

VOLUME XIII - EVIDENCE

1 NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
2 GUILFORD COUNTY SUPERIOR COURT DIVISION
3 FILE NO. 97 CrS 23654
4 FILE NO. 97 CrS 39580
5 FILE NO. 98 CrS 23485

4 STATE OF NORTH CAROLINA)
5 v.) T R A N S C R I P T
6 RONNIE LEE KIMBLE)

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

11
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THURSDAY, AUGUST 27, 1998

(Court convened at 9:33 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: No, Your Honor.

MR. PANOSH: No, Your Honor.

THE COURT: Mr. Woodberry, if you'll come back to the witness stand, please.

(The witness Rodney Lamont Woodberry returned to the witness stand.)

(The jury entered the courtroom at 9:34 a.m.)

THE COURT: I'm pleased to have the panel back. I hope each of you had a nice evening and feeling okay. I think I rode up with three of the jurors this morning. They were in good spirits and refreshed. Anyone having any problem this morning?

Okay. You may continue with examination of the witness, Mr. Panosh.

MR. PANOSH: Thank you.

RODNEY LAMONT WOODBERRY, having been previously duly sworn, testified as follows during CONTINUED CROSS-EXAMINATION by MR. PANOSH:

Q Mr. Woodberry, during direct examination, you said that you had made a subsequent statement, and I believe in your

answers, you said that you apologized for not providing certain information prior to that date. Do you remember that statement?

A Yes, sir.

Q I show you now 147. Would you take a look at that, please.

(Time was allowed for the witness.)

Q Is 147 a two-page document? Are there two pages there, sir?

A Yeah.

Q And on the second page, do you recognize your signature?

A Yes, sir.

Q And do you remember making that statement --

A Yes, sir.

Q -- on Friday, July 17th of 1998?

A Yes, sir.

Q And on the second page, there are some penciled-in corrections. Do you remember that?

A Yes, sir.

Q And would you read those corrections, just to yourself, please.

(Time was allowed for the witness.)

Q Are those corrections information you provided?

A Yes, sir.

Q Now, have you had a chance to review that document yesterday?

A Yes, sir, I seen it.

Q Did you read it word for word?

A Yes.

Q Is the information in there accurate?

A Yes, sir.

Q Tell the ladies and gentlemen of the jury the circumstances of your making that second statement, State's Exhibit 147.

A Could you repeat that.

Q Okay. Let me ask you again. Do you remember speaking to Detective Church on that day, July 17th, this gentleman here? (Indicated.)

A Yes, sir.

Q And where did that interview occur?

A On the fourth floor, District Attorney's Office.

Q Tell the ladies and gentlemen of the jury what you said to Detective Church on that day.

A I mean, read this, or just tell them about the interview or what?

Q Whatever -- however you want to answer the question, sir.

A Well, I told Mr. Church about certain statements that Ted had made to me, prior to Patricia's death. And Ted had

continuously tried to get in touch with me. I figured it was to come back to work or whatever. Until he finally did. And when he did get in touch with me, it was at Laura's house, Laura Shepard, my ex-girlfriend. We went outside and we talked for a while.

Q Now, sir, do you remember if this was before or after Patricia's death?

A After Patricia's death.

Q Do you remember how soon after Patricia's death?

A Maybe late October, right at November. I can't be for sure about the date. But I was at Laura's house visiting, and Ted showed up, and he came to the door. And I don't know if he knew I was there or what, but he asked me to come outside, which I did, and we talked. He told me that they would probably be talking to me and maybe a couple more guys who work with us.

Q Who is "they"?

A The detectives.

Q Go ahead.

A And he told me that I shouldn't say anything to them about the statements he had made to me -- you got to excuse my voice -- the statements he had made to me about Patricia, or the statements which I said yesterday. And he went on into details, telling me about some rifle he had purchased, and how he could stand back so many yards and shoot a

person, without them even knowing it or -- I mean, he just went into details about this rifle.

And then the conversation changed, that he told me that if they ever asked me if I knew little Ronnie, that I shouldn't tell them -- you know, that I didn't know little Ronnie. Which I had worked with Ronnie previous a time. And things to that matter.

