work it off.

THE COURT: Sustained.

Q Now, do you have any knowledge as to whether or not Ronnie owned any firearms?

A Do I have knowledge?

Q Yes, sir.

A I do.

Q Does he own any firearms?

A There's one at my house.

Q And what is it?

A It's a rifle.

Q Do you know when Ronnie acquired it?

A Christmas of '96.

Q And how did he acquire it?

A I think Ted and his parents give it to him for Christmas. And I --

Q So, after Patricia died, you're saying that Ted and his parents gave Ronnie a rifle that's now at your house; is that right?

A It's at my house.

Q Are you positive that Ronnie did not own that rifle at some earlier time?

A Oh, no, he didn't.

Q Do you know whether Ronnie's used the rifle in any way?

A A lady that lives down -- that goes to our church owns the southeast airport area, and she owns the airport up there. And Ronnie's went down there a few times, I think. It's like a target -- like they've got a pile of dirt, and he's went down there. And I think -- this is what he's told me. He's went down there and fired it a few times.

Q Fired a rifle down there?

A Right.

Q Did he -- previous to receiving that from his parents, did he own any gun, to your knowledge?

A I don't know.

Q Have you ever seen Ronnie in possession of any kind of a handgun?

A No, sir.

Q Based on your friendship with Ronnie over all these years since 1984, did he exhibit an interest in guns?

A Not -- well, I don't -- I could say not really. Possible at times, you know, because I'm the same way. I think Ronnie liked to hunt. Of course, I don't think he done much of it, but I think he -- I think he enjoyed hunting and stuff like that there.

Q Do you know whether Ronnie was able to progress as a shooter in the Marine Corps with any special training for shooting?

MR. PANOSH: We'd object. This is calling for hearsay.

THE COURT: Sustained.

Q Did Ronnie tell you what his progress was in training in the Marine Corps?

A What I understand, Ronnie was telling me one time he --

MR. PANOSH: We'd object.

MR. HATFIELD: Well, the defendant is --

THE COURT: Overruled.

MR. HATFIELD: -- going to take the stand.

A He had problems, as far as getting sharpshooter and things of that sort. And that's firing your firearm out on the field. And it took him for a long time to get that.

Q So he had problems progressing through the marksmanship grade --

A Right.

Q -- in the Marine Corps?

A Uh-huh.

Q Did he ever get to sharpshooter?

A He may have. As far as I know, he has.

Q During the time that Ronnie was in the Marine Corps, after he married Kim, would you consider him, based upon your experience with him, to have been a motivated Marine?

A Oh, sure.

MR. PANOSH: Objection, please.

A He was.

THE COURT: Sustained.

Q Did he express to you whether he liked the Marine Corps or not?

A He loved the Marine Corps.

Q And was he any good at it?

A I think Ronnie was a good Marine. I think Ronnie would

have probably made a career out of it, if he hadn't had the sleeping disorder.

Q Now, at any time since you've known Ronnie, has he told you that he would like to get some kind of disability out of the Marine Corps?

A No, sir.

Q Do you have any firsthand knowledge of the attempts that were made, after he went into the Marine Corps, to try to evaluate this sleep disorder?

A I just know he was having problems with his sleep disorder. That's all I know.

Q Have you observed Ronnie in any way, just your own firsthand observations, not what others have told you, that lets you know whether or not he has a sleep disorder?

A Do I know?

Q Yes, sir.

A Well, he can't set still too long. If he -- if Ronnie stays busy, he's fine. If he sets still, I would say in 10 or 15 minutes, he's going to shut his eyes. Especially unless you can keep him motivated on something. I know even in church, you have to keep punching him in church, because he keeps going to sleep in church.

Q These are things that you, yourself, have seen?

A Right.

Q Did you feel that they had reached the extent that he

might need some medical consultation?

A I -- not really. Well, when I say not really, I really don't know. I just know there had to be a problem somewhere. We've all talked about it, you know, there's got to be something there. That's what scared her so much about him coming in every weekend, which he didn't come in every weekend, but he come in pretty close to every weekend. And him driving that three and a half to four hours, if he didn't pull over and stop -- sometimes he would call up on the phone and he said, "Look, I'm not going to get there when I'm supposed to. I had to pull off the side of the road and just rest for a while." It may take 10 or 15 minutes, it may take 30 minutes. But more times than one, he'd call, where he would have to pull off the side of the road.

Q Now, do you remember the events in January of 1997, when Ronnie and Kim went to Portsmouth, Virginia?

A I knew that Ronnie was going up there because of a sleep disorder up there. I knew that.

Q And do you remember whether Kim went along on that trip or not?

A Yes, sir.

Q Do you remember how many days they were gone or how the scenario developed?

A I think they left on Wednesday, I think.

Q Did you see them before they left?

A No, sir.

Q And were you with your wife when she received a call from Detective Church?

A I think I had just come into the door that afternoon from work. Because, see, there's a lot of times I have no idea of knowing when I'm going to be home. I don't know if I'm going to be home 5:00 o'clock. I may not get home before 10:00 o'clock at night. But I think I had just walked in the door, or just gotten there. In other words, I'm not going to say I just came into the door, but anyway, I do remember Detective Church calling, yes, sir.

Q Did you hear what your wife said to Detective Church while she was on the phone with him?

A No, sir.

Q Were you aware that Kim had called -- do you have call waiting or something -- two lines or something like that in your house?

A She had -- she told me that Kim had -- she looked at me and she says, "Kim's on the phone, and I'm talking to Detective Church," I mean, I -- you know, like that in her eyes. I said, "Well," I said, "just tell her you'll call her back, or vice versa," you know, "she can call you back."

Q Now, after your wife finished with her conversation with Detective Church, and before she called Kim back, did

you and your wife have any discussion about what Detective Church had said?

A I don't think it was anything about what he said. I think I made a comment to my wife, I said, "Well, dang," I said. "They even know he's up there right now."

Q So you got the impression that Church knew where Ronnie was?

MR. PANOSH: Objection to impression.

THE COURT: Sustained.

Q Is that what you just stated to the jury?

A Right.

MR. PANOSH: Objection to impression, please.

THE COURT: Sustained.

Q Now, do you know whether Church was calling because he knew where Ronnie was, or because he wanted to find out where Ronnie was?

A No, sir.

MR. PANOSH: Objection.

A That was just --

THE COURT: Sustained.

A -- my opinion.

Q Did you hear your wife say anything while she was on the telephone with Mr. Church, to the effect that Ronnie and Kim were in Lynchburg, Virginia?

A My wife say anything to him?

Q Yes, sir.

A I didn't pay any attention.

Q Did you know that Detective Church attended Liberty University in Lynchburg --

MR. PANOSH: Objection.

Q -- Virginia himself?

A He had told me.

THE COURT: Overruled.

Q He told you that; is that right?

A (The witness nodded his head up and down.)

Q So you were aware that he had a connection up there; is that true?

MR. PANOSH: Objection.

THE COURT: Overruled.

A That's true.

Q Now, you've described your conversation with Detective Church around your birthday on June 9th or so --

A Uh-huh.

Q -- a day or two later, of 1996. When was your next conversation with Detective Church?

A I'm no good at these dates. I can only guess. Him and Mr. Pendergrass came by two different occasions, I think, before Christmas of the same year, and -- but they really didn't -- the only thing we did was just talk. There was no -- I don't think it was anything major. If anything else

come up or something like that, you know. And I said, "Well, I don't know anything." But there wasn't even no pad. They wasn't writing anything or anything like that.

Q Did you -- were you able to tell from Mr. Church and Mr. Pendergrass' conversations with you, whether they considered Ronnie a suspect?

MR. PANOSH: Object.

THE COURT: Sustained.

Q Could you -- did they ask you questions about Ronnie, or did they ask you questions about Ted?

A Most of the questions was about Ronnie. I felt like then they felt like Ronnie was --

MR. PANOSH: We object, please.

A -- a suspect at that time.

THE COURT: Sustained.

Q Did Detective Church tell you what his reasons for asking questions about Ronnie were?

MR. PANOSH: We object, please.

THE COURT: Overruled.

A The first time -- when they were talking about on that situation, it was something about a lady had seen Ronnie down -- said she had seen Ronnie, was able to pick him out of photographs or vice versa, that she could pick him out, that she seen the car down there at Brandon Station Court, which I think was somewhere around 6:20, 6:30. And I said,

"Well, that's impossible." I said, "They were setting at my house at that time."

Q So when he told you he had this woman that supposedly had seen Ronnie, you told him you knew where Ronnie was then?

A He was at our house at that time.

Q Did Mr. Church tell you when witnesses that he had spoken to had seen signs of smoke and fire?

MR. PANOSH: Object. Double hearsay.

THE COURT: Sustained.

MR. HATFIELD: It's not double hearsay.

THE COURT: Well --

MR. HATFIELD: It's exactly the same thing. I'm asking him what Mr. Church said to him. I'm not asking him what the witnesses --

THE COURT: Overruled.

You may answer that.

Q What did Mr. Church say to you about smoke and fire?

A At the house?

Q Yes, sir.

A I don't know if he said anything about the smoke and fire at the house. It's a possibility --

MR. PANOSH: We object --

A -- that he did --

MR. PANOSH: -- to possibility --

A -- but I don't know.

MR. PANOSH: -- please.

THE COURT: Sustained.

Q What else did Mr. Church tell you that he -- were the reasons why he thought Ronnie should be investigated?

MR. PANOSH: Objection, please.

THE COURT: Overruled.

A The only thing I can think of is the situation with the lady seeing the car there. That's the only thing I can come up with. And I'm sure they were sitting there thinking, well, Ronnie had been at the house a couple of times, you know, that day, but that's the only thing that I could put in my mind. He really didn't go into a whole lot of details on it.

Q Now, you say that you're bad on dates, but that Mr. Pendergrass and Mr. Church came and saw you at some time after the birthday meeting?

A Right.

Q Was there another occasion when either one or both of those investigators came to see you?

A Yes, sir. They came a little while after that and talked to me again. And this time, they had said something about my daughter. Her name was mentioned.

Q And what did they say to you about your daughter?

A That --

MR. PANOSH: Objection.

THE COURT: Overruled.

A That they was hoping -- I may not say it word for word -- that she was telling the truth about where Ronnie was that afternoon, which would have been, you know, going to Winn-Dixie. See, what they were -- what they were looking at, they was thinking that --

MR. PANOSH: Well, we object, please.

THE COURT: Sustained.

Q So they told you they hoped that she was telling them the truth --

A That's it.

Q -- about her going with Ronnie to Winn-Dixie --

A That's it.

Q -- is that right?

A That's it.

Q Now, do you know what time Kim and Ronnie went to Winn-Dixie?

A I know they went after they left our house, which would have been, you know, something after 7:00.

Q Now, when they came back and told you that they suspected your daughter was involved, what did you say to them?

A They didn't use the word "involved." What they were saying was, if she was telling the truth.

Q And did you explain to them again what your activities had been that day and what you knew Ronnie's activities were?

A We didn't go in through all of that. I just told --

Q So they didn't ask --

A -- them I --

Q They didn't ask you again about the time frame? Did they specifically ask you what time you first saw Ronnie that day?

A They didn't go over that again.

Q Did they ask you how long Ronnie and Kim had spent at you and your wife's house?

MR. PANOSH: Object. This is his witness.

THE COURT: Overruled.

A I don't think we went into that at all that time.

Q Did they ask you about what was on television or how you might have been able to --

A No, sir. Nothing like that was mentioned. They probably spent approximately one hour with me.

Q And this would have been the third meeting?

A This -- yeah, the third meeting.

Q Now, after that meeting, was there again another occasion when they came to see you?

A This year.

Q This year?

A (The witness nodded his head up and down.)

Q Right before trial?

A (The witness nodded his head up and down.)

Q Would you tell the jury about that, please.

MR. PANOSH: Objection.

THE COURT: Overruled.

A Except for one time, the only place I ever met Detective Church and Mr. Pendergrass would have been at the office where I work. They came over there this time just before -- the week before the trial, or it may have been when the jury was being selected, and they was talking to me then.

Q And did they tell you that you were subpoenaed to be a witness for Mr. Panosh?

A I don't think they give me that. I have got a subpoena from him, but I don't think they said anything about that.

Q So you were subpoenaed by Mr. Panosh?

MR. PANOSH: Objection to relevance.

A I have a subpoena.

THE COURT: Sustained.

Q So you did receive a subpoena from the State, and not

--

A Yes, sir.

Q -- from Mr. Lloyd --

MR. PANOSH: We object --

Q -- and me?

MR. PANOSH: -- please.

THE COURT: Overruled.

A Yes, sir.

Q You did?

A Yes, sir.

Q Now, after you were told about the subpoena, did -- then did they come to your office?

A Detective Church and Pendergrass came to the office right after I got the subpoena, and said that somebody seen me over here one night. Usually on the mornings, I visit Ronnie. I think it's somewhere -- the visiting --

MR. PANOSH: We object, please.

A -- hours are like at 9:30 in the morning.

MR. PANOSH: We'd object, please.

A And they thought --

THE COURT: Overruled as to what they said to him.

A They thought I was going to --

MR. PANOSH: We object to --

A -- talk to some detective.

MR. PANOSH: -- "they," Your Honor.

THE COURT: Well, he said Officer Church and Officer Pendergrass were there together.

MR. PANOSH: No, Your Honor. He's saying that somebody else said --

THE COURT: Well, sustained to somebody else.
Clarify it, Mr. Hatfield.

MR. HATFIELD: So now the question is not what I asked him and what he was answering, but what Mr. Panosh said?

THE COURT. No, just ask the question, sir. Just ask your question.

Q What did Mr. Church and Mr. Pendergrass say to you?

A They thought when I went over here, they said that they seen some detective here that said they'd seen me over here when I was going to visit Ronnie. They thought I was going in there like I wanted to talk to him. I said, "Well, I didn't do that. I went in, opened the door, like normal. I walked up to the desk, so I could go visit Ronnie on a Tuesday."

Q Who said this to you?

MR. PANOSH: Well, we object.

A Detective Church.

MR. PANOSH: This is totally irrelevant.

THE COURT: Overruled.

Q Detective Church said to you, "I saw you going into the _
--"

THE COURT: He's answered it.

A No. He said --

THE COURT: Move along. He's answered the

question, sir.

Q What did Mr. Church say to you?

A He said a detective told him that it looked like I was going to my left -- to my right, which would have been going in there to talk to Mr. Church or something of that sort. And I said, "No." I said, "I was going straight in to visit Ronnie."

Q So then, what else did Mr. Church say to you?

A On that same occasion?

Q Yes, sir.

A I can't remember if it was that time or the other one, but he wanted to know if I knew anything about Mr. Whidden, and I told him "Yeah."

Q So he wanted to find out if you knew what Mr. Whidden was going to say in this trial?

A I don't know if that's what he was trying to find out. He just wanted to know if I knew him.

Q Did you tell him the answer to that question?

A I just said, "Yeah."

Q Did he ask you whether you were familiar with what Mr. Whidden was going to say?

A No, sir.

Q Now, has there been any other occasion that Mr. Church and Mr. Pendergrass have contacted you or your wife in your presence?

A Since then?

Q At any time, other than the ones you've already told the jury about.

A The last -- like I say, at the trial, I think the -- I think they were already going on, as far as picking a jury. And other than that, that's the last time I saw them.

Q But they were still getting in touch with you while the jury was being chosen?

A They did come by the house. I'm sorry.

Q Another time?

A Right.

Q After the jury-selection process had started?

A (The witness nodded his head up and down.)

Q And who did they speak to on that occasion?

A They went up to speak to Kim, or was going to talk to Kim at the trailer. She wasn't there, and -- because I had just left from up there myself, but she was there when I was there, but evidently she wasn't there. So they came by the house. And I invited them in. I was by myself. And then Judy come in while they was there.

Q And who spoke, Mr. Church or Mr. Pendergrass?

A I think they both said a little something.

Q And what did they say then?

A To tell you the truth, I don't even remember.

Q Did they ask you questions about anything that Ronnie's

lawyers were doing?

A No, sir.

Q Did they ask you whether or not you had been told by me not to talk to them?

A I just -- I can tell you what they told me. They was asking that they wanted to come by and tell me there was a possibility, a possibility --

MR. PANOSH: We object, please.

A -- that there could --

THE COURT: Overruled.

A -- there could be something up there on that property that would relate to this trial.

Q The property being Kim --

A Kim and --

Q -- and Ronnie's trailer?

A -- Ronnie's, right, uh-huh.

Q Did they say anything about a search warrant?

A They said they could get a search warrant, but they didn't -- they weren't -- or they wasn't going to do it or wasn't going to fool with it or something of that sort.

Q Well, did either one of those people tell you what they were looking for?

A No, sir.

Q Do you know what their purpose in saying that to you was?

THE COURT: Sustained.

Q Do you -- what feeling did you get when you were told this information?

MR. PANOSH: Objection.

A The feeling that I had?

THE COURT: Overruled.

Q Yes, sir.

A Honestly, the feeling I had, they wasn't too sure about themselves.

MR. HATFIELD: Nothing further. Thank you.

THE COURT: All right. You may step down, sir.

We'll take our lunch break. You may step down, sir.

(The witness left the witness stand.)

THE COURT: Members of the jury, we're going to take our lunch break. You need to be back at 2:00 o'clock. Have a nice lunch. I'll see you at 2:00. Please remember the instructions.

(The jury left the courtroom at 12:31 p.m.)

THE COURT: 2:00 o'clock, sheriff. Recess until 2:00 o'clock.

(A recess was taken at 12:32 p.m.)

(Court reconvened at 2:09 p.m. The defendant was present. The jury was not present.)

THE COURT: Any matters we need to take care of before we bring the jury in?

MR. PANOSH: No.

(The jury entered the courtroom at 2:10 p.m.)

THE COURT: Well, I hope everyone had a nice lunch and feeling okay. Anyone on the panel having any problem this afternoon that I should know about, if you'll raise your hand, I'll be glad to talk to you about that.

I believe the bailiffs mentioned that some of you have children that are starting school tomorrow morning for the first time, and you've asked that you be allowed to kindly go with them, to make sure that everything gets off to a proper start. And I think you've indicated that 10:00 o'clock would not be a problem, to be back here at 10:00 o'clock.

Okay. So when we recess this afternoon, you remind me of that, if I don't say 10:00 o'clock, then you remind me, or someone raise your hand and say, "Judge, you said 10:00 o'clock," and we'll start at 10:00, to accommodate you and get them off to a good start.

Okay. Any other matters?

Mr. Stump, if you'd come back to the witness stand, please, sir. You're still under oath, sir.
(The witness returned to the witness stand.)

THE COURT: You may continue with the examination, Mr. Hatfield.

MR. HATFIELD: I'm finished, Your Honor. Thank

you.

THE COURT: Mr. Panosh, you may cross-examine the witness.

MR. PANOSH: Thank you.

CROSS-EXAMINATION by MR. PANOSH:

Q Mr. Stump, I believe you said that on October the 9th of 1995, you arrived at Ronnie Kimble's trailer at 4:50?

A 10 minutes to 5:00, right.

Q And it could have been a little later than that, maybe 5:00 o'clock?

A No. If anything, I would say it would have probably been a little bit earlier. Because I used to could make that trip in about 15 minutes from work, you know, to there. But I can't say definitely that I left right at 4:30. May have been 25 after 4:00 when I left the shop.

Q So your best recollection is now that it was 4:50 or earlier --

A Right.

Q -- is that what you're saying?

A The reason for that, I had somebody to lock up for me and turn the alarm on.

Q Okay.

A And usually we close up -- or they -- the guys usually leave about 4:30.

(Mr. Panosh showed an exhibit to Mr. Lloyd and Mr.

Hatfield.)

MR. PANOSH: May I approach the witness?

THE COURT: Yes, you may.

Q I show you now what's been marked as State's Exhibit Number 136 for identification only. And turn to the second page. Do you recognize your signature, sir?

A Yes, sir.

Q And the date there, sir?

A 12/5/96.

Q Okay. And this was an affidavit that you prepared?

A Uh-huh.

Q Okay. And your recollection on December the 5th of '96 would be better than today, is that right, the recollection of those events?

A I wouldn't say it would be better.

Q Well, on December the 5th of 1996, did you say under oath that you arrived at Ronnie Kimble's trailer between 4:50 and 5:00 p.m.?

A Right. It would be somewhere in the neighborhood of that.

Q Are you saying that now you have a better recollection and now you believe it was earlier than 4:50?

A No, I'm not saying it was earlier than 4:50. I said it would -- it could have been either way, two or three minutes either way or five minutes either way.

Q But back then, your best estimate was 4:50 to 5:00?

A Right, it would have been 10 minutes till 5:00.

Q Well, actually it says --

A Or 5:00 o'clock, somewhere --

Q -- 4:50 to --

A -- around there.

Q -- 5:00 o'clock, correct?

A Right.

Q And you were testifying for Mr. Hatfield about the various codes, and basically you don't know the reason for the codes; is that right?

A I just know that they passed those codes probably five or six years ago. It's in our code book at work.

Q And you're not in any way an expert, you're not saying that fumes couldn't mount up --

A I'm not an expert.

Q You're just going based upon your information that you saw in the code book; is that right?

A Right. We just know what we have to do to get something passed if we put it in that position.

Q And you said in the course of your duties, you're very familiar with the smell of natural gas?

A Well, natural gas and LP gas got a completely different smell. And being in the selling business, like if I was to approach your house or something like that. Normally if you

say you got a -- you think there's something wrong with your furnace --

Q All right.

A -- but that doesn't --

Q I don't need all that explanation. I'm just asking you, did you say that?

A Repeat that again.

Q Did you say that you're familiar with the smell of natural gas?

A Yes, sir.

Q Okay. And I believe you also said that you're familiar with the smell of gasoline?

A Yes, sir.

Q And again, is that from your business, or is that just from ordinary --

A Well, LP gas and stuff of that sort and natural gas like that and oil, which is heating oil, that's from business.

Q And you said you didn't smell anything on Ronnie Kimble on that particular day?

A No, sir.

Q Of course, that didn't mean he didn't handle gas?

A Possible.

Q As a matter of fact, he told you that he'd been to Sprinkle Gas Station earlier that day, put gas in the truck

and gas in that red can in the back, didn't he?

A No, I didn't hear anything about a red can.

Q But you remember him saying he'd been to Sprinkle Gas?

MR. HATFIELD: Objection. There's never been a word of Ronnie Kimble putting a --

THE COURT: Sustained.

MR. HATFIELD: Thank you.

Q Do you remember him saying he'd been to Sprinkle Gas earlier that day?

A Right. And put gas into the truck.

Q So the fact that you didn't smell gas didn't in any way mean that he didn't handle gas?

A No, sir.

Q And in fact, natural gas doesn't have any odor whatsoever, does it?

A Natural gas? Did you say natural gas?

Q Natural gas.

A I can pick the smell up.

Q Isn't it a fact that they have to put --

A They put a chemical in it.

Q Put a chemical in it, so folks can smell it?

A Right. Also, they do the same thing to LP gas.

Q Right.

A Smells like rotten eggs.

Q Now, when you got there, you said he was in the process

of doing what? Ronnie was in the process of --

A Ronnie had everything all laid out. He was working on the -- well, if I say underpinning, the first thing he was going to put up, he was working on the underpinning itself, but what he was doing, he was trying to put these wood strips underneath the trailer. He was trying to reset them -- recess them back under there, I guess it was something like four or five inches. And he already had the runner laid underneath with the spikes in those. He probably had about, I'd say 12 of those things up. And me and him worked on -- we got one up, I guess, pretty fast. But the other one, it took a pretty good while.

Q When you say "12 of those things," are you talking about the wooden pickets?

A Right.

Q Okay. And these are pretty much like deck posts?

A That's what they are.

Q Okay. And you don't need any special saw to cut those, right?

A No. They're already cut up. You just got to be sure you put them right, because they're cut on 45, and you take a 45 and put it with the other, it comes up perfect.

Q But you said that he had a special saw, and I think you described it as a Skil saw?

A I think that was a Skil saw there. I know he had said

something about he had to get a blade.

Q And when you say "Skil saw," that's a brand name you're talking about, like a circular saw --

A Right.

Q -- or a --

A Like -- Skil saw like you just hold in your hand, like you would, you know --

Q Circular saw?

A Uh-huh.

Q With a round blade?

A Right. Yes, sir.

Q And you said it had a special blade on it?

A It had a blade there, but it had the big teeth on it. And he said he had to go by Ted's and pick up this fine-toothed blade.

Q But in any event, that would have been for cutting the metal panels, not for cutting the pickets?

A Right. Because the pickets was already there. You didn't have to cut them, until you had to cut the end off.

Q And when you got there, none of the metal panels had been cut?

A No, sir. Me and him cut two of those ourself.

Q Do you remember the first time that Detective Church interviewed with Detective -- with Agent Pendergrass, do you remember saying that your recollection was that Ronnie had

little or nothing done, that he had just stretched out some drop cords, and that you tried to help him out, but you didn't really know how to help him?

A I don't remember exactly that way. I can remember when I got up there, I said something to Ronnie, I said, "Man, what you been doing?" But then after me and him got busy on those two -- on that one picket, it took us seemed like 15 minutes, and we never found anything for it to hook to. I mean, it just was nothing there.

Q What do you mean nothing was there?

A Well, the studs, we couldn't hit the studs, because we was trying to go down the end of the trailer. On the side, your stud runs this-a-way. (Indicated.) That was fine. But on the ends, there was nothing to hit at all.

Q And I think you explained that by saying, he failed to pick up the channels that should have gone on top?

A I don't think he had those panels. Now, it's possible they were laying there, because some of the stuff was still in boxes. But most of the stuff Ronnie had laid out, "This piece goes here. This piece goes there."

Q All right. Well, you eventually finished the job?

A Right. I had a guy from work to come by. Me and him -- he was showing me how to put it up.

Q Did you --

A We did it --

Q Did you have to buy those top channels, or were they there?

A No.

Q They were there?

A No, sir. They were there.

Q Okay. So when you said before you didn't know if Ronnie had just failed to pick up the top channels, now that you think about it, they were there and you just didn't see them?

A They could have been in one of the boxes. I think there was two or three boxes or something like that that wasn't open. You know, these things comes in these little old bitty boxes, and a lot of this stuff, you know, unless the boxes are open, just throwed out there, you're not sure.

Q So most of the boxes weren't open?

A Most of them were open. There was two or three that weren't open.

Q And then you talked about the fact that you spent some time with Ronnie, and how long do you think you were there?

A I guess I was around there around 5:30.

Q And you were home in time for -- or about the time for the 6:00 o'clock news?

A Right.

Q And by the time the 6:00 o'clock news came on, Ronnie was there at your house?

A I can't say as soon as it come on. Ronnie and Kim came in after the 6:00 o'clock news was on. It could have been 10 after.

Q And you're not sure if that was the time that they had the segment about mobile homes, or that was at 10:00 o'clock?

A I know there was something on there, but I don't know if it was that afternoon or not. They had two or three segments on there from Channel 2.

Q And eventually, you went down to Brandon Station Court, not the day of the fire, but substantially after; is that right?

A A long time after.

Q And you did travel on at least one occasion down to Reuben Blakley's home?

A No.

Q You didn't go to --

A I went to Reuben Blakley's house the night of Patricia's death.

Q But on one occasion after her death, you did go there, right?

A After her death, right.

Q Now, what would you say the distance is from your residence and Ronnie's residence to Brandon Station Court, approximately, in time or miles, whichever you want to say?

A It's maybe eight miles, seven miles.

Q And how long does it take you to get there?

A Between 13, 15 minutes or something. I don't know. It depends on the traffic, I'd say.

Q And how far is it from Brandon Station Court down to Reuben's house?

A I think I heard Reuben say the other day about five miles.

Q But do you recall?

A But I'm not sure.

Q From traveling it, you don't know?

A No.

Q Now, do you remember at approximately 10:00 or 10:30, I think you said Ronnie Kimble came to your house, and you went with him to the church?

A Right. Me and my wife. They come down, they left their car, we rode over to the church, because they --

Q How was Ronnie acting?

A He was nervous. Kim was nervous. And when we found out what was going on, we were, too. I had actually went to bed, because like I said before, I don't -- I don't pay a lot of attention to something until something happens. I usually figure that, you now, everybody's got a little good in them. Things like this, you know, just doesn't upset me that much, until it happens.

Q Okay. I wasn't asking how you were acting, sir. I'm asking how Ronnie was acting when he --

A Just like anybody else would have -- you know, listening to the news or something like this, where something traumatically would happen, like this to Patricia, or anybody else --

Q Could you describe --

A -- especially if you know them.

Q Could you describe that, please.

A Ronnie was like myself. Now, I can only say acting like myself. Usually sometime when something like that traumatically happens to me, I get -- I get nervous, but I feel like I got a chill. And sometime your hands are shaky or something like this right here. (Demonstrated.)

Q Would you say he was crying, or how was he acting?

A I can't -- I can't say he was crying at the house. When we got over to the church, I don't know if there was -- probably wasn't an eye there that somebody wasn't crying, including myself.

Q Okay. My question to you is, how was Ronnie acting, not how were you acting, sir. Was he crying?

A He wasn't crying at the house, no, sir.

MR. PANOSH: May I approach the witness?

THE COURT: Yes.

Q Showing you again your affidavit, sentence number 13

there. Do you want to look at that.

(Time was allowed for the witness.)

A I remember him talking about he couldn't understand anything like this happening, but he wasn't crying.

Q Well, sir, you did sign this affidavit?

A I did, yes, sir. It's got my name on it.

Q And it was under -- you were sworn before a notary public?

A Right.

Q Do you need to see this or do you remember it?

A No, sir, I don't need to see it.

Q It says, "I observed Ronnie again while he was at my home, riding in the car and at the church. At this time, his emotional state was very different than when I'd seen him earlier. He was crying a great deal, and he stated he could not understand how anything like this could happen. In my opinion, he was completely grief-stricken." Is that what you said then?

A I think he was grief-stricken.

Q Are you saying, sir, that your affidavit about crying a great deal is not accurate?

A I don't remember, as far as him (sic) saying he was crying a great deal in that. And I did sign it, but I don't remember that.

Q Well, did you prepare this for the DA's Office?

A I didn't prepare it, I don't think, for the DA.

Q Who did you prepare it for?

A This was for Ted's -- when Ted had a lawyer.

Q So you met with Ted's lawyer, and this affidavit --

A I met with, I think it was Detective Brooks.

Q Okay.

A And it took about four times to even get that halfway right.

Q Okay. So --

A Because I don't -- I may have the other copy, where I kept getting it back, and every time I got it back, it was wrong.

Q Okay. But eventually, Detective Brooks reduced your words to writing, and you said he was crying a great deal, and you signed it?

A That's what's on there.

Q But today you say that's not accurate?

A No, sir.

Q And eventually you talked about going to Reuben's house on October the 10th?

A Yes, sir.

Q And you said that it was pretty much general knowledge that she'd been shot. Is it a fact that that was on the 6:00 o'clock news, do you know?

A I think they had -- my wife came over, I think is where

I got it from. But I didn't know it until my wife or my daughter one was telling me about it.

Q So the other persons --

A But they said it was on the 6:00 o'clock news.

Q So the other persons there, if they'd have watched the news, they would have been aware of it?

A They could have known about it, right.

Q And you said that on the night of the fire itself, late October the 9th, going into October the 10th, you were at South Elm Street Baptist Church?

A Yes, sir, that's right.

Q And you saw Detective Church there, this gentleman?
(Indicated.)

A I seen Detective Church, right.

Q Now, at that point, there wasn't even a homicide, they hadn't determined the cause of death; is that right?

A No, sir, they hadn't.

Q And he wasn't asking questions of people --

A No, sir.

Q -- was he?

A I think the only person he may have talked to was maybe Ted.

Q And much later, Detective Church started coming to see you quite frequently?

A Right.

Q And you never said, "Don't come see me"?

A No, sir.

Q And when --

A I would not have --

Q -- he talked to you --

A -- done that anyway. I would not have done that.