And he was very persistent about this rifle thing, and I don't know why. And like I said, it just got me shook up, you know. And which Laura -- I think Laura came outside during that time, and he had ended the conversation and started talking about other things, such as -- we supposedly did a porch or something for Laura and them before, and we never got a chance to do the porch. And I had put a door up on Laura's and them's house, which the door was purchased from down Ted's. And we talked about that, and we talked about fixing the porch, and that was it, while Laura was outside.

Q All right. Drawing your attention to that portion of your conversation that had to do with Ronnie, I didn't understand. What did he say about Ronnie?

A He just told me that if anyone ever asked me did I know little Ronnie, that I shouldn't -- you know, I shouldn't say anything or I should just tell them no. But I had worked with Ronnie, you know, plenty of times before that, so I

couldn't --

Q When you say "little Ronnie," what do you mean?

A His brother.

Q Okay. And --

A I mean, that's what we normally call him, little Ronnie.

Q When you say "we normally call him," what -- who are you talking about?

A Around the shop.

Q And is that because his father's name is also Ronnie?

A I guess. That's what I figured.

Q Now, did Ted tell you anything more about his part in the death of Patricia?

A Well, he -- before Laura had come out, it was like he said -- it was as though Ted knew that I was over there. I don't know if Laura had called him and told him or what. But anyway, he told me, he said, "Well, you know certain things that I have said about hating my wife or I wish I wasn't married." He said, "You shouldn't tell them none of that stuff." And I asked him, I said, "Well, why?" And he said, "Well, they're not going to believe you anyway, because you're black." And like I said, I was pretty shook up, you know.

And when Laura did come out, the conversation changed, you know, and we stood out there maybe a couple more minutes

and talked, until Ted left.

Q Did he talk to you about the insurance money?

A Well, he mentioned something about that Detective Church and -- well, he said, the detectives, which Mr. Church's name was mentioned, were trying to stop him from getting his insurance money, but he was going to get it anyway. And talked about how he was going to expand his business and things of that nature.

Q Did he indicate to you whether he had signed Patricia's name to an insurance application?

A Yes, sir, he mentioned it. I don't know why he would tell me about that, but he did say, you know, that he had falsified Patricia's name on an insurance policy. And I guess that was why they was trying to stop him from getting his money or whatever.

Q Did he tell you whether or not he had something to do with Patricia's murder?

A He pretty much came out and said, "Well, I think you know that I got something to do with Patricia's murder." I guess -- I don't know if it's because these statements he had made to me or, you know, whatever. Like I said, when he went into details and he started talking about this rifle and things of that nature, it just --

Q Did he ever mention any specific detectives?

A Mr. Church.

Q Up to that time, had you met Detective Church?

A I think I had. I didn't tell him that I had talked to Mr. Church.

Q Now, you indicated that Ted kept contacting Laura, to catch up to you. Do you know why that was going on?

A Well, like I said, when I -- I've talked to Laura a couple of times even before Patricia's death, and she would tell me plenty of times, and my mother would, too, "Well, Ted called you. Ted called you." And I think she even told me one time Mr. Kimble had called me about coming to work or something to that nature.

Q At that time, were you giving Laura your address, your new address?

A No, sir. Nobody knew where I was staying but my mother.

Q Why was that, sir?

A I didn't feel like I should give Laura Beverly's address.

Q Was that because of the domestic problems you were having with Laura?

A Yes, sir.

Q And even though you were having domestic problems, you said you went back to visit her. Would you explain that.

A Yes. Like I said, our families became close, and me and her mother, we was pretty close at one time or another.

And I could go over there and visit them, go over there and sit around or whatever, you know, regardless if me and Laura was talking or not.

Q And when you say regardless of whether you and Laura were talking, you mean whether you were having a romantic relation?

A Yes. I didn't necessarily have to be on good terms with Laura, in order to go over to her house.

Q Now, there were times you spoke to Detective Church and didn't mention this information; is that correct?

A Yes, sir.

Q Would you explain that to the ladies and gentlemen of the jury, please.

A Well, like I said, after -- after I had talked to Ted the last time and -- I was pretty much scared, I mean, due to all honesty. It was like, when he brought this rifle thing up, it was like he was trying to make a point to me. He didn't ask me not to talk to the detectives, he practically told me not to talk to the detectives. And like I said, it just scared me so.

(Mr. Panosh showed exhibits to Mr. Lloyd and Mr. Hatfield.)

Q Do you recall who the first detective was that you spoke to in reference to this case? Let me ask you this. Do you remember talking to Detective Byrd?

A Yes.

Q And do you remember what date that was?

A I can't remember the date, but it might have been --

MR. PANOSH: May I approach the witness?

A -- it might have been November.

THE COURT: Yes.

A I know I was working during that time.

Q Okay. If I show you your statement to Detective Byrd, will that refresh your memory?

(Time was allowed for the witness.)

Q Was it January the 8th, sir?

A Yes.

Q And where were you working at that time? (Indicated.)

A It's got Bojangles on there.

Q All right. And in fact, he came to you to confirm certain information that you had given to Detective Church; is that right?

A Yes, sir.

Q So, before you talked to Detective Byrd, you talked to Detective Church?

A Yes, sir.

Q Do you remember when that was, sir?

A No, sir, I can't -- I can't recall the date.

Q Do you remember if Detective Church was with Detective Byrd that day?

A I think so. To my knowledge, I believe so.

Q So the first interview that you recall is that one with Detective Church and Detective Byrd?

A Yeah, that's -- that's the one I recall.

MR. PANOSH: No further questions. Thank you, sir.

THE COURT: Any additional questions --

MR. LLOYD: Yes, sir, Your Honor.

THE COURT: -- Mr. Lloyd?

Before you get into that, members of the jury, the Court again cautions you and admonishes you that this testimony of statements that Ted Kimble may have made would not be admissible and must not be considered against Ronnie Kimble, unless you find there was an agreement to commit an unlawful act and that this defendant intended to participate in that unlawful act.

MR. LLOYD: Thank you, Your Honor.

REDIRECT EXAMINATION by MR. LLOYD:

Q Now, Mr. Woodberry, Mr. Panosh referred to a statement that you had made up in the fourth floor, right above this floor, in the District Attorney's Office; is that right?

A Yes, sir.

Q Now, who was present at that time, Mr. Woodberry?

A I believe Mr. Panosh, myself and Detective Church.

Q All right. And that statement was just a short time ago, wasn't it?

A Yes, sir.

Q As a matter of fact, you gave that statement on July the 17th of this year?

A Yes, sir.

Q Just before this trial started on August the 3rd; is that right?

A Yes, sir.

Q And you told Mr. Panosh and Mr. Church at that time some things that you had never told them before, or never told Detective Church before; is that right?

A Yes, sir.

Q All right. And Detective Church had talked to you a great many times before this, hadn't he?

A Yes, a couple times.

Q All right. As a matter of fact, your association with Detective Church was so extensive that at one time, you agreed to call Ted Kimble up on a telephone that was wired for a tape recorder, is that right, and record the conversation?

A I recall that.

Q All right. So you did that, didn't you, Mr. Woodberry?

A Yes, sir.

Q So at that point, you had cooperated with Detective Church and the other officers in this case, to the point where you actually called Ted Kimble, and the conversation

was recorded with Detective Church there; is that right?

A Yes, sir.

Q All right. And at that time, you didn't tell Detective Church these things that you told on July the 17th and you've now testified in court; is that right?

A Yes, sir.

Q And your testimony here today is -- Well, let me ask you this, Mr. Woodberry. This conversation that you've told the jury about today, that you had with Ted Kimble, when did that take place?

A Like I said, I was over Laura's house, and I thought for sure it was like maybe in November, end of October, sometime like that.

Q All right. End of October of 1995, so it would have been within a month of Patricia's death; is that right?

A Yes, or a little after.