Q When he talked to you, he was always courteous; is that correct?

A He was a fine gentleman.

Q And in fact, he told you the reason he was coming to you is, because he wasn't getting the information he needed from the Kimbles?

A That's exactly it.

Q And you did receive a subpoena from our office?

A Yes, sir.

Q And there was also a follow-up letter; is that right?

A I don't remember a follow-up letter. I did call your office, and I think I talked to a Mr. Sellers or somebody.

Q A letter asking you to call and make an appointment?

A Right.

Q Okay. And you did call and make an appointment?

A I did, at 10:30.

Q And --

A I didn't show up.

Q Didn't show up?

A (The witness shook his head from side to side.)

Q But again, no one treated you --

A No.

Q -- or was rude to you --

A No, sir.

Q -- when you contacted our office?

A No, sir.

Q And you said that on October the 10th of 1995, you saw Ted and he was acting just the way he had always acted since you knew him in '84; is that correct?

A I think Ted was nervous. I mean, you could see some nervousness in everybody that was there. To tell you the truth, I really didn't have any reason to observe anybody.

Q Then you indicated that you've known Ronnie since at least 1984 and that you and he are quite close?

A We're pretty close.

Q I believe you said something about, you'd never had a son, but you became very close to him?

A Right. Well, I treat my daughter like a son. My wife used to get after me about it all the time.

Q And how do you treat Ronnie?

A I guess as close as you can to a son. But he's not my son.

Q Yes, sir. And in watching Ted and Ronnie and the dynamics of their family, you always got the impression that

he was getting blamed for things; is that what you're saying?

A I didn't get the impression. It was there.

Q And you said that to your knowledge, Ted and Ronnie weren't close?

A I never seen them be -- as far as I -- in my opinion, they were never close. Now, they liked each other, as far as brother, but as far as being close, no.

Q Well, you wouldn't say that the testimony about them target practicing together, that wouldn't be inaccurate, would it?

A I wasn't with them. I've heard that. As far as I know, that could have happened.

Q Could have happened? And on this particular occasion, his brother was willing to let him borrow his truck, borrow his tools; is that correct?

A Yes, sir.

Q And from time to time, Ronnie and Kimberly went with Ted to the lake with his boat; is that right?

A I don't think they've ever been with them to the lake. That's what I'm saying. There was no -- they never socialized with each other that much, what I'm trying to tell you. They just didn't do it.

Q If --

A I think their family went with Ted and Patricia a lot,

but Kim and Ronnie didn't socialize with Ted and Patricia that much.

Q Ronnie and Kimberly never went to Ted and Patricia's house?

A No, sir. As far as I know, they never did. They never said anything to us about it.

Q And you gave a specific example of them having a car accident and arguing about it?

A Yes, that's right.

Q What year was that, sir?

A I don't know.

Q Was it before your daughter's marriage?

A Oh, yeah. Oh, yeah. Yes, sir.

Q Was it before he went in the Marine Corps?

A Yes, sir.

Q Was it when they were both in high school?

A Oh, yeah. The only reason I knew about that, they both come to my house, arguing about it. And I told them to call their dad. Ted ended up calling the state patrolman. And he wouldn't deal with it, he said, because they're just brothers and they're just accusing each other.

Q But the specific example you used of their animosity was something that you remembered from when they were in high school?

A Right.

Q And then you made some statements about Ronnie not being an expert with a rifle; is that correct?

A To my knowledge, it took Ronnie forever. You know, you have to be a sharpshooter or something in the military. I don't know if that's to get -- to move your rank up or what you have to do. But to my knowledge, it took him a long time before he ever got that -- before he was able to do that.

Q But he did attain that level?

A I think so.

Q All right.

A I can't -- I just don't know, but I think he did.

Q Well, if his records show that, you wouldn't dispute that, would you?

A No, sir.

MR. PANOSH: May I approach?

THE COURT: You may.

(Mr. Panosh picked up an exhibit.)

Q Now, when you're talking about weapons, it doesn't take any particular skill to point that red dot at something and pull the trigger, does it?

MR. HATFIELD: Objection. That gun did not have a red dot functioning when it was introduced in evidence. That's been tampered with. That did not work when we examined it, and it didn't work when it was introduced.

THE COURT: Overruled.

Q Does it, take a lot of skill to just point that red dot? (Demonstrated.)

A No, sir.

Q You talked about what you referred to as Ronnie's sleeping disorder?

A Yes, sir.

Q Actually, more accurately, it's a difficulty in staying awake, isn't it?

A Right.

Q And how long did he have that problem?

A I really don't know how long he's had it. I know after him and Kim got married, it seemed like that that's when we was -- what's when we would notice it the most. He may have had it for a while back, as far as I know.

Q And again, if the records show he had it all his life, you wouldn't dispute that?

A No, sir. There's no reason to.

Q You made some statements about him being a -- wanting to make the Marine Corps his career?

A Ronnie had said something at one time he would like to make the Marine Corps his career, but I think with the sleeping disorder that he had, I don't know if it would have worked or not.

Q To your knowledge, did the military force him to leave?

A No. He was picked up the 1st of April, on April Fools' Day. He had four days to go. That's when he was picked up by Detective Church and them.

Q All right. During the period of time --

A But I don't think they asked him to leave.

Q You mean after his arrest?

A Right.

Q All right. In the months leading up to his arrest, was it your impression the military was forcing him to leave?

A No, sir. No, sir.

Q He had decided on his own to stop with the Marine Corps after one term; is that right?

A I don't know if he decided to stop. That's what I'm saying. I'm not sure about that. Ronnie may have re-enlisted. But that would have been something he would know, not me.

Q Did you hear your daughter testify earlier that he had decided to limit it to one term in the Marine Corps?

A I think she said something like that, but I'm not sure.

Q And you don't know anything contrary to that, do you?

A No.

Q Now, you made some statements about what Ted and Ronnie did on the night of October the 10th of '95. That information came from what other people told you; is that right?

A No. Are you talking about when they went to the office
--

Q Yes.

A -- to pick up some -- I think he said Detective Church
or somebody told him to go up there and get some names of
the people that worked for him or something like that.

Q Sir, I'm asking you, did that information -- is that
your knowledge, or did that come from someone else?

A Ted told me his -- Ronnie told me his mom said for him
to go with Ted up there.

Q So that information came from Edna?

A Yes, sir.

Q And you didn't hear it firsthand?

A I didn't hear it said.

Q And during the week after Patricia's death, starting
that Tuesday, and until Saturday, the day of the funeral,
Ronnie was at home in Julian; is that right?

A Yes, sir.

Q And to your knowledge, did he work on that trailer?

A I don't think so. Because if he had, I'd have been up
there, and I don't remember being there. I think everything
-- we just dropped everything for the time being for that
week.

Q You said that Ted -- when Ted got married, Ronnie was
not his best friend -- or not his best man, rather?

A I don't think so.

Q In your direct testimony, you said something that Ronnie Kimble was not the best man. Who are you referring to?

A What, are you talking about when Ted got married?

Q Yes.

A I don't know if Ronnie was the best man or not, to be honest with you. I know Ted wasn't Ronnie's best man when they got married.

Q On October the 9th of 1995, the day that Patricia was killed --

A Uh-huh.

Q -- do you know where Ronnie was prior to 4:50 or 5:00 o'clock, when you arrived there?

A Only what I was told.

MR. PANOSH: No further questions.

REDIRECT EXAMINATION by MR. HATFIELD:

Q Have you been to the Sprinkle Gas Station that you referred to in your testimony a few minutes ago?

A I've been there, right.

Q Isn't that a station where they strictly pump the gas, and there's no self-serve?

A Right.

Q So --

A They do it themselves. You don't do it yourself.

Q You don't do it yourself?

A No. It's the old way, like it used to be years ago.

Q So, even if Ronnie did purchase gas at Sprinkle on October 9th, he wouldn't have touched the pump or the hose or the nozzle or anything else --

A No, sir.

Q -- would he?

A No, sir.

Q So when someone else pumps the gasoline for you at a station like that, do you get the odor of gasoline on your own person?

A You shouldn't.

MR. HATFIELD: No further questions.

THE COURT: Step down, sir.

(The witness left the witness stand.)

THE COURT: Next witness, please.

Stand and stretch, if you'd like, members of the jury.

MR. LLOYD: The defense would call Laura Shepard to the stand.

LAURA ANN SHEPARD, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. LLOYD:

Q Ms. Shepard, if you would state your full name for the record, please.

A Laura Ann Shepard.

MR. PANOSH: Your Honor, we'd ask for a voir dire.

THE COURT: All right.

Members of the jury, if you'll step out a moment, please. Do not discuss the case.

(The jury left the courtroom at 2:41 p.m.)

MR. LLOYD: Your Honor, Mr. Panosh knows what the witness is going to say. I think the detectives in the case have interviewed her two or three times.

THE COURT: What's the purpose of the voir dire then?

MR. LLOYD: Well, I don't know. You'll have to ask Mr. Panosh that. Unless he just wants a crack at the witness before he gets her on cross. I can tell what she's going to say, and maybe we can circumvent a lot of time here.

She has told detectives -- they came out to interview her on April the 18th of 1996. And they came to interview her, as I understand it from talking to her, because of -- there were a number of phone calls from Lyles to her house. At that time, she was -- she had been dating a fellow by the name of Rodney Woodberry, who worked for Ted. When the detectives came out and interviewed her, she told about an occasion on April 5, 1996, that Rodney Woodberry had come to her house, had asked to spend the night, and she told him that he could sleep on the couch.

That at about 5:00 in the morning, Mr. Woodberry's crying woke up Laura Shepard. Laura Shepard at that time went in to see him, asked him what was wrong, and he told her that -- the first thing that he said to her was that Woodberry asked Shepard to promise him that Shepard would visit him in prison. Then Woodberry said that he had done something that could get him the death penalty. And in the further -- as the conversation went on, Woodberry said that he would be coming into money, and even though he would be in prison, he would be able to supply Ms. Shepard with money.

And Your Honor, that's basically what we're putting up Ms. Shepard's testimony for. This evidence points directly, as far as we're concerned, to Rodney Woodberry. He knew Ted. He knew -- as a matter of fact, he knew Patricia. My understanding is that the witness could probably say that she had been to Ted and Patricia's house and that Rodney Woodberry had been there himself. And we would say that this evidence points unerringly to a single individual, which is what the cases require in this situation, Your Honor. It's not as if we're putting up evidence to support some amorphous theory that they did it, somebody else did it. We're saying, according to the testimony that we're presenting through this witness, she's delivering a suspect directly into evidence. And we're entitled to get that in.

THE COURT: Well, where's Mr. Woodberry?

MR. LLOYD: Well, I don't know where he is, Your Honor. I know what he would say. He would completely deny it.

THE COURT: Well, I think you're going to have to bring him in, to get it in, so it's -- it's hearsay on hearsay.

MR. LLOYD: Well, we've been through a lot of hearsay issues, Your Honor. And if you would just allow me to make a couple arguments. It's not really a hearsay on hearsay issue, because she's the one who's talking to him. Certainly his out-of-court statements are hearsay, Your Honor, but they qualify under at least two exceptions. First of all, they're a statement against penal interest.

THE COURT: But he didn't say he killed anybody. He said he did something bad, I guess is what you're saying.

MR. LLOYD: It's something that he could get the death penalty for. That's pretty bad. If that doesn't directly say murder, I don't know what does, Your Honor. I mean, if Your Honor wants a signed confession, I can't give you that.

The other thing, Your Honor, the other exception that it falls clearly under is the present sense -- or then existing mental or emotional condition. She's waked up in the early morning hours by his crying. He's very, very

emotionally upset. He's crying. That's demonstrated by that.

THE COURT: This is in April of '96?

MR. LLOYD: Yes, sir, Your Honor, it is. And she told investigators about it some two weeks later. I mean, it's not my fault that it's April of '96, Your Honor. That's just the happenstance.

THE COURT: The State wish to be heard?

MR. PANOSH: Your Honor, we would point out that, first of all, the State has provided them with statements of Rodney Woodberry. He was interviewed by officers, and of course, he's denied this.

Secondly, on the 21st of March of 1996 -- If I may approach with Exhibit 137. The defense took an affidavit from him.

(Mr. Panosh handed the exhibit to the Court.)

MR. HATFIELD: The defense did not take an affidavit.

MR. LLOYD: No, we did not, Your Honor. Someone else that we had nothing to do with, no control over, took an affidavit.

MR. PANOSH: Well, it was supplied --

MR. LLOYD: It had nothing to do with us.

MR. PANOSH: It was supplied to me by the defense. I don't know who actually took it, but it's an affidavit on

that date.

(Time was allowed for the Court.)

MR. PANOSH: First of all, it's not a present sense impression, as Your Honor has pointed out. It's just too far removed. Secondly, it is not -- doesn't fall within statement against interest, because for that to happen, there has to be a showing that he's unavailable, under 804. And of course, we would submit that he's not unavailable. They've -- or someone associated with the defense has interviewed him. We've provided them with interviews. I can tell you exactly where he is right now. He's in Burlington, where he lives and where he's worked.

And it's not trustworthy, because their affidavit says he has an alibi for the time of the murder. And the sheriff's department's investigation shows that he has an alibi at the time of the murder. This statement, even if it passes every other standard, simply -- and my recollection is that Woodberry asked Shepard to promise him that Shepard would visit him in prison. Stated that he explained that he had done something that could get him the death penalty. Stated that Woodberry also told her that Woodberry would be coming into some money, would still provide Shepard with money while Woodberry was in prison.

That just does not point unerringly to Mr. Woodberry as a suspect in this crime. It might say that he

has committed another crime which he believes, rightly or wrongly, that he could get the death penalty for. But Your Honor, we'd submit it's not present sense impression. They haven't shown he's unavailable. And it is not pointing directly to him as participating in this particular crime. And most importantly enough, on the final analysis, it's not trustworthy, because you've got his signed affidavit in front of you that says he has an alibi. And if necessary, I can put the sheriff's department up, to say, "We checked his alibi."

MR. LLOYD: Your Honor, first of all, let me make it abundantly clear that I am not arguing present sense impression. I'm arguing then existing mental or emotional condition, which is what Mr. Panosh was arguing on a number of the other things. And that's what he's describing to Ms. Shepard, then existing mental or emotional condition. He's crying. He's upset. She comes in and asks him "Why are you crying? Why are you so upset?" And he proceeds to describe his mental state at the time and why he's so upset.

Going back to whether or not the statement is trustworthy or not, Your Honor. The fact of the matter is, we know from this case that he's worked with Ted Kimble. Ms. Shepard's going to testify that Ted Kimble had made numerous phone calls to her house, had questioned her concerning Rodney, that Rodney had been over to Ted Kimble's

house, that she had on some occasion -- Ms. Shepard had met Patricia Kimble, as well as Ted Kimble.

This is not some pie-in-the-sky theory. It doesn't take a rocket scientist to figure out where this evidence points, and it points directly to the guilt of Rodney Woodberry.

MR. PANOSH: Your Honor, the exception he's going on says the then existing mental, emotional or physical condition of the declarant. This lady here is the declarant.

MR. LLOYD: No, she's not the declarant. The person out of court is the declarant.

MR. PANOSH: I'm sorry. I didn't know you weren't finished.

In order for it to fall under that exception, she would have to be the declarant. Just as Patricia Kimble's statements came in because she was the declarant. She was describing her then existing mental condition. This lady cannot testify as to someone else's existing mental condition.

MR. LLOYD: Your Honor, with all due respect to Mr. Panosh, he's just simply wrong about who the declarant is in this case. The declarant is the person who's out of court. The declarant is the one who makes the statement. And that is Rodney Woodberry in this case. She is the

witness. And she -- and we're talking about the then existing mental or emotional condition of the declarant, the person who is out of court.

THE COURT: Who took the other affidavit, the affidavit the defense submitted to the Court, who took that affidavit?

MR. LLOYD: These affidavits were done by Dave North and Wayland Cooke.

MR. HATFIELD: It was done by --

THE COURT: Who are they, attorneys for who?

MR. LLOYD: Attorneys for Ted Kimble. Doesn't have anything to do with us or with Ronnie Kimble.

(Mr. Lloyd and Mr. Hatfield conferred.)

MR. LLOYD: Mr. Hatfield, who disclosed them, tells me that we disclosed them because the order specifically said we had to.

MR. HATFIELD: It had nothing to do with our case.

THE COURT: Well, the Court's going to find there have been two affidavits submitted to the Court in which the witness Rodney Woodberry has made statements in which he under oath has indicated that he had an alibi on the occasion in question, and further stating that he did not participate in the death of Patricia Kimble, had no knowledge of it and didn't know of anyone else having knowledge of it; that affidavits for both the State and

defense, signed by this same individual, under oath, indicate the same, that he is available as a witness and is not unavailable; that the State knows his whereabouts, and the defense also must in fact know his whereabouts.

The Court would further find that the statement is a statement which might expose the defendant (sic) to criminal liability, but the Court cannot determine whether criminal liability as to this particular offense or some other criminal activity the defendant may have been -- or the witness may have been engaged in. And the Court would find that it is untrustworthy at this point, unless it's supported by corroborating circumstances, and the defendant should be available -- I mean the witness should be available before the Court will allow this corroborating testimony.

Denied.

MR. LLOYD: Yes, sir, Your Honor. Would Your Honor take my representation -- I think Mr. Panosh has gone along with it -- as to what the witness would say, or do you want to go through a formal voir dire, to get that on the record?

THE COURT: I think you can just file the affidavits. Of what this witness might say?

MR. LLOYD: Yes, sir, Your Honor.

THE COURT: I think you gave a shorthand statement

of what --

MR. LLOYD: Yes, I did.

THE COURT: And that's what the Court based its ruling on.

MR. LLOYD: All right.

THE COURT: It's in the record.

MR. HATFIELD: Your Honor, may I address the Court on this?

THE COURT: Yes, sir.

MR. HATFIELD: Your Honor, the affidavit --

THE COURT: Bring him in, gentlemen. Bring him in and I'll let him testify.

MR. HATFIELD: Your Honor, we did not have anything to do with preparing that affidavit. And it has no reliability.

And I would like to bring to the Court's attention the fact that on January 4th, which was less than 60 days after Patricia died, two detectives from the sheriff's department went and talked to this lady. And they learned from her that Ted Kimble had been repeatedly calling Rodney Woodberry again and again and again and again, and that Rodney Woodberry had worked for Ted Kimble, and that Ted had told her, this witness, that he had given Rodney Woodberry money in advance for work that he was supposed to do for him and had not yet done. She said that Ronnie called her --

Ronnie is Rodney Woodberry -- Rodney Woodberry called her the next morning after Patricia's death and told her that Patricia was dead and had died in a house fire. How could he have possibly known that? She also said that Rodney told her that a person named Kim Morris might have been the one who killed Patricia, because he was a crack head.

Your Honor, it is not our fault that Rodney Woodberry has executed some sort of an affidavit. All of that's --

THE COURT: He's available. Bring him in. Put him up under oath and let him testify.

MR. HATFIELD: Can't put him up under oath, because they have beaten his brains out of him.

THE COURT: That's not in the record. It indicated he would testify to something contrary to what you want the Court to believe he'll testify to. I'm not going to let it in, gentlemen. I've ruled on it. In his affidavit, it says he learned of her death on television, he called up Ted Kimble, to try to give his condolences, and was unable to reach him.

MR. HATFIELD: Your Honor, there is not --

THE COURT: It doesn't say anything about --

MR. HATFIELD: -- there is not a dime's worth of difference between the Rodney Woodberry scenario and the Mitch Whidden scenario. There's no difference.

THE COURT: That's for the jury to decide. I'm not going to decide that.

MR. HATFIELD: Well, they're not going to decide it, if we can't put this --

THE COURT: You're right. They're not going to decide, unless you bring him in. If you want to bring him in, I'll consider it, not until.

MR. HATFIELD: We would ask for the Court to call upon the State to give us all the information they have about his whereabouts, since they say they know where he is.

THE COURT: Give them the whereabouts, if you know where he's at.

MR. PANOSH: Yes, sir.

THE COURT: Step down, ma'am.

(The witness left the witness stand.)

MR. LLOYD: Ms. Shepard --

Your Honor, I would excuse her for today, but I'm not going to release her from the subpoena.

THE COURT: All right.

Here's your affidavit.

(The Court handed an exhibit to Mr. Panosh.)

(Mr. Lloyd conferred with Ms. Shepard.)

MR. PANOSH: Your Honor, based upon your ruling, should this -- shouldn't this be in the record?

THE COURT: Mark it for the record and put it in

the record.

MR. PANOSH: We'll mark it as 137, not for the jury.

(Mr. Panosh handed the exhibit to the clerk.)

THE COURT: Who's going to be your next witness?

MR. HATFIELD: Sherry Wilson.

THE COURT: All right. Bring them back.

(The jury entered the courtroom at 2:58 p.m.)

SHERRY LEE WILSON, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Would you state your name, please.

A Sherry Lee Wilson.

Q And where do you live, Ms. Wilson, just the neighborhood you live in?

A Chippendale Trail.

Q Is that --

A Southeast Greensboro.

Q Is that in Greensboro?

A Yes, sir.

Q Do you know Ronnie Kimble?

A Yes, I do.

Q Do you know his wife, Kim Kimble?

A Yes, I do.

Q Do you know all of the family members, both Kimble and Stump, who've been mentioned in this trial?

A Yes, sir.

Q What church do you belong to?

A Monnett Road Baptist Church.

Q And how long have you belonged to that church?

A 11 years.

Q Now, would you consider yourself to be a very close friend of Kim Kimble's?

A Yes.

Q And at times since -- in recent years, since they were married, have you had occasion to live at Kim and Ronnie's trailer?

A Yes, sir.

Q Would you tell the members of the jury the circumstances of that, please.

A Ronnie was in the Marine Corps, and Kim didn't like to stay by herself, so I told her that I would come and stay with her, until he came home on the weekends. And then when he came home on the weekends, I went back to my house.

Q Now, do you -- would you consider yourself to be just as close a friend to Ronnie Kimble as you are to Kim?

A Probably. Most likely.

Q And is that because of the longstanding membership in the church and participating in church activities?

A Yes.

Q When did you first make the acquaintance of Ronnie

Kimble?

A '84.

Q And around that time, did you also become aware that he had a brother named Ted?

A Yes, sir.

Q Do you know Ted Kimble?

A Yes, I do.

Q Would you classify yourself as a close friend of Ted Kimble's?

A No.

Q Have you socialized with Ted Kimble on any occasion?

A Yes.

Q When was that?

A When I was younger.

Q In church activities --

A Yes.

Q -- and things of that sort? Have you ever dated him?

A No, sir.

Q Okay. Now, did you know Patricia Blakley Kimble?

A She was only an acquaintance.

Q Is that because basically she had belonged to a different church group all through the years and --

A Yes, sir.

Q And how did you first meet her?

A Just with her coming to church maybe once with Ted, is

the only time I ever saw her.

Q Did you attend the marriage ceremony of Ted and Patricia?

A No.

Q Did you attend Kim and Ronnie's marriage ceremony?

A Yes, sir.

Q Did you play a part in that ceremony?

A Yes, I did.

Q What was that?

A I was the server for Kim.

Q Now, have you ever been to Ted and Patricia's house?

A No, sir.

Q Do you know whether Ronnie Kimble and Ted Kimble were good friends?

A They were friends, as far as brothers, but they weren't really close.

Q Have you ever observed them engage in any activities together?

A Just church stuff.

Q You never seen them running around together or anything like that?

A Not really.

Q Did you ever observe Ted and Ronnie Kimble shooting target practice with rifles or anything like that?

A No, sir.

Q Okay. Do you have any knowledge of Ted and Ronnie operating any motor vehicles or having any auto accidents or anything like that?

A I don't remember the accident. I remember they both drove, but I didn't remember the accident.

Q All right. Now, as a result of your friendship with Kim and Ronnie, did you meet some other Marines who were at the Marine Corps base at the same time Ronnie was?

A Yes, sir.

Q Did you meet a young man named Justin Dobesh?

A Yes, sir.

Q And would you tell the members of the jury when you first met Justin Dobesh.

A I met Justin Dobesh on August 26, 1995.

Q And how do you remember specifically the precise date that you met him?

A I wrote it down in a calendar that I have.

Q Did you bring the calendar with you?

A Yes, sir.

Q That's a -- would you call it a diary or personal calendar, or what would you call it?

A It's a little bit of both. It's more of a calendar than a diary, but I always write a lot of stuff down.

(Mr. Hatfield showed an exhibit to Mr. Panosh.)

Q May I have your diary for a moment, please.

(The witness handed a document to Mr. Hatfield.)

Q I show you what I've marked for identification Defendant's Exhibit 13 and Exhibit 14, and ask you to look at those.

A Yes.

Q Is 13 your diary?

A Yes, sir.

Q Is it complete?

A Yes, sir.

Q And is 14 a copy of your diary?

A Yes, sir.

Q And as far as you know -- have you had a chance to look this over? Is it basically complete?

(Time was allowed for the witness.)

A Yes, sir. Yes, sir.

MR. HATFIELD: Your Honor, I would move for the admission of 14, but I would like to hold onto 13, just in case she needs her diary back. I think they're identical.

THE COURT: The Court'll allow the introduction of Defendant's Exhibit Number 14.

Q Now, if you'll keep 13 there, which has just been marked for identification, and I'll take 14. Did you indicate in your diary under August 26, 1995 that you met Justin?

A Yes, sir.

Q Would you read the exact words you wrote in your diary.

A "Going out with Kim and Ronnie. Met Justin. Had a blast."

Q Now, I take it that that was the first time you ever met him --

A Yes, sir.

Q -- is that right?

A Yes, sir.

Q And looking through the pages of your diary, does it say on August 29, 1995 that you talked to Justin?

A Yes, sir.

Q And when is the next entry? Is there an entry on September 3rd --

A Yes, sir.

Q -- that -- September 3rd, what did you write?

A "Justin's coming in. Didn't get to come."

Q And when you -- what did the comment "Didn't get to come" mean?

A He must have had something that he had to do, and he did not get to come in that weekend.

Q All right. So do you know how many times, as of that date, that you had actually met him and been with him?

A Just once.

Q Just once?

A On that Saturday, yes.

Q All right. Now, in the next week, you make a reference to Justin on September 5, '95, don't you?

A Yes, sir.

Q Will you read that.

A "Justin's leaving for Nebraska."

Q And then is there another reference to Justin while he's in Nebraska?

A No, sir.

Q Do you make a reference to Justin on September 18th?

A Yes, sir.

Q Would you read that.

A "Justin getting back from Nebraska."

Q Okay. And then on Friday, September 22nd, did you make a reference to Justin?

A Yes, sir.

Q What is that?

A "Justin coming in."

Q And what else do you say?

A "Going to Southeast versus Grimsley game." But I didn't get to go, because I had to work.

Q All right. So this calendar includes both future entries, when you're expecting to do something, and occasionally the outcome or the results of a particular entry; is that right?

A Yes, sir.

Q So it's more than just a calendar, it's sort of a simple chronology of your activities?

A That's correct.

Q Now, the next day, September 23rd, do you make a reference to Kim and Ronnie?

A Yes, I do.

Q Would you read that.

A "Went to Kim and Ronnie's house to watch a movie with them and Justin. Ronnie and Justin left about 9:30. Held hands for the first time."

Q So when you say, "Held hands for the first time," is that a -- that's a reference to the degree of friendship that had developed between you and Justin?

A Yes.

Q Now, on September 30, 1995, which was a Saturday, is there a reference to Justin there?

A Yes, sir.

Q What does it say?

A "Justin coming in. We went to La Bamba's with Kim and Ronnie."

Q Okay. Now, do you know on September 30th how it happened that Justin got to Greensboro? Do you know what his transportation was?

A He drove in that weekend.

Q And do you know whether Ronnie was with him?

A No. I think Ronnie came in on Friday --

Q So --

A -- and then Justin.

Q -- there were times when each of them would use their own vehicle to get from Camp Lejeune to Greensboro?

A Yes, sir.

Q And other times that they would ride together in the same vehicle?

A Yes, sir.

Q Now, the next entry for Justin appears on October 6, 1995, doesn't it?

A October 1st.

Q Oh, I'm sorry. I must have missed one. On October 1st, would you read that entry.

A "Homecoming at church. Justin went to church with me. Two rehearsals. And we went to the movies and kissed for the first time."

Q So that Sunday, he went to church with you in the morning, went to the movies in the afternoon?

A Yes.

Q Kissed for the first time?

A Yes.

Q Do you know as of October 1 how many times previous to that on Sundays Justin had attended church services with you?

A Never.

Q All right. Now, the next entry that involves Justin is October 6, '95, isn't it?

A Yes, sir.

Q Okay. Would you read that to the jury.

A "Wedding ensemble tribute to John Philip Sousa, 8:15. Southeast home game. Went out with Justin."

Q Now, are you sure that you went out with Justin on October 6th?

A Yes, sir.

Q And do you know what mode of transportation Justin used to come to the Greensboro area then?

A He drove his truck.

Q And did anyone come with him?

A No, sir.

Q Do you know whether or not he brought Ronnie with him?

A No, sir.

Q You just don't know?

A I don't know.

Q Okay. Now, where did Justin spend Friday night?

A With Kim and Ronnie.

Q And so, do you know what time you saw him? Did you actually get a chance to go to that game with him?

A No, not to the game. I saw him after work.

Q Can you explain why you wrote "home game" and then

"Went out with Justin." You didn't get to go to the game?

A I just had made a note that there were a home game that night. I think I had planned to go, but I had to work.

They called me in to work that Friday.

Q Where was your employment at that time?

A Cracker Barrel.

Q And is that -- are you a waitress there?

A No. I was a hostess.

Q Hostess? Seating people?

A Yes.

Q It is a restaurant?

A Yes, sir.

Q Now, I notice that on October 7th, you make reference to Angela's birthday, and that was Saturday, but you don't make any reference to Justin that day, do you?

A That's correct.

Q Did you see Justin on Saturday?

A No, sir.

Q Did you have any plans to see him on Saturday?

A Yes, sir.

Q Can you explain to the jury what that was.

A Our original plans were to meet after I got off work, but they -- somebody was unable to work that day, so they told me that I had to work longer. So they sent me home at 2:00 and told me to come back at 6:00. We had called, and I

told him to come by on his way back to base. And we missed each other. In the process of me having to leave for work and him coming by, we missed each other.

Q Did you know where you called Justin, in order to tell him --

A I called him --

Q -- that you --

A I called him at Kim and Ronnie's.

Q What time did you call him at Kim and Ronnie's?

A Around 1:30 or 2:00, right before I got off work.

Q And both Justin and Ronnie were present in the house at that time?

A Yes, sir.

MR. PANOSH: Objection.

Q Do you know --

THE COURT: Sustained.

Q -- who else was present?

A Probably Kim, but I'm not sure.

Q Okay. And who did you talk to?

A I talked to Justin.

Q Did you talk to anybody else? Talk to Kim or Ronnie?

A I don't remember who answered the telephone.

Q Now, later on, while you were waiting to go back to sort of do the second shift of your job, did you get a chance to see Justin?

A No, sir.

Q Now, was the following day a Sunday?

A Yes, sir.

Q What did you do on Sunday morning?

A I went to church.

Q And did Justin join you at church?

A No, sir.

Q Now, is -- did Kim and Ronnie join you at church?

A Yes, sir.

Q And the church that you all went to was Pastor Kimble's Monnett Road Baptist Church; is that right?

A Yes, sir.

Q Now, is there any possibility that Justin was at church on Sunday and you just didn't see him?

A No, sir.

Q Now, at any other time on Sunday, the 7th of October -- or the 8th of October, I mean to say, did you see Justin?

A No, sir.

Q Well, can you explain how he could have possibly been in Greensboro and you not seen him at church?

A There's no way.

Q Now, are there any more references to Justin in this book?

A Yes, sir, there are.

Q When is the next reference to Justin?

A November 12th.

Q Will you tell the jury what you put in your book on November 12th.