Q All right. And you said that Ted came out and admitted to you at this time that he had something to do with Patricia's death; was that your testimony on -- when Mr. Panosh was asking you questions?

A Yes, sir. I mean, to my knowledge, that's the way I took it.

Q All right. Now, do you recall me asking you questions about the affidavit that you made in this case?

A Yes.

Q Do you remember that, Mr. Woodberry, yesterday?

A Yes, sir.

Q And you remember when I asked you, "I have never heard --" well, when I asked you, "I have seen no indication, and I do not believe that Ted Kimble was involved in the death of Patricia Kimble," I asked you if you made that statement, when you gave the affidavit. Do you remember that?

A Yes, I think so.

Q All right. And I asked you if that was still true, if you still stood by that statement, and I'm asking you now, Mr. Woodberry, didn't you tell me yesterday that you still stood by that statement?

A I think I told you that yesterday, yes.

Q All right. Is that statement true?

A Which one, this, or the one that you told me about the affidavit?

Q The one in the affidavit, "I have seen no indication and do not believe that Ted Kimble was involved in the death of Patricia Kimble." Do you still stand by that statement? Is that what you're saying now, Mr. Woodberry?

A During that time when I made that statement, I felt I did.

Q So what you're telling this jury today is, when you made this statement on March 21, 1996, that you felt like that statement was true then?

A Well, like I said, I was -- I was scared. I don't know what -- I was just scared.

Q Well, I'm not asking you about your state of mind, Mr. Woodberry. I'm asking you about -- I thought you just told me that you considered at the time that you made that statement that it was true, in March of 1996?

A So what are you asking me now?

Q Are you --

A I mean, do I --

Q Well, let me ask you another question, Mr. Woodberry. Do you still stand by that statement today? Because that's what I thought you told me yesterday, told this jury yesterday --

A Well --

Q -- when I asked you about that.

A No, I don't.

Q So now your testimony is, you don't stand by that statement, after Mr. Panosh brought out the statements that you made in his office on July the 17th; is that correct?

A I guess so.

Q So what you said yesterday to the jury, when I asked you about it, you said that you still stood by it then, was not true; is that correct?

MR. PANOSH: Objection. The jury can recall what he said.

THE COURT: Overruled.

A I mean, I guess so. Like I said, it's been one paper signing after another, you know, so --

Q Well, let me try to make it a little simpler for you, Mr. Woodberry. When you gave this statement in the affidavit, on March 21, 1996, did you consider that statement that you made then, "I have seen no indication and do not believe that Ted Kimble was involved in the death of Patricia Kimble," when you signed this affidavit and swore to tell the truth and swore that was the truth --

MR. PANOSH: Well, we object, Your Honor.

THE COURT: Overruled.

Q -- did you think that that statement at that time, on March 21, 1996, was the truth?

A Did I think it was the truth?

Q Yes, sir.

A No, not fully.

Q All right. So you admit that you lied -- is it your testimony now that you lied on March the 21st?

A If you -- if that's what you say. Like I said, maybe -- maybe I did, but like I said, if I did, I did out of fear for myself.

Q Well, Mr. Woodberry, are you denying that you made the statement --

A No, sir, I'm not.

Q -- in the affidavit on --

A No, sir --

Q -- March the 21st?

A -- I'm not -- no, sir, I'm not denying that I made the statement.

Q So what you told the jury yesterday, about the statement being true, and still standing by it, was not true?

A No, sir, it wasn't.

Q Now, Mr. Woodberry, you indicated yesterday, in connection with some questions Mr. Panosh asked you, that on October the 9th, you had lost your license at that time; is that right?

A No, I said I didn't have no driver's license.

Q Didn't have a driver's license?

A No, sir.

Q All right. Well, let me ask you this, Mr. Woodberry. Was that because you had lost your driver's license or --

A I've never had a driver's license.

Q All right. You have just chosen not to get a driver's license; is that correct?

A Well, yeah, I can get them now. I have -- I've had a couple traffic violations. I drove without license years ago, and I was charged with a hit and run. But I never went and applied for a license.

Q All right. So you're not telling this jury that you couldn't drive a car?