A "Played pool with Kim, Ronnie and Justin in the rec center on base."

Q All right. So that would have taken place where?

A There's a recreation center on the base at Camp Lejeune.

Q Down at Camp Lejeune --

A Yes, sir.

Q -- is that right?

A Yes, sir.

Q Now, other than the times enumerated in this Defendant's Exhibit 14, are there any other times that you saw Justin Dobesh?

A No, sir.

Q So how many times did you date Justin Dobesh altogether?

A Four or five.

Q Now, did there come a time when you were asked by Detective Pendergrass about your knowledge of various individuals who were friends of Ronnie's down at Camp Lejeune?

A Yes, sir.

Q And until I became involved in this case, had anyone

ever provided you with a copy of the statement that you may have given to Detective Church or Detective Pendergrass?

A No, sir.

Q So after they talked to you on March 11, 1997, they never gave you any copy of what they'd written down?

A That's correct.

Q Now, after March 11, 1997, did -- when was the next time you talked to those officers?

A August 3rd or -- August 2, 1998.

Q The day that this trial started in this courtroom --

A Yes.

Q -- is that right?

A Yes, sir.

Q Now, back on March 11, 1997, did you tell those investigators that you knew Kim and you knew Ronnie and that you'd met some young man down at the base through Ronnie?

A Yes, sir.

Q Did you tell them you knew a guy named James Allen Dziadaszek?

A Yes, sir.

Q And as a matter of fact, Mr. Dziadaszek is your current fiancée, isn't he?

A Boyfriend.

Q Boyfriend. And you've been going with him ever since Ronnie Kimble introduced you to him, haven't you?

A Yes, sir.

Q And you also told them that you knew a person named Justin Dobesh; is that right?

A Yes, sir.

Q And did you explain to them why the relationship with Justin Dobesh didn't go anywhere?

A Yes, I did.

Q What did you tell them?

A I told them that he wanted somebody who would put out, and I wouldn't do it.

Q All right. So he wanted to make it into a serious relationship, and that was not what you wanted to do?

A Yes.

Q Now, when August 3, 1998 came, is it your testimony that nobody had ever given you a copy of your previous statement or ever asked you any questions about it or anything else?

A Yes, sir.

Q And then what happened?

A They came to my house, and they asked -- they asked me if I knew who they were, and I said, "Yes, I do." They asked me if I could speak with them. I told them that I didn't have anything to say. And they continued to ask me questions.

Q Was this at your house?

A Yes, sir.

Q What time was it?

A About 7:00, 7:30.

Q Was anyone there with you?

A Yes, sir.

Q Who was that?

A My mother.

Q Is she present in the courtroom right now?

A Yes, sir.

Q Now, were your mother -- what were you and your mother planning on doing before you met Mr. Church and Mr. Pendergrass?

A We were on our way to dinner.

Q And did you get a chance to go?

A Yes, we did.

Q But did you get a chance to go exactly when you planned on going?

A No, sir.

Q Why not?

A Because Detective Church and Detective Pendergrass were standing in my driveway.

Q Would they let you leave?

A No.

Q What did they do?

A I felt very intimidated by the way they approached me.

They -- Detective Church stood in front of me, and Detective Pendergrass stood against my mom's car, and I was standing against my mom's car. I felt very intimidated.

Q What did they want to know from you? Did either one of them tell you?

A Not exactly. They wanted -- they were reading over my diary, and they wanted -- they told me that what I had said in my statement was not correct.

Q Now, when they were referring to your statement, surely they were not referring to your diary?

A That's correct. No, they weren't.

Q Did they at any time tell you that there was something in your diary that was incorrect?

A Yes.

Q In your diary?

A Well, not in my diary, just that the amount of times that I said that I had seen him.

Q So were they accusing you of having misrepresented your diary?

A Yes.

Q Now, with regard to the statement, did they show you your statement of March 11, 1997, so that you could see what you had written there?

A After I asked to read it.

Q And so, standing out in front of your house, with your

mother standing nearby, I assume --

A Yes.

Q -- you were allowed to read this statement for the first time?

A Yes, sir.

Q Could you tell what it was about that statement that they disagreed with?

A It was the date that I said that I had last seen him, and the amount of times that I said I had seen him.

Q Now, when they were standing and talking to you, were you free to leave?

MR. PANOSH: Object.

A I didn't feel --

THE COURT: Sustained.

A -- that way.

THE COURT: Sustained.

Q You didn't feel that you were free to leave?

A No, sir.

MR. PANOSH: Object.

THE COURT: Sustained.

Q So, will you explain to the jury how you felt while these two men were standing there and where they were standing and what made you feel the way you did.

MR. PANOSH: Objection.

A I felt very intimidated.

THE COURT: Overruled.

A I felt very intimidated by the way they were standing and just -- they just kept asking questions, and I had already told him that I didn't want to talk to them.

Q Now, why did you not want to talk to them?

A I felt like I had told them everything that they needed to know.

MR. HATFIELD: No further questions.

CROSS-EXAMINATION by MR. PANOSH:

Q Ma'am, on the first time that you spoke to them, did you mention the diary?

A Yes, I did.

Q You told them about the diary in March the 11th of '97?

A Yes, I did.

Q And you said that they were going over the diary with you. Did you give them a copy?

A Not at that time.

Q Did they have a copy in their possession?

A Yes, they did.

Q And in fact, they had obtained a copy from the defense, and they came to you, to ask you questions about it?

A Yes, sir.

Q And you're saying that in this prior statement on March the 11th of '97 --

A Uh-huh.

Q -- you told them that you kept a diary?

A Yes.

Q Did you give them a copy?

A No, I didn't.

Q Did you show it to them?

A No, I didn't. I didn't have it at the time.

Q And the one thing that they were asking you about is, whether or not Justin Dobesh was in town on October the 6th and the days after that; is that right?

A That's correct.

Q And you gave them that information?

A Yes, sir.

Q And you didn't have to give them a copy of the diary, because they already had it?

A That's correct.

Q Now, Mr. -- or Kimberly Kimble actually knew Mr. Dobesh before you; is that right?

A Yes, I think so.

Q She introduced you?

A Well, Ronnie introduced me.

Q And when Ronnie introduced you, Mr. Dobesh was at their home?

A Yes.

Q And you were there visiting Kimberly?

A Yes.

Q So, since you were aware of the fact that Mr. Dobesh was present on October the 6th, Kimberly would have known it, also?

A Yes.

Q You said that you lived with Kimberly Kimble?

A Yes, sir.

Q When was that?

A November of '95 till April of '96.

Q So that would have been shortly after the fire, or the death of Patricia and the fire, up until April of '96?

A Yes.

Q And you lived there in the trailer?

A Yes, sir.

Q And you lived there basically five days a week, when Ronnie wasn't there?

A Yes.

Q During that period of time, did Edna and Ronnie, Sr. live there?

A No.

Q You're certain of that?

A Yes.

Q Now, you were asked specifically on October the 6th of '95 how Justin got to Greensboro. First you said he drove alone, and then you said you weren't sure. Do you remember?

A No, sir, I don't know.

Q When you said he drove alone, was there something you were referring to or thinking of?

A Yes. We went -- when we went out, we took his vehicle.

Q When was the time that you saw him prior to October the 6th?

A October the 1st, that weekend.

Q And you made mention of going to the movies?

A Yes, sir.

Q And you made mention of going to the movies on Sunday?

A Yes, sir.

Q Do you remember if that was in the evening or --

A It was afternoon.

Q Do you remember when Justin left --

A That evening.

Q -- the Greensboro area?

A That evening.

Q What do you remember about that?

A I just remember that we went to the movies and then he dropped me off at my house.

Q Where was he going?

A Back to base.

Q Excuse me?

A Back to Camp Lejeune.

Q Did he indicate whether or not he was going to make any stops?

A No, sir.

Q Did he indicate whether or not Ronnie Kimble was going with him?

A No, sir.

Q When you say "No, sir," are you saying that Ronnie wasn't going with him, or you're not sure?

A I'm not sure.

Q Now, you said that you were better friends with Ronnie than with Kimberly; is that correct?

A No. I'm better friends with Kim than Ronnie.

Q And which one did you know first?

A Kim.

MR. PANOSH: No further questions. Thank you.

THE COURT: Any additional questions?

MR. HATFIELD: No. Thank you very much.

THE COURT: Step down, ma'am.

(The witness left the witness stand.)

THE COURT: Stand and stretch, if you'd like.

Next witness, please.

MR. HATFIELD: Mrs. Homer Wilson, please.

(A man began to come forward.)

MR. HATFIELD: Mrs. Homer Wilson. Thank you.

Peggy Wilson. I'm sorry.

PEGGY WILSON, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Would you state your name, please.

A Peggy Wilson.

Q And you're the mother of the woman who just testified; is that correct?

A Yes, sir.

Q And the wife of the gentleman who misunderstood and stepped up for a second, Homer Wilson; is that right?

A Yes, sir.

Q Now, you are very well acquainted with Ron Kimble and Edna, their children, and James and Judy Stump, aren't you?

A Yes, sir.

Q Have you been a member of Ron Kimble's church for a long time?

A Yes, sir.

Q How long is that?

A 13, 14 years.

Q Now, throughout those years, have you and your husband been extremely active in the church?

A Yes.

Q And based upon your activities there, did you have a chance to observe both Ted Kimble and Ronnie Kimble?

A Yes, sir.

Q Do you know whether Ted and Ronnie Kimble were close as -- were they friends?

A They were friends, but they weren't real -- they were

not close.

Q Do you know what the difference in age between those two boys is?

A I think it's about two years.

Q And did you -- of your own knowledge, did you see them participating in activities together?

A Only in church activities.

Q Only in church activities?

A Yes, sir.

Q And you never saw them socializing away from church or in connection with school or anything like that?

A No, sir.

Q Now, you knew that Ronnie Kimble had spent the almost four years, up until August (sic) 1st of last year, in the Marine Corps; is that right?

A Yes, sir.

Q And during that period, was he basically living wherever the Marine Corps took him?

A Yes.

MR. PANOSH: We object to leading, please.

Q And did your --

THE COURT: Overruled. Don't lead, sir.

MR. HATFIELD: I'll try to not lead people.

Q Did you -- did your daughter form some sort of friendship with Kim during that period?

A Well, she's known Kim all of her life.

Q All of her life?

A Yes.

Q Did there come a time when Kim and your daughter lived together for a while?

A Yes.

Q Can you tell the jury the circumstances of that.

A Kim was -- did not like to stay by herself, so she asked Sherry if she would come and stay with her. And Sherry would stay with her during the week and then come home on the weekends when Ronnie was home.

Q Now, did you meet any of the young men from the Marine Corps that Ronnie brought back to Greensboro?

A Yes, sir.

Q Did you ever meet Neil Silverthorne?

A Only at Ronnie and Kim's wedding.

Q And did he participate in that wedding?

A I believe so.

Q And did you also know another friend of Ronnie's named Charles Dunn?

A Yes, sir.

Q Do you know -- how long have you known Charles?

A Eight or 10 years, probably.

Q Okay. Now, after Neil Silverthorne, did you meet a young man named Justin Dobesh?

A I only met him once.

Q One time?

A (The witness nodded her head up and down.)

Q Do you know whether or not your daughter dated Justin Dobesh on occasion?

A Yes, she did.

Q Do you know how many times she did?

A Only four or five times.

Q Now, your daughter's diary that has been introduced into evidence, were you familiar with the fact that she kept a diary?

A No.

Q Have you had a chance to see it, or is that something that just belongs to her?

A That's hers.

Q Now, did you know that officers had requested that your daughter give a statement back in March of 1997 concerning her acquaintanceship with Mr. Dobesh and Mr. Dziadaszek and Ronnie Kimble?

A I know that they came to the school, she's a student at UNCG, and they came to the school and got her out of class

--

Q Do you know --

A -- and took it from her.

Q -- why they wouldn't simply contact her at your home?

A No, sir, I don't have any idea.

Q Was it embarrassing to her to be called out of class?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q If you know. Did your daughter tell you how she felt about being called out of class?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q At any time around March of 1997, did your daughter tell you the circumstances of being interviewed by these investigators?

A Yes, she did.

Q She told you all the circumstances of it?

A Probably. I don't remember everything that she said, but --

Q Did she tell you that she had fully answered every question that they asked?

A Yes.

Q Did she tell you how she felt about being asked all these questions?

MR. PANOSH: Object.

MR. HATFIELD: Well, she --

THE COURT: Overruled.

MR. HATFIELD: -- just got through testifying --

THE COURT: Overruled.

MR. HATFIELD: Yes, sir.

Q Go ahead, please.

A It made her nervous.

Q Now, did there come a time subsequently to that when the same investigators came to talk to your daughter again?

A Yes, sir.

Q When was that?

A August the 3rd, on Monday, August the 3rd.

Q Is that the day this trial began?

A Yes, sir, it was.

Q Now, is it a fact that your daughter was subpoenaed by Mr. Panosh's office to be a witness?

A Yes.

Q And were you present when Mr. Church and Mr. Pendergrass came to your house?

A Yes, sir.

Q What time was it?

A It was about 7:00 o'clock.

Q Was it dark?

A No.

Q Where were you and your daughter going?

A We were going to dinner.

Q Was Homer, your husband, around at that time?

A No, sir.

Q Tell the ladies and gentlemen of the jury what

happened.

A They pulled up in the driveway. My car was running. We were already in the car. It was running. They pulled up in the driveway. And we just kind of looked at each other and said, "Oh, no." And they got out of the car, and we got out of mine, and we walked toward each other. And they asked her if she knew who they were, and she said yes. I had never met either one of them. And she said yes, she knew who they were. So they introduced themselves. They said, "We have some questions we'd like to ask." And she said, "I don't have anything to say to you." She said, "I am a witness for Ronnie."

They continued to walk toward her. They walked up -- walked her on up to my car. It was like they pushed her. I -- that's the way I felt, that she was being pushed. She was up against my car. One was on one side and one was on the other. And they continued to talk and ask questions.

Q How long did this last?

A Probably 15, 20 minutes.

Q And during that time, did your daughter indicate to them at any other time that she didn't want to talk to them any further?

A Yes.

Q And did you -- afterwards, did your daughter tell you how she felt about this?

A Yes.

Q What did she say?

A She said she was very intimidated by it.

MR. HATFIELD: No further questions.

CROSS-EXAMINATION by MR. PANOSH:

Q When you present during the conversation?

A Yes.

Q Did you get the impression that the officers did not have a copy of this diary, and they were asking her specific questions about the entries?

A They were asking specific questions. They did have a copy of the diary.

Q But did you get the impression they didn't have a copy the first time they talked to her?

A They didn't give me any impression -- they didn't say anything about the first time.

Q Did your daughter tell you whether or not she had given them a copy?

A They had a copy. I don't know where they got it.

Q Did your daughter say whether or not she had given them that copy?

A No.

Q Now, you did receive a subpoena from the State -- or your daughter did?

A Yes.

Q And also, a follow-up letter, asking her to make an appointment; is that right?

A I don't believe so.

Q You didn't get that follow-up letter?

A No, sir.

Q In any event, when she did appear, did we make accommodations, so she could continue to go to school?

MR. HATFIELD: Objection. They don't have any right to stop her from going to school.

THE COURT: Sustained.

Q Well, was anyone rude to you or in any way insult you during this process?

A The only time I felt that anybody was rude to me was when they came to the house that particular night.

Q And they were rude to you?

A Well, I say me. They were rude to me, because she is my daughter, and it affects me, also.

Q Well, they didn't prevent you from standing there listening, did they?

A No.

Q And you never said, "Can we do this someplace else?" did you?

A No.

Q And if you'd have said, "Can we get in the car now and leave?" they would have let you, wouldn't they?

A I'm sure they would have.

Q Based upon your total observation of that conversation over those 15 or so minutes, they were there to clarify specific dates and some information; is that right?

A Well, I told them that I felt like they were putting words in her mouth, and that's how I felt.

Q All right. But they were there to find out what? What were they asking her about?

A They were asking about the statement that she had talked to them about on -- in March.

Q And they -- were they asking her specifically if Justin Dobesh was there on the weekend of October the 6th and thereafter?

A I don't know the specific questions they asked.

Q You can't remember that?

A No, sir.

Q But in any way -- in any event, your daughter made it very clear that she was a friend and a witness for Ronnie?

A Yes.

MR. PANOSH: No further questions.

REDIRECT EXAMINATION by MR. HATFIELD:

Q Do you know what they said to her that made you feel that they were putting words in her mouth?

A No, sir. I don't remember the statements that they made.

Q Were they arguing with her about what she said her diary meant?

A They were almost to the point, yes.

Q Of arguing with her?

A Yes.

Q So much so that you felt they were trying to put words in her mouth?

A Yes.

Q In other words, if she didn't say what they wanted her to say, they were going to have to keep talking to her, right?

A Yes.

MR. HATFIELD: Thank you very much.

RE-CROSS-EXAMINATION by MR. PANOSH:

Q Ma'am, you said that you saw these boys participate together in church activities, but you didn't see them participate together in school activities?

MR. LLOYD: Well, objection, Your Honor. Beyond the scope of redirect.

THE COURT: Sustained.

MR. PANOSH: Directly as to what she said, Your Honor.

THE COURT: You may answer the question, ma'am.

A Would you ask it again, please.

Q Did you say that you didn't see them participate in

school activities together?

A I did not see them participate in school activities.

Q Were you at that school?

A Yes.

Q And what purpose?

A Both my daughters were students there.

Q And you confirmed that she and -- that your daughter and Kimberly lived together for a period of time, November of '95 through approximately April of '96, at Ronnie's trailer?

A Yes.

Q And you've sat through this trial, most of it; is that correct?

A Yes, sir.

Q Did you hear the testimony about Edna and Ronnie, Sr. claiming to be living there, so that --

MR. HATFIELD: Objection.

Q -- Ted could receive --

MR. HATFIELD: Can't call on my witness to --

THE COURT: Sustained.

MR. PANOSH: No further.

MR. HATFIELD: Nothing further. Thank you.

THE COURT: Step down, ma'am.

(The witness left the witness stand.)

THE COURT: Got another short witness?

MR. HATFIELD: No, sir. If we could take a break, we can plan the rest of the afternoon.

THE COURT: All right.

We'll take the afternoon break. It'll be a 15-minute recess, members of the jury. Remember the Court's instructions.

Everybody remain seated, while the jury leaves first.

(The jury left the courtroom at 3:38 p.m.)

THE COURT: You may declare a 15-minute recess, sheriff.

(A recess was taken at 3:39 p.m.)

(Court reconvened at 3:53 p.m. The defendant was not present. The jury was not present.)

THE COURT: Who's going to be your next witness, Mr. Lloyd?

MR. LLOYD: Based on my last conversation with Mr. Hatfield, it's going to be the defendant, Your Honor.

THE COURT: Okay. I don't have your witness list. Do you have a copy of it?

MR. LLOYD: Let me see if I've got a copy.

THE CLERK: I've got one.

THE COURT: The clerk's got one.

(The clerk handed a document to the Court.)

(The defendant entered the courtroom at 3:55 p.m.)

(The jury entered the courtroom at 3:55 p.m.)

THE COURT: The defense call its next witness, please.

MR. HATFIELD: Ronnie Kimble.

Your Honor, while he's walking up, I've asked Mr. Panosh if he would agree to have the actual check marked 12, in lieu of the photocopy that was used yesterday.

THE COURT: All right, sir.

MR. HATFIELD: We now move for its admission.

THE COURT: The Court'll allow the introduction.

RONNIE LEE KIMBLE, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Will you state your name, please.

A Ronnie Lee Kimble.

Q And you're the defendant in this case, aren't you?

A Yes, sir.

Q How old are you?

A 26 years old.

Q Your brother's name is Ted Kimble; is that right?

A Yes, sir.

Q How old is Ted Kimble?

A Ted is 28.

Q Now, your parents have been identified as Ron and Edna Kimble; is that correct?

A Yes, sir.

Q And your wife's parents are James and Judy Stump; is that right?

A Yes, sir.

Q Now, Mr. Kimble, I'll ask you just briefly to give the members of the jury some background information. Have you lived in Guilford County all your life?

A No, sir. I was actually born in Mebane, I think Alamance County. And from -- I lived in Mebane up until the time that I was about five or six. From there, we moved to Virginia. My father was called in the ministry. And so, we lived in Virginia a couple years, while my dad went to school.

Q All right. Now, the period of time that you were in Virginia, was that in Lynchburg?

A Yes, sir.

Q And was that while your father was attending Liberty Bible Institute?

A Yes, sir.

Q Now, you saw a gentleman earlier last week, Dr. Falwell, here in the courtroom, didn't you?

A Yes.

Q Is he the organizer and head of Liberty University and Liberty Bible Institute?

A Yes, sir.

Q Do you know him?

A I've met Dr. Falwell on occasion.

Q All right. Now, after your dad spent some time in Lynchburg, did he take a certificate from this Bible institute up there?

A What do you --

Q Did he graduate from the Bible institute?

A Yes.

Q After that, did you all move to this area?

A Yes, sir, pretty much. We did take a couple trips to Washington, D.C., because my father wasn't sure where he felt like the Lord was calling him. So -- but after that, my dad felt that he was being called back here to this area.

Q And do you know what year it was that you finally settled here in this area?

A I can recall my age, but not necessarily the date, the year.

Q How old were you?

A I was -- I believe I was about 10, 10 -- yes, I believe I was about 10 years old.

Q So that would have been approximately 16 years ago that you came here?

A Yes.

Q How long after that was it that your dad formed Monnett Road Baptist Church, or do you know?

A That sort of takes some explanation. Actually, the

first church that my father tried to start was actually in our home, and we had a full basement, and we had tried to -- he had tried to start there. We -- he ended up getting a -- renting an old gas station, out on the other end of, I believe -- out on the other end of High Point Road, and that wasn't working out too well. People weren't very faithful in coming. And then, through some friends from Pleasant Garden Baptist Church, I believe some of which were David Young, and I think Mr. Lyles was met through David Young, they told -- Well, I'm sorry. Also, Ron Lyons, I think it was Ron Lyons and Mr. Young that brought to my father's attention that there was a church called Love Baptist Church looking for a minister. And so --

Q Is that how he got into Monnett Road?

A (The witness nodded his head up and down.)

Q And was it renamed at some point?

A Yes. It was renamed Monnett Road.

Q And did Dr. Falwell come down to consecrate the church?

A That wasn't until later on, when we built the new sanctuary.

Q And then what year was that, that the new sanctuary was built and Dr. Falwell came to consecrate it?

A I would say --

Q Do you remember how old you were when that happened?

A That was either just before -- I believe that was just

before I went into the Marine Corps, so I would imagine it was approximately about --

Q Six years ago?

A -- five to six years ago.

Q Okay. Now, did you attend local schools in this area?

A Yes.

Q Where did you go? Did you go to a junior high school?

A I went to Pleasant Garden Elementary. From there, I went to Southeast Junior High School.

Q And what -- and after Southeast Junior, did you go to Southeast Senior High?

A Yes.

Q Now, are those schools on separate locations?

A They're -- yes and no. They're -- actually, the junior high sits here, and there's a building in between. That is -- it used to be part of the junior high, but then I think they made that middle building part of the senior high. And so, that little -- that building separated the junior high from the senior high.

Q Now, how would you classify your junior high and high school years? Were you a satisfactory student?

A I was about average.

Q And did you play organized athletics during that period?

A Only my ninth grade year, I played football.

Q And once you got into high school, you did not play football anymore?

A That's what I'm saying. I think at the time that I entered ninth grade, that was where they had made the change where ninth grade was no longer part of the middle school, it had become part of the senior high. And that was when -- that was the first and only year that I played football.

Q So the remainder of your three years of high school, you didn't play any organized sports?

A No. I was -- I was more interested in working.

Q When you say that, will you describe for the jury what you were doing, in terms of working while you were going to school.

A I had -- basically I'd started out when I was very young, I had began mowing yards around the neighborhood, and that had sort of turned into a business for me. And so, it progressed, and when I was in high school, I was pretty much mowing several -- I was responsible for many lawns, more than what I could really handle.

Q When it was getting to be almost unmanageable, how many lawns did you have a commitment for?

A Oh, it would take me a few minutes to really recollect. I have difficulty remembering that, because the problem is, I moved from one area, because I was living with my family -- my parents at the time, and I lived -- I moved from one

area to another area, so I sort of got away from certain lawns that I was doing, and got them more in the area that I was in. But then later on, I branched back out, so it's difficult to say. I would say under 10, because I couldn't handle but so much, with going to school.

Q Now, what did you do with the money that you earned from this activity?

A I would like to say that I saved it, but I pretty much wasted it on dating and buying vehicles, since I was pretty rough on vehicles. I spent a lot of money on vehicles.

Q All right. Now, returning to the time when you made the transition from junior high to high school, can you remember right now how old you were when you went into the tenth grade?

A I was 18 when I graduated. For -- you said --

Q Were you about 15 years old?

A Yes.

Q And did you get your driver's license --

A Yes, sir.

Q -- when you were 16?

A Yes, sir. It wasn't until after I was 16 that I got my license.

Q And during -- can you tell the jury when you finally met your current wife, Kim.

A I met Kim through church. She had come and visited,

and we went on a church skate together.

Q So do you know what year it was that you met Kim?

A I don't know what year, but I was 14.

Q You were 14. So that would have been a little bit before you -- you were still in middle school then at that point in time, you had not gone into the high school at Southeast; is that right?

A Yes.

Q Now, back in those early years, when you were 14, how old was Kim when you were 14?

(The witness conferred with the bailiff.)

A I'm sorry. What was the question?

Q Do you want some water?

A Yes, sir.

MR. HATFIELD: There's a cup here, Mr. Bailiff.

Q How old were you -- what's the difference in age between you and Kim?

A We're basically less than a year apart. She's approximately seven, eight months older than I am.

Q All right. So at that point in time, when you were still in junior high school --

(The bailiff handed a cup of water to the witness.)

THE WITNESS: Thank you.

Q -- did you and Kim consider that to be some kind of a romantic relationship, like dating, or was it just

friendship?

A Well, I -- you would -- different people consider romantic different things. I guess you could call it -- we thought it was serious. I guess you could call it puppy love.

Q All right. Now, when you went to high school, was she in the same high school?

A Kim was actually two years ahead of me.

Q So, at some point, you had repeated a year or been held back a year or something along those lines?

A Something like that. The -- when I made the transition from public school into a Christian school, when I went to Virginia, the Christian school felt it best, because of the difference in the learning standards, and what I had been taught in public school, versus the Christian school, they felt it best that I be held back. And they really left it up to my parents and me, whether or not I would continue on. They said it was likely that I would fail if I went on, so I'd be better off.

Q So, as a result of those decisions that were made a long time ago, you were two years behind Kim in school; is that right?

A Yes, sir.

Q Even though she was only really approximately one-half a year older than you; is that right?

A Yes, sir. It was only because I was held back one year. And the other was just because of the age that I -- the way my age fell, I was in the middle of a school year, so I did not start -- actually start school until, I guess you could say a half a year late.

Q Now, when -- back then, during the transition from middle school or junior high school to high school, did you get to know James and Judy Stump?

A Yes.

Q And how well did you get to know them?

A Very well.

Q And is it a fact that during times when you were actually not dating Kim, you still continued to be friends with them?

A Oh, yes. I went by on many occasions, to see James and Judy.

Q Now, during that period of time, tell the jury about your activities with your brother, Ted. Did you do things --

A There wasn't --

Q Did you do things with Ted?

A No.

Q Well, you must have done something with the guy. He's your brother.

A The only occasions that I can ever recall that I and my

brother have ever gone off go back to when I was, I believe, 15 years old. I think we had went off a few times on occasion, and that's the best I can ever recall ever doing anything with my brother. Now, we had -- I know Kim and I have on a few occasions gone over and played some games, and -- but that was after Ted was married.

Q Okay. Now, during the -- obviously you guys lived in the country more or less. That's what you'd classify Julian and Pleasant Garden and that area, wouldn't you?

A Yes, sir.

Q So everybody's got to have a driver's license as soon as they get old enough to drive. Did Ted get his license right on time?

A I think Ted got his permit when he was 15, and then he got his license at 16.

Q Well, when he had a driver's license and you were still waiting to qualify for a driver's license, did you ride around with Ted and do stuff with Ted in the car?

A That's right. That does bring back some memories. We didn't really go off a lot together. Like I'd mentioned, I recall going off a little bit back then, right after he had got his license. I was about 15.

Q Well, was there a time when he had a license and he could drive you to school in the morning or anything like that?

A Actually, I think I rode the bus -- I may have rode with him to school -- I think I did. I think -- I think half the time, I rode the school bus, because I was his little brother, and he didn't want me around, I guess you could say.

Q Are you saying that you were not close to your brother during those years?

A I and my brother have never been close. In fact, we probably talk more today than we've ever talked, but still, that is only on a -- I wouldn't consider it on a friendship basis. I mean, I don't mean that like I don't love my brother or we don't associate. We do associate. And I -- and I have dropped by on occasion, to say "Hello," if I were driving by the business or something.

Q Well, now, speaking of the business -- of course, that's a big skip in time -- do you remember what year that Ted acquired the business?

A I'm sorry, I couldn't hear you, because of the --

Q Do you know what year that Ted bought Lyles Building Supply? Or do you know how old you were when that happened?

A I believe it was around '94 that Ted bought the business. I'm not --

Q When?

A I believe around '94. I'm not certain.

Q So he bought the business around the same time that he

married Patricia; is that --

A That's basically how I was relating it.

Q Now, before your brother bought the business, is it a fact that he had worked there on a very regular basis for several years?

A Oh, yes. He started -- he started working for Gary Lyles when he was 15 years old.

Q During the time when Gary Lyles was still managing the business, and your brother was a regular employee there, did you spend much time up at Lyles Building Supply?

A Now, I had actually worked at Lyles Building Material for a short period of time. But I had a lot of change of interest. And most of the -- most of the time, I spent the majority of my time doing my landscaping and yard mowing stuff. And of course, my interests had changed. I had done various jobs. But I had worked there a short period of time. And basically, I couldn't stand working up there because of my brother.

Q And what was the -- more specifically, why did you not like working with your brother?

A Ted -- I guess the best way I can describe it is, Ted had authority over me, and I think that he wanted to -- wanted that to show, I guess, to a degree. And, you know, being brothers, that just ain't going to work, you know. I didn't let Ted run over me, more or less. And I wasn't --

and I -- you know, I have no problem -- Please don't misunderstand. I have no problems taking orders from somebody, but it's a lot more difficult when it's coming from a brother who thinks that he knows everything and that you don't know nothing.

Q So you didn't like taking orders from your brother?

A No, I didn't have a problem taking orders from him. It was the attitude in which the orders were given.

Q Now, before Ted bought the business in 1994, how much time did you spend working up there?

A Hardly ever. On occasion, I would work for Gary, but

--

Q Do you recall receiving paychecks from Gary Lyles during that period?

A More or less. The same thing as with Ted. I didn't work up there regularly enough to draw any kind of paycheck. And they are allotted -- or it is my understanding that they are allowed to hire somebody off the street and pay them so much. So more or less, it was on the books, but yet off the books, if that makes sense. That was the understanding I had. I don't know how to explain it any better than that.

Q Now, how did you haul your lawn-care equipment around with you, weed eaters and mowers and whatever it is you needed for that equipment? Did you have a vehicle to do that with?

A Yes. I actually had a vehicle and a trailer. I usually either had a -- had put a hitch on my car or -- either that, or I had a truck and put a hitch on the ball on the bumper, to pull the trailer by.

Q I understand that there's plenty of lawn mowing in the spring and summer and fall, but what do you do in the winter in North Carolina, when that's your primary line of work?

A I stayed busy all the time. I -- in the -- basically, in the springtime, you start off with planting, mowing, you know. You start off early spring, you start off with planting, and then you go into mowing season. And then that goes through into the fall. And then when fall hits, you start blowing leaves. And then after that, you do tree work, falling trees and removing them from the premises.