A Oh, no, sir.

Q Just at that time, you didn't have a driver's license

--

A Yes, sir.

Q -- is that right?

A Yes, sir.

Q Now, let me ask you this, Mr. Woodberry. What have you been tried and convicted of within the past 10 years punishable by more than 60 days?

A Like I said, I had a hit and run, possession of marijuana, carrying a concealed weapon. And like I said, this was years ago, I think. But to my knowledge, I know -- I know it was.

Q Well, years ago, isn't it a fact, Mr. Woodberry, that you were on probation while you were working for Ted Kimble at Lyles Building Supply?

A Yes, sir.

Q All right. So those -- as a result -- which one of those convictions had you been put on probation for at that time?

A I think it was the -- I can't remember if I'm for sure, because I was in Lexington during the time before I had it transferred to Greensboro. I think it was the possession,

or the driving, if I'm for sure.

Q So it was for the possession of drugs; is that what it was for?

A Yes, sir.

Q All right. And how long had you been on probation at that time?

A I can't recall the exact time, but it might have been a year, might have been better. I can't recall exactly how long.

Q And so, your probation started out in Lexington; is that what your testimony is?

A Yes, sir.

Q And then it was transferred up here to Greensboro, or was it transferred to Burlington or Graham?

A No, Greensboro.

Q All right. Now, your testimony here today, Mr. Woodberry, is that Ted Kimble had made a number of efforts to get in touch with you shortly after the death of Patricia Kimble; is that right?

A After and before.

Q All right. And he had called over to Laura Shepard's house a number of times, to try to get in touch with you?

A Yes. I mean, to my knowledge and my understanding from Laura, I mean, it was like they became bosom buddies. I mean, she even --

Q Well --

A -- told me herself that Ted had come by there plenty of times, which is something he never really did, and told me --

Q And this was after the --

MR. PANOSH: Excuse me.

Q -- death of Patricia?

MR. PANOSH: May he finish?

THE COURT: You may finish.

Q Excuse me. I didn't realize you hadn't finished. I apologize.

A Excuse me, sir? What --

THE COURT: You may finish your answer.

Q Finish your answer.

A She said -- she told me before -- even before Patricia's death that he had started coming by more.

Q Well, but he came by after Patricia's death, is that a fact?

A Yeah, she said that. She told me that he even came by, I think, Halloween, and bought her kids some candy.

Q And he came by your mother's house, too, didn't he, looking for you?

A Yes, sir.

Q And that was after Patricia's death, wasn't it?

A Yes, sir.

Q And were you avoiding him at that time, Mr. Woodberry?

A No, sir. I mean, not really. I just -- like I said, I didn't spend a whole lot of time in Greensboro during then, because of transportation. Like I said, if I catch a ride over here, I might come to see my mother, or, like I said, I even went to Laura's house a couple times.

Q All right. And when did you break up with Laura?

A Sometime during the summer of '95.

Q All right. And so, this conversation that you had with Ted Kimble, in late October or early November, that was over at Laura's house; is that right?

A Yes, sir.

Q But that was after you had broken up with her?

A Yes, sir.

Q And I believe you told Mr. Panosh that you had become good friends with Laura's family; is that right?

A Yes, sir.

Q But when you went over to Laura's house to stay, you had to see her, didn't you?

A Yes, sir.

Q All right. And this was the woman that you had told the jury yesterday you had such a hard time breaking up with?

A Yes, sir.

Q This was the woman that chased after your car, when you

left with your bags; is that right?

A Yes, sir.

Q This was the same woman that made you go to the doctor's, because she told you she was pregnant; is that right, Mr. Woodberry?

A Yes, she told me she was pregnant. Yesterday I said something -- I went to one doctor with her, and this was to health center.

Q And it wasn't true that she was pregnant; is that your testimony, Mr. Woodberry?

A Yes. I mean, I never seen any indications of it.

Q Now, Mr. Woodberry, I asked you some questions yesterday concerning your relationship with Ted Kimble, and you indicated that you had been out to Ted and Patricia's house --

A Yes, sir.

Q -- on prior occasions --

A Yes, sir.

Q -- is that right? Now, did you go in their house?

A Yes, I've been in their house.

Q All right. Did that on a number of occasions; is that right?

A Yes, sir.

Q And one time when you were out there, you or somebody who was with you got a key from Ted Kimble; is that right?

A No, sir. This -- this thing with the key, it happened at the shop. Like I said, I think Ted and Patricia was going out of town that Friday, and Ted wanted me and Robert to go out there that Saturday and paint that building. And I think we -- if I'm for sure, we'd weed eat around the building and got the yard together or whatever. Mostly yard work and painting that building. And which at that time, like I said, if I can recall, I think Robert drove the company's truck out there.

Q All right. Well, let me -- and what was his name, Mr. Woodberry?

A Robert Tidwell.

Q All right. And do you recall making a statement to Detective Church on May 30, 1996?

A I can't recollect. Like I say, I might have, but I can't --

Q Well, do you remember telling Detective Church that they, meaning Patricia, and Ted, gave Rodney a key, gave you a key to their house?

MR. PANOSH: Objection.

Q Do you recall making that statement?

MR. PANOSH: That's not in there, Your Honor.

THE COURT: Well, I don't know -- I haven't seen the statement, so I don't know.

(Mr. Lloyd showed a document to Mr. Panosh, and Mr. Lloyd

and Mr. Panosh conferred.)

Q Do you recall telling Detective Church that they gave you a key to their house?

A Yes, I did say that. But when I said that, I meant they was giving us the key to the building. I don't know if a house key was on there or what. I don't know how many keys was on there or whatever. Like I said, the keys was in Robert's possession.

Q And who did you mean by the -- when you made the statement "they"?

A Ted and Patricia. I figured if they were married, if Ted gave us the key, it was their key.

Q Now, do you remember telling the detectives, Mr. Woodberry, that even after you had quit working for Ted, he had given you money? Do you remember telling them that?

A Yes, sir.

Q All right. And so, there wasn't a situation --

A He didn't give me no money. He let me borrow the money.

Q All right. But there wasn't a situation where Ted could take it out of your paycheck at that time, could he?

A No. I even offered to pay it back, and he told me, he said, I think to some effect, "I'll let you come up and work it off one day."

Q All right. So is it your testimony, Mr. Woodberry,

that you never paid that money back?

A No, he never, you know, said anything else about it after that.

Q So he lied --

A As a matter of fact, after that -- Excuse me.

Q Go ahead, Mr. Woodberry. No, you finish.

A Like I said, I even -- I was going to pay him back at one time, and like I said, he had told me, said that he'll let me work it off one day. And after that, it just never came up again.

Q He never said anything about it?

A No, sir.

Q Didn't say anything about it when he tracked you down over there at Laura Shepard's?

A I can't recall.

Q So --

A He might have. He might have not. I can't recall.

Q So in effect, Mr. Woodberry, he gave you that money, didn't he?

A If that's what you call it. I mean, I think it was something like \$60.

(Mr. Lloyd and Mr. Hatfield conferred.)

Q Now, Mr. Woodberry, directing your attention to your activities on the afternoon of October 9, 1995, I believe you told Mr. Panosh that at that time, you were baby-

sitting; is that right?

A Yes, sir. I think I had Beverly's two boys that day, because she had to work.

Q All right. And so, I take it that you were not working at that time; is that right?

A No, sir.

Q And you mentioned someone else who was with you at that time; is that right?

A Yes, sir, a neighbor of ours.

Q All right. Now, when did you first tell the detectives about your whereabouts on the afternoon of October the 9th?

A I can't recall, but I think I told them the first time I've talked to them.

Q So you established your alibi the first time you talked to them; is that right?

A I --

MR. PANOSH: Objection, please.

THE COURT: Objection sustained.

Q Now, did you give them the name and address of the neighbor that was with you?

A I can't recall, but I believe so. I mean, it's a complex apartment, and doors is like this. (Indicated.) So it's right -- I could walk out and walk into her door.