Q So, is there just as much work during each season of the year as any other season of the year?

A The only difference in the work is the labor. I mean, basically, if a person wants to keep theirself busy in it, you can certainly stay busy in it.

Q Did you have a helper or a coworker that you worked with?

A I had tried on many occasions to hire people, and I even paid them decently, and I never could find anybody that was reliable or willing to work.

Q Do you remember what year you graduated from high

school?

A Yes. Yes, sir.

Q What was it?

A 1991.

Q All right. So in 1991, you graduated from high school. During that period of time before graduation, was Kim your girlfriend?

A No. No, not at that time.

Q And can you tell the ladies and gentlemen of the jury approximately when your early middle school friendship with Kim left off and --

A I can't recall any specific dates. It -- I could figure it out. It would take me a few minutes probably to figure it out. We -- like I said, we were -- dated when I -- started dating when I was 14. Actually, I met her when I was 14. I think we started dating when I was 15. We actually, I guess what you'd call dating steady, we dated steady for about two and a half years and then broke up, and I began -- we started dating different people.

Q All right. Now, during that period when you started dating different people, did you engage in a relationship with a woman named Joy Hedgecock?

A Yes.

Q And how long did that relationship last?

A That lasted two years.

Q Now -- and that was a pretty hot and heavy relationship for the age that both of you were; is that true?

A Yes.

Q And can you tell the jury, in relation to when you graduated from high school, what the status of your relationship was with Joy Hedgecock at the time you graduated from high school?

A I believe at that time, we had broke up.

Q So, how long did you go with Joy Hedgecock?

A For two years.

Q All right. And during that time, did something unforeseen happen?

A In reference to --

Q Well, did anything unusual happen to you and Joy?

A Yes.

Q And she got pregnant, didn't she?

A Yes.

Q Now, do you recall when that was that she got pregnant?

A It was probably about four months, four or five months prior to us breaking up. (Crying.)

Q All right. And then, does that correspond with being --

A Well, I'm sorry. I take that back. It -- I would say it was more along the lines of five to six months prior to our breakup.

Q Does that mean that it was happening during your senior year in high school?

A I cannot be certain of the times or dates. I believe -- I believe that was within my senior year.

Q Now --

A It may -- it may have been the summer prior. I just have nothing -- I have nothing relative in my mind to relate the time schedule to.

Q But now, just to show the relevance of this, Ms. Hedgecock actually, under the name Joy Dyer, testified in this case a couple weeks ago, didn't she?

A Yes, sir.

Q Now, do you remember when you first found out that Joy was pregnant?

A Yes.

Q And how did you know?

A She was having morning sickness, and I could -- I could tell a difference during sex.

Q All right. So you had an inkling before she even told you that something had changed?

A Yes.

Q So who brought the subject up between the two of you that we're going to have to deal with the fact that she was pregnant?

A I don't -- I have no clue at this point. It's been so

many years ago.

Q Did you and she have discussions about that?

A Yes.

Q And ultimately, can you tell the jury what decision she made?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q Did something result?

A Yes, sir.

Q What happened?

A We had both concluded, because of our -- because of my father being a pastor -- because of my father being a pastor and her father being a deacon at the church -- at separate churches, we were concerned for the wrong reasons, and concluded that at that time, an abortion would be best.

(Crying.)

Q All right. So you made -- was that a mutual decision?

A Yes.

Q Did you pressure her to make that decision?

A No. In fact, I told her -- I told her all the way until the time that we actually went to the clinic that -- even there at the clinic, I told her that if she had any doubts in her mind whether or not we should go through with this, that I would by all means marry her and do everything within my power to support her and the baby.

Q Now, when you took her to the clinic, did she at any time tell you that she thought she was doing the wrong thing?

MR. PANOSH: Objection.

THE COURT: Sustained.

A No.

Q So after she went to the clinic, did you continue to go with her as -- for a little while longer?

A Yes.

Q How much longer?

A Four to five months.

Q And did you think that, although this had been a serious decision, that your relationship was continuing in a normal way with her?

A Everything seemed perfectly normal.

Q Now, how did you find out that it wasn't normal?

A I went to Joy's house, as I had always done on Sundays, and there was someone else's car there. I know whose car it was. I believe at that time I knew whose car it was. And she met me at the door and told me that she had company, and that basically that -- (Crying.) I'm sorry. She just -- she told me that that was all she had to say to me. That's all I can remember being said. I -- more or less, she was telling me I could just go ahead and leave, more or less, is what she meant by --

Q And did you leave?

A -- telling me that.

Q Did you leave?

A I spun out of the driveway --

Q All right. So you left --

A -- because I was upset.

Q -- spinning rubber; is that right? You left spinning rubber?

A Yes, sir.

Q Now, did you continue to be friends with her mom and dad after that?

A Yes. As far as I know, we're still friends today.

Q And was it -- did it take awhile for you to accept the fact that this relationship was over with?

A It took me awhile, since I hadn't had a clue that there was anything wrong to begin with.

Q Now, did you at a subsequent time learn that at some early day in history, your brother had had some kind of relationship with Joy Hedgecock?

A Yes.

Q Did you know that during the time that you and she were dealing with the pregnancy?

A I'd known prior to that.

Q You knew your brother had something -- he had dated her?

A Yes, sir.

Q Now, do you know anything about that, the details of it?

A I don't know the details of it. The -- I mean --

Q Do you know whether he knew her well, or whether there was an intimate relationship, or what the story was between the two of them?

A I had not found out until after I had been dating Joy some time, and I -- at this point, I don't remember how I found out, but Ted and Joy in fact had had sex.

MR. PANOSH: We object to hearsay, please.

THE COURT: Sustained.

Q All right. So --

THE WITNESS: It's not hear-- I'm sorry.

Q You found out that something had gone on with her and your brother earlier?

A Yes, sir.

Q Now, when you began your relationship with Joy, did you know that she had some activity with your brother earlier?

A No. If I had -- if I had known what I knew -- what I had found out, I would have never went out with Joy Hedgecock.

Q All right. Now, did your brother have anything to do with you meeting Joy?

A He introduced me to the Hedgecock family.

Q And will you tell the jury very briefly how it was that your brother knew the Hedgecock family.

A I don't know.

Q Didn't he live in a --

A Oh.

Q -- house trailer near there?

A That's correct. He actually lived on the same street as them. And as I recall it, I think that was how he had met the Hedgecocks, because the twins, Joy and Faith, were up and down the road. In fact, Gary Lyles lived right next door to them.

Q Now, the Hedgecocks are very dedicated church people, just like your family, aren't they?

A Yes. They're very good folks.

Q Now, you say that if you'd known that Ted had had anything to do with Joy, you just would have not had anything to do with her yourself?

A Now, I don't mean that I wouldn't have went out -- I would have went out with her. It was the fact that the information that I found out, that was why I would not have gone out with her, had I known that information. Not the fact that they had went out.

Q Now, did Joy -- did you hear her testify in this courtroom a couple weeks ago that she remembers you and Ted coming over there and Ted had a gun similar to the one

that's been introduced in evidence here?

A Yes.

Q Do you have any recollection of you and Ted visiting the Hedgecock place and Ted had some kind of a gun?

A No.

Q Do you recall engaging in target shooting around the Hedgecock property in the presence of Joy?

A No.

Q Do you at any time recall doing any target practice with your brother with a gun like the one that's in evidence anywhere at any time?

A I do not ever recall at any time ever seeing my brother fire a pistol.

Q Now, witnesses have said that your brother constantly had a gun similar to the one in evidence. Is that your recollection?

A I'm familiar with the pistol. I have seen it in his vehicle on occasion.

Q So, some of the testimony about him carrying it in his vehicle is consistent with your recollection?

A Yes.

Q Have you ever fired that gun?

A No, sir.

Q Have you ever fired any gun like it?

A Actually, I've only fired two pistols that I can recall

in my life.

Q Have you ever fired a gun like that one?

A The only thing similar would be a 9mm. I don't even remember -- I don't remember what brand it was.

Q Now, is a 9mm very much different in appearance from the gun that's in evidence?

A No.

Q Can you -- Excuse me, Mr. Kimble. Can you -- when you look over that way, are you looking at the gun?

A That's what I was looking at, the resemblance. It actually -- from here, if I had to guess, without seeing the barrel, it looks like a 9mm.

Q All right. So you had shot guns that resemble that gun a little bit?

A I've only fired one, and I'm not even certain of that. That's really --

Q Tell the jury the circumstances of that.

A The reason I'm not certain is because it was like five or six years ago. My best friend had just bought a pistol, and I had just purchased a rifle. And I'd went over to his house, and I was showing him my new rifle and he was showing me his pistol. And the reason I recall was because there was a cinderblock out -- we went out in the field to target shoot a little bit, and we -- I recall him telling me "Let me show you what my pistol will do." And he shot a

cinderblock. And I said the same thing about my rifle. And his pistol cracked the cinderblock. The rifle I fired disintegrated it. That's the reason I recall it well.

Q Now, is that the only time that you have been present when a 9mm or a gun that in any way resembles your brother's gun was fired?

A Yes.

Q Now, about the Hedgecocks, do you recall the area where they live?

A Yes, very much.

Q Is it open fields and open countryside?

A They live on a -- basically a dead end road. I believe -- someone told me a long time ago that there used to be a road that went all the way across the highway. They closed that road down -- they closed it down, the entrance on the highway there, because of basically the people on both sides, on the Liberty Road side and on the side of 62, had complained about the high taxes. So, in order to spare the -- those folks the high taxes for that entranceway into the highway, they closed -- blocked both sides off to the highway.

Q Are there -- is it suitable around there to shoot a gun? I mean, are there places you can --

A Oh, well --

Q -- not endanger anybody?

A Yes.

Q So it would be appropriate to fire guns in the vicinity of the Hedgecock property, if you did it safely; is that right?

A Yes. Depending on what direction you're firing, where you're at, I guess it would be okay.

Q Well, how do you account for the fact that Joy Hedgecock says she can remember you and your brother being over there doing target shooting, and you say you didn't?

A If that happened, I don't remember it.

Q Well, now, wouldn't you remember if you and your brother were target shooting with a pistol?

A I feel certain I would remember it. I feel certain I would remember the laser scope, certainly.

Q Have you ever seen the laser scope function, before Mr. Panosh made it function a little while ago?

A I'm not certain. I may have, when I've seen Ted handle it. Like I said, I've seen -- I haven't never seen Ted fire it, but I have seen Ted handle it. I've even handled it.

Q Did you know whether Ted had a pistol permit for that gun?

A As far as I know. I don't know.

Q Now, returning to Joy Hedgecock, did your brother have anything to do with the decision that was made for her to have an abortion, rather than to carry that baby?

A No, huh-uh.

Q Did he ask her to take some kind of pregnancy test or try to find out directly from her whether or not she was pregnant and so forth?

A No.

Q Nothing like that ever happened?

A No, huh-uh.

Q Now, do you recall her ever taking a pregnancy test, regardless of whether Ted was there?

A Yes. I don't remember the details. The best I can recall, when I had speculation to believe that she was pregnant, I believe she and I went and purchased a pregnancy test, and the best I can recall, she took that pregnancy test at her parents' house.

Q Did you consult with her parents, before she had the abortion, decide what to do?

A No.

Q And can you explain why not?

A It goes back to the fact that I guess at that age, we were concerned that -- we were afraid of embarrassing our families --

Q So you --

A -- because we had made a mistake.

Q Now, did you ask any adults that you were close to what you should do, before you and Joy made the decision?

A Yes.

Q Who did you talk to?

A Well, I believe I had prior to that had talked to my best friend.

Q And will you state your best friend's name.

A Charles Dunn. And unless you know Charles, he just -- Charles is a good friend, but Charles wouldn't be one to go to for advice on women, more or less. So --

Q So did you --

A You know, I had discussed -- like I said, I had discussed it with him, because I was concerned. I was young. I wasn't sure what we should do. So then, from -- later on, shortly after that, I consulted an adult that I was very close to at the time, and --

Q Can you tell us that person's name?

A Helen.

Q What?

A Helen.

Q What's her last name, please?

A Williams.

Q All right. And you discussed with her this situation that you and Joy were in?

A Yes.

Q And without telling what advice she gave you, did she give you some advice about what she thought you ought to do?

A Yes.

Q And whatever it was that she told you, without saying what that was, did that have any effect upon the decision that was ultimately made?

A Basically, yes.

Q Now, after Joy told you that she didn't want to see you anymore, and you realized that she -- there was another man in her life, did you continue to try to get in touch with her and see her and things like that?

A Yes.

Q Did you go to her place of employment?

A Yes.

Q What was that place of employment?

A The Mayflower.

Q And for the jury that don't perhaps know, tell them briefly what the Mayflower is.

A The Mayflower is a seafood restaurant located on Randleman Road.

Q And just south of the interstate highway system here in town?

A Yes.

Q And Joy and her twin sister were both working there?

A Yes.

Q Would it be fair to say that you made a little bit of a pest of yourself, by going down there to try to talk to her?

A Not really, because I was never -- I was never asked to leave. I was -- I was still trying to get Joy to go out with me. I just -- I couldn't understand why she never gave me any reason why, she just -- like I -- I was too blind to see. I didn't -- you know, I had no clue that anything was going on. I had no clue that she was seeing anybody else. And it just -- with the way that she broke up with me, it just came as such a shock. I wasn't prepared to deal with it. And so, I was still trying to get her to go out with me.

Q And were you 19 years old then, because you'd finished -- you were about to finish high school or finished high school? Tell us the chronology.

A I believe so. I'm not very good at remembering dates. I would guess I was between 18, 19 or -- you know, I was probably -- I was probably 19.

Q So you think that that was the -- do you know what month she broke up with you?

A I don't have a clue.

Q Now, did you at any time go around that restaurant -- What was the name of that restaurant again?

A Mayflower.

Q Did you at any time brandish a .22 rifle or some weapon like that and --

A No.

Q -- cause people to think that you were going to shoot the gun into the building or anything like that?

A No. I --

Q You never did that?

A In fact, I didn't even own a rifle at that time.

Q Well, tell the jury when it was that you did own a rifle at that time or prior to that time.

A I'm not certain when I bought the rifle. In fact, it was the rifle that -- the rifle that I'd referred to earlier, going over to my best friend's house, shooting. I did not purchase that until probably less than a year prior to me entering the Marine Corps, which would have been in -- which would have been in '93. I think I was about 20, 21 years old when I had purchased that.

Q All right. So you entered the Marine Corps in April of '93, is that correct, because your four-year term --

A Oh.

Q -- of duty would have ended --

A Yes.

Q -- April of '97? Are we right about that? Let's get a chronology.

A April 6, 1993, I entered into the Marine Corps. I left and went to the MEPS station in Charlotte, where I shipped out to Paris Island, South Carolina.

Q So you did enlist in the Marine Corps in or about April

of 1993; is that right?

A Yes.

Q And how long did it take you, from your original application, or the first time you talked to anybody associated with the Marine Corps, how long did it take you between that time and your actual induction into the service?

A I'm sorry. Would you say that again, please.

Q How long did it take you, between the time you made the first inquiries about how to get into the Marine Corps, and the time that you were actually inducted into the service and you became a Marine?

A It took, I believe -- I can't hardly -- I can't really remember, to give a good answer. A wild guess, maybe three months, maybe longer. I don't remember.

Q Do you remember what you were thinking about, that made you decide to enter the Marine Corps?

A It started off as a joke. I actually -- somehow it came up between me and my best friend, Charles.

Q Charles Dunn?

A Yes, Charles Dunn. And I was like, I told him "Well, I'll join if you join." And he told me he would. Of course, he wasn't really serious about it. And I wasn't really serious when I told him that. I was sort of serious about joining, but I wasn't serious about us joining

together or anything. It would have been great if he had. But I actually joined for a lot of reasons. Some --

MR. PANOSH: We object to relevance.

Q All right. You said that --

THE COURT: Sustained.

Q -- it was sort of a joke. What did you -- and when you use the word "joke," are you referring to your and Charles' --

A It --

Q -- scheme for joining together?

MR. PANOSH: Object to relevance.

A It started off --

THE COURT: Sustained.

A It started off as a joke, because --

THE COURT: Don't --

MR. HATFIELD: Your Honor, this is a first-degree murder trial, and I'm trying to get this story of the Marine Corps out that we've been hearing. I can't understand the objection on relevance.

THE COURT: There's evidence in that he was in the Marine Corps, completed it. What he and some buddy did to get in there is a different situation.

MR. HATFIELD: He used the word "joke." I want to clarify it, because I --

THE COURT: All right, sir.

MR. HATFIELD: -- don't think that's what he intended to say.

THE COURT: You may do that. I thought he said he was serious about going in.

A Yes. Yes, I was -- I was -- I was serious. But in the context of the way -- the way the idea came about was because some kind of idea between me and him -- between me and Charles. I don't know if a recruiter had called him or -- I don't know how the subject came about, but I just -- I just happen to recall that, that I told him that. And I was being funny about it. But in fact, I did later on -- I did pursue it.

Q So you went in, but Charles didn't?

A Yes.

Q And that's the joke?

A Well, I knew he wasn't serious anyways.

Q Now, when you went into the Marine Corps, was it your intention to be a good Marine?

MR. PANOSH: Objection.

THE COURT: Overruled.

A Yes.

Q It was your intention to be a good Marine?

A Certainly. I --

Q Now --

A -- wanted to serve my country.

Q So your primary interest was in serving your country?

A That, and I was heartbroken. I was still -- I was actually still hurt over Joy. Even after I had dated other girls, I was still hurt over Joy. And I just -- like I said, it was for a lot of reasons. I was sort of still heartbroken over Joy. I wanted a -- I wanted a challenge in life, and I felt like the Marine Corps would give me a challenge and give me a chance to serve my country.

Q Now, at that point in time, where did Kim figure into your thinking?

A Kim and I --

MR. PANOSH: Object, please.

MR. HATFIELD: Kim is --

THE COURT: Overruled.

MR. HATFIELD: -- his wife.

THE COURT: Overruled.

Proceed.

A Throughout the years, even when Kim and I didn't date, we still seen each other on occasion. Kim has always been there for me.

Q And did you continue to be friends with the Stumps?

A Yes.

Q Now, on entering the Marine Corps, were you given the appropriate physical examinations?

A Yes.

Q Did you at that time have any sense that you had a sleep disorder that might interfere with your ability to perform your Marine Corps duties?

A No.

Q Tell the jury what kind of symptoms of the sleep disorder you were aware of back then in 1993, before you went in the Marine Corps.

A Well, just as I've described to the doctors, in being evaluated for sleep disorder, I've always had these spells where I have trouble staying awake and excessive daytime sleepiness. But prior to being examined for a sleep disorder, I had always blamed it on not getting enough rest, because I never did get enough rest.

Q So you did not have any conscious awareness that your inability to get enough rest might be some sort of a medical disorder?

MR. PANOSH: We object, please.

A At that time, no.

THE COURT: Overruled.

Q At that time, you did not?

A No, not at all.

Q Now, if you had thought at that time in 1993 that you had a physical condition that would prevent you from completing your four-year obligations to the Marines, would you have gone ahead, even if the Marine Corps didn't

identify it?

MR. PANOSH: Object, please.

THE COURT: Overruled.

A No, not at all, because the fact is, they tell you when you enlist, if you're found to be lying -- basically, be lying about anything, health, criminal record, anything, if they find anything and it dates back, that they can prosecute you for fraudulent enlistment.

Q Now, after you got in the Marine Corps, what was the first assignment that you went through? Was that basic training?

A Yes, at Paris Island.

Q And how long did that last?

A That lasted a total of three months. And then you get a 10-day break, or vacation I guess you could call it, to go home and visit with your family.

Q How many months did you say it lasts?

A Three months.

Q So if you went in in April, it is now June or early July, and you've completed basic training at Paris Island; is that right?

A Yes.

Q And that would have still been the summer of 1993?

A Yes.

Q Now, in the summer of 1993, had you ever met a woman by

the name of Patricia Blakley?

A I don't remember actually the first time I had met Patricia. Oh, I'm sorry. In fact, I -- I don't know for a fact the first time I met Patricia. But I know that she came to my Marine Corps graduation.

Q Well, you mean your graduation from basic training and your official induction into the Marine Corps?

A Yes. In fact -- in fact, my parents, Ted, Patricia and my wife came down to see my graduation.

Q And when was that?

A That was, I believe, early July.

Q Of 1993?

A Yes.

Q So it's your recollection at this point in time that Ted and Patricia were already fairly close; is that your understanding? Or were they just friends?

A I would imagine so, that if she would make it that long of a trip to come down and see my graduation.

Q But now, as for you and Kim, you were just friends at that time; is that right?

A Well, basically. I wanted her to be there, because, like I said, it goes back to, she's always been there for me. And of all the people I would have wanted there, I wanted her there.

Q But you weren't engaged to marry her at that time

formally, were you?

A Well, we weren't even dating at that time.

Q So she was just your pal?

A Yes.

Q Now, when you met Patricia, are you satisfied that that's the first time you'd ever met her?

A The best I can recall, I believe that is the first time I met her.

Q And did you see any signs of a romantic involvement between Ted and Patricia?

A If there was, I can't remember.

Q Did you know that they were planning on getting married at that point in time?

A No, huh-uh.

Q Now, other than coming down to your Marine Corps graduation, did you have any other occasion to be with Ted during the first year or two that you were in the Marine Corps?

A No, huh-uh. I --

Q What was the next -- I'm sorry. Did you answer the question?

A No. In fact, I had -- I had hardly went home after -- during the -- I would say during the first year of my enlistment, I did not go home very much, because of the fact that I did not have insurance -- I had a vehicle, but I did

not have insurance on my vehicle at that time. So I was not driving. The only way that I got home was on occasion that I could catch a ride with a friend that was maybe going that way, and it was usually on a 96. I -- 96 is basically the way they -- what they call a period of time that we get, like if we get a long weekend for a holiday. We got 72's and 96's. A 72 would be like a two-day vacation. 96 would be, I think, a three-day. I'm not -- something like that.

Q Three and four, right? 96 hours.

A I'm sorry. They called it by hours, but it was like three or four days.

Q Now, is there some reason why you couldn't put insurance on a vehicle? Did you have too many driver's license points?

A No. I just -- at that time, I just chose not to put insurance on my vehicle and drive it. I didn't really -- I didn't really need it anyways. There wasn't a lot that I done down there on base anyways.

Q So this was a period where you weren't getting back to Guilford County very much, you weren't dating Kim, and you weren't really having any dealings with your brother, Ted; would that be a --

MR. PANOSH: Objection.

Q -- fair description?

A Yes.

THE COURT: Sustained.

Q Did you have any dealings with Ted?

A No.

Q All right. Now, what did the Marine Corps have you do after your graduation and your official induction into the Marine Corps?

A After boot camp is what it's called -- or everybody goes through boot camp. Every Marine that ever enlists goes through boot camp. And then at that period of time, they had what is called MCT, Marine Combat Training. Every Marine has to go through Marine Combat Training, because every Marine is supposed to be able to fire a weapon and have knowledge of weapons, in order, if we went to war, every -- unlike other branches of the service, every Marine is a rifleman. That is every Marine's basic duty. Okay.

But then you -- after that, you have a -- you have your specific duty field. I'm trying to relate it to where you folks can understand. Basically, that would be your specialty. If you were going to be a manager of a restaurant, you would need certain kinds of training to be a manager. Well, my field was 0311, which was what the Marines call a grunt. I was -- the 0311 was -- is a basic rifleman. So I had to go to SOI. That was my specialty school. Whereas somebody else in a different field may go to a computer school.

Q That does SOI mean?

A SOI is School of Infantry.

Q Now, at that point in time, you had been taught by the Marine Corps then to use a rifle, because as you said, everyone learns how to use a rifle?

A Well, every Marine goes to the rifle range once a year, starting -- the first time you'll go to the rifle range is in boot camp.

Q Now, did you hear your father-in-law, James Stump, say that you had not made such great progress in your marksmanship? Is that -- was that accurate or not?

A Now, I started off as a sharpshooter out of boot camp. For some reason, I had missed my second year of qualification. And what happens is, when you miss your qualifications, they will automatically move up your prior year's qualification to the present year. So I think it may have been a year or two before I even qualified again, for various reasons. I think one of the reasons was because we went on -- we went overseas on float for six months, so if you're on float, obviously you can't -- your company can't be going out to the range. And the way the time schedule fell, that would have fell in the time range that I should have been going to the range.

Q Now, when you were on float, describe that assignment with a little more detail, please.

A On float is what the --

MR. PANOSH: Object to relevance.

THE COURT: Well, sustained.

MR. HATFIELD: It is relevant, because it's right before he married his wife. It's part of his Marine Corps training.

THE COURT: Well, we need to move along with the case. The jury's going to have to find the facts of this case, and some of it's already in evidence. I think you need to move along.

MR. HATFIELD: Your Honor, I would like to remind the Court that the State took nine days of evidence, and this is the second day that we've -- or -- yes, the second day that we've --

THE COURT: I just want you to move along, because this -- some of this, the jury can take from personal experience or their own personal knowledge of it. I think they understand what a float is.

MR. HATFIELD: I don't know what it is myself.

THE COURT: Well, I think they do. Move along.

Q Well, did you go abroad?

A We went to various countries on ship.

Q And during that time, were you able to go back to Greensboro on a weekend-to-weekend basis, like you did --

A No.

Q -- during the latter tour of duty?

A No. We were on a ship.

Q So how was your relationship with your brother, Ted, during the period that you were on float?

A I don't think I talked to him the whole time I was gone.

Q And what was the duration of the time that you were on float?

A Six months.

Q And can you tell the jury what frame -- time frame that occurred in?

A That was just prior to my marriage, so that would have been four years this -- four years December '94. Let's see. 1994. We went on float between -- right after May -- maybe we left the beginning of July. We would have come back around November.

Q November of which year?

A Of '94.

Q Now, by that time, had -- the best of your knowledge, had Ted married Patricia?

A I believe Ted and Patricia had got -- had their church wedding just prior to me leaving to go on float.

Q So the first six months of Ted and Patricia's marriage, it's your recollection that you were off on float?

A Yes.

Q So you had no opportunity to talk to either Ted or Patricia during that period?

A No.

Q Did you go to their wedding?

A Yes.

Q Were you a best man or some -- did you play some role in the wedding?

A As far as I can recall, I didn't play any part in their wedding. I was just -- I went to their wedding.

Q Anyone ask you to play a part in the wedding?

A No, huh-uh. In fact, the best I can recall, and the reason I recall -- I don't -- I don't recall taking part, because the best I can recall, I wore my dress blue uniform. And in fact, I think I asked Patricia if she would mind if I wore my uniform, because I wouldn't want to take away from her wedding, being dressed up in uniform, because I know people have a tendency to look when you're dressed in your dress blues.

Q Now, how many times had you met Patricia, by the time you went to this wedding?

A Oh, I don't have a clue. Maybe -- I couldn't even guess. I don't know if I did see her between that --

Q Any more than --

A -- period of time.

Q -- two or three times?

A If two or three times. I don't even -- if I seen her in between my graduation time and their wedding time, I don't remember. We may have. I'm not saying we didn't. We may have. I don't remember.

Q Now, at that point in time, when you attended Patricia and Ted's wedding -- of course, that wasn't a real wedding anyway, was it? They'd gotten married secretly sometime before?

A Yes. But I don't know -- I don't know that I even knew about that at that time.

Q So your brother didn't tell you that he'd been secretly married?

A I don't -- I don't -- I don't remember when I found out. I don't think I -- I don't think I knew until after their wedding that they had been secretly married.

Q So the parents knew that there was a secret wedding, but you weren't included in that information?

MR. PANOSH: Objection, please.

THE COURT: Sustained.

MR. HATFIELD: Well, he's supposed to have conspired with this guy, and he doesn't even know when the guy got married.

THE COURT: Sustained. Move along.

A I --

Q When did you find out that there was a secret marriage?

A I think -- I'm not for certain. I think my mother told me that Ted and Patricia --

MR. PANOSH: Objection.

A -- had gotten married.

THE COURT: Sustained.

Q When did you decide -- you and your wife decide that you and Kim were going to get married?

A I was overseas on the U.S.S. Austin, and through tape recording and telephone calls, we got in touch and struck our relationship back up again.

Q So you really weren't together, you just managed to do it by communicating?

A The last time Kim and I had seen each other was actually a month or two prior to me ever leaving to go on float.

Q Did you --

A That was the last communication we had had, up until the time that I -- we had gotten in touch by -- I believe by phone.

Q Now, before you married Kim, was she -- do you know whether or not she was aware of the events that had taken place between you and Joy Hedgecock?

A Yes, she was.

Q Is that because you told her?

A Like I said, Kim's always been there for me when I

needed somebody to talk to --

Q Are you saying --

A -- or a shoulder to cry on. (Crying.)

Q Are you saying that you have no secrets from your wife?

A I have no secrets from my wife.

Q Did you kill Patricia?

A No, sir, I did not.

MR. HATFIELD: Can we recess until tomorrow morning?

THE COURT: Yes.

You may step down, sir.

(The witness left the witness stand.)

THE COURT: Members of the jury, we'll take our evening recess. Please remember the instructions the Court has previously given you about your responsibilities as jurors. And to accommodate those jurors that have children starting school tomorrow, we'll start at 10:00 a.m., rather than 9:30. And I'll look forward to seeing you then.

Have a nice evening. Be careful going home.

(The jury left the courtroom at 5:00 o'clock p.m.)

THE COURT: You may declare a recess until 10:00 a.m. in the morning, sheriff.

(A recess was taken at 5:01 p.m., until 10:00 o'clock a.m. Tuesday, August 25, 1998.)

* * * * *

I N D E XDEFENDANT'S WITNESSES

KIMBERLY KIMBLE

Continued Cross-Examination by Mr. Panosh . PAGE 1764

JUDY STUMP

Direct Examination by Mr. Lloyd PAGE 1804

Cross-Examination by Mr. Panosh PAGE 1815

JAMES R. STUMP

Direct Examination by Mr. Hatfield PAGE 1821

Cross-Examination by Mr. Panosh PAGE 1903

Redirect Examination by Mr. Hatfield PAGE 1926

LAURA ANN SHEPARD

Direct Examination by Mr. Lloyd PAGE 1927

SHERRY LEE WILSON

Direct Examination by Mr. Hatfield PAGE 1940

Cross-Examination by Mr. Panosh PAGE 1960

PEGGY WILSON

Direct Examination by Mr. Hatfield PAGE 1964

Cross-Examination by Mr. Panosh PAGE 1972

Redirect Examination by Mr. Hatfield PAGE 1974

RONNIE LEE KIMBLE

Direct Examination by Mr. Hatfield PAGE 1978

E X H I B I T SSTATE'S EXHIBITS

	<u>IDENT.</u>	<u>INTRO.</u>
135. Photo Lineup	1768	----
136. Affidavit of James Stump	1904	----
137. Affidavit of Rodney Woodberry	1931	----

DEFENDANT'S EXHIBITS

6. AT&T Billing Invoice	1328	1814
7. Map/Diagram	1294	1827
13. Diary of Sherry Wilson	1945	----
14. Copy of Diary of Sherry Wilson	1945	1945

NORTH CAROLINA
GUILFORD COUNTY


IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 97 CrS 23654
FILE NO. 97 CrS 39580
FILE NO. 98 CrS 23485

STATE OF NORTH CAROLINA)
)
 v.)
)
RONNIE LEE KIMBLE)

C E R T I F I C A T E

I, Marsha M. Garlick, Official Superior Court Reporter, Eighteenth Judicial District, do hereby certify that the foregoing 271 pages constitutes the complete and accurate transcript of my stenograph notes of the proceedings in this matter on August 24, 1998, at the August 3, 1998 Regular Criminal Session of Superior Court, Guilford County, North Carolina, and were transcribed by me personally.

This the 7th day of January, 1999.



Marsha M. Garlick, RPR
Official Superior Court Reporter

Transcript Ordered: September 8, 1998

Transcript Delivered: January 15, 1999