Q All right. Was there anybody else who saw you on that afternoon?

A Maybe a couple people in that complex. Nobody really knew me, you know. I was just getting to know Burlington. So nobody really knew me, as far as just, you know, coming up and just, you know, carrying on conversations. But the people in that complex, they had seen me plenty of times.

Q All right. So they might not have known your name and might not have known you to say "Hi" to you, but they certainly knew what you looked like; is that right?

A Yes, sir.

Q Now, did you give the detectives the names of those other people who saw you on the afternoon of October the 9th?

A No, sir. I think I might have mentioned before that the people in that neighborhood right there, that little section, probably had seen me, you know, that day. Maybe in the door, on the porch, or something like that.

Q Now, were there any receipts, any sort of documentation, did you get anything that afternoon that would show -- would have a date and a time on it, that would show you were in Graham or Burlington?

A No, because I was at home. I mean, you know, when you say receipt, you know, I --

Q But did -- Go ahead.

A I couldn't get a receipt for being at home.

Q Well, I understand that, Mr. Woodberry. Did you walk

to the store and buy something that had a date and time on it, from the cash register receipt?

A It's a little store that we frequent a lot up there. I might have went to that store that day. I can't recall.

Q All right.

A I go there a lot and the people know me.

Q Did you tell the detective about that?

A I can't recall if I mentioned that or not.

Q Now, Mr. Woodberry, when you gave your statement to Mr. Panosh and Detective Church, on July the 17th of 1998, did they ask you any questions at that time about where you were on the afternoon of October the 9th?

A I can't recall if they mentioned that or not.

Q Would you like to --

A I believe he did, but like I say, I'm not for sure, I can't be for sure whether he mentioned it that day or not.

MR. LLOYD: If I may approach, Your Honor.

THE COURT: You may.

Q Well, you've got it here. On State's Exhibit 147, that's the write-up that bears your signature, does it not

--

A Yes, sir.

Q -- of the July 17th interview?

A Yes, sir.

Q All right. And if you could show me the paragraph

where it says something about your whereabouts that afternoon, afternoon of October the 9th.

(Time was allowed for the witness.)

Q Take your time, Mr. Woodberry.

(Further time was allowed for the witness.)

A I don't see it on here.

(Further time was allowed for the witness.)

A I don't see nothing on here about where I was October the 9th.

Q All right. So is it your testimony now, Mr. Woodberry, that neither Mr. Church nor Mr. Panosh asked you anything about your whereabouts on October the 9th or --

A Like I said, during that interview, I can't recall whether or not, you know, that was mentioned. It might have been and it might not have, but I just can't recall.

Q But it's certainly not in the write-up that you --

A No, sir.

Q -- signed, is it?

A No, sir.

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

RE-CROSS-EXAMINATION by MR. PANOSH:

Q Sir, did you tell about your whereabouts in prior interviews?

A Yes, sir.

Q Would you look at the second paragraph of 147 and read

that to the jury, please.

A "We began by going over his prior statements to the Guilford County Sheriff's Department, and then asked Rodney Woodberry if there was anything else he was worried about or wanted to tell us about. Rodney went --" "Rodney Woodberry went on to state --"

Q All right. So when you refer to talking about where you were on October the 9th, was that when we were going over your prior statements?

A Could you repeat that, Mr. Panosh.

Q Excuse me?

A Could you repeat that.

Q You said a few minutes ago that on July 17th, we went about -- we went over your whereabouts on October the 9th. Was that contained in those prior statements that we talked about?

A I hear what you're saying, but I don't --

Q All right.

A I hear what you're saying, but I don't, you know --

Q Let me ask you this.

MR. HATFIELD: Objection. He should answer the question.

THE COURT: Overruled.

Proceed.

Q Do you remember discussing with Detective Church and

myself the prior statements you'd made to the Guilford County Sheriff's Department, going over them?

A Yes, sir.

Q In those prior statements, did it indicate where you were on October the 9th?

A To my knowledge, I think so, yes.

MR. PANOSH: No further questions.

FURTHER REDIRECT EXAMINATION by MR. LLOYD:

Q Now, Mr. Woodberry, those prior statements were not accurate, were they?

A No, sir, not detail, detail.

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

THE COURT: You may step down, sir.

(The witness left the witness stand.)

THE COURT: You may stand and stretch, members of the jury.

Next witness, please.

MR. LLOYD: Laura Shepard.

LAURA ANN SHEPARD, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. LLOYD:

Q Ms. Shepard, would you state your full name for the record, please, ma'am.

A Laura Ann Shepard.

Q And where do you live, Ms. Shepard?

A 318 Erwin Street.

Q Is that here in Greensboro?

A Yes.

Q And how long have you lived there, Ms. Shepard?

A About four years, because I was married at one point in time and moved back in with my mother.

Q All right. You said you were married, Ms. Shepard?

A Yes.

Q Did you have any children --

A Yes.

Q -- as a result of that marriage?

A Yes.

Q Are you -- do you still have custody of those children?

A Yes.

Q Where do you work, Ms. Shepard?

A I work at Greensboro Transportation and Volvo 1.

Q Excuse me. I heard that you worked at Greensboro Transportation. I did not not hear where else you worked.

A Volvo 1.

Q All right.

A It's a customer service job.

Q All right. And what do you do for Greensboro Transportation?

A Dispatch.

Q All right. And what do you do for Volvo 1?

A Cleanup at night.

Q All right. So you have two jobs --

A Yes.

Q -- is that right, Ms. Shepard? Now, Ms. Shepard, do you know Rodney Woodberry?

A Yes, I do.

Q How is it that you know him?

A I know he's a compulsive liar. And basically that's it. I mean, I can't believe nothing he say.

Q Well, Ms. Shepard, did you -- at one time, did you have a relationship with Rodney Woodberry?

A Yes, I did.

Q All right. And if you could describe for the ladies and gentlemen of the jury what that relationship was.

A It was a nightmare. I mean, he would lie to you. I mean, I had never been through a situation like that.

Q Now, did you and Rodney Woodberry at one time live together?

A Yes.

Q All right. Now, were you still going together at the time of Patricia's death?

A No.

Q And Ms. Shepard, did Rodney call you around the time of Patricia's death?

A Yes, he did.

Q What did he say to you at that time?

A He called me and told me "Did you look at the news?" I said, "No." He said that that was Ted wife was killed last night.

Q Now, did you know Ted Kimble?

A Yes, I did.

Q And did you know Ted through your association with Rodney Woodberry?

A Yes.

Q All right. Did Ted Kimble call you shortly after Patricia's death?

A I can't recall. I don't remember. But I know he was coming over.

Q All right.

A He came over.

Q Okay. Did he come over on a number of occasions?

A Yes, he did.

Q And when he came over, did he came over -- did he come over to see you? What was he there for?

A Have I ever talked to Ronnie, "Is Ronnie coming over? I need to speak to Ronnie."

Q All right. Now, I notice, Ms. Shepard, that you used the name Ronnie.

A Right.

Q Who does that refer to?

A Rodney Woodberry.

Q Okay. So was that what you called Rodney, you called him Ronnie?

A Yes.

Q All right. Now, did there come a time, Ms. Shepard, when detectives came and interviewed you concerning the fact that Ted had called over to your house or come over to your house?

A Yes.

Q All right. Do you remember when that was?

A No, I do not.

Q All right. Does April of 1996, does that sound about right to you?

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

Q Okay. Let me ask you this, Ms. Shepard. Had the detectives come to see you on more than one occasion?

A Yes, they did.

Q All right. Do you remember them coming to see you on January 4, 1996?

A Yes.

Q All right. And do you remember them coming to see you on April 18, 1996?

A Probably so. I can't remember.

Q All right. And during that time, Ms. Shepard, did you tell the detectives about a day in early April, April the 5th, when Rodney Woodberry had spent the night at your

house?

A Yes, I did.

Q Would you tell the ladies and gentlemen of the jury about that night in early April when Rodney Woodberry spent the night at your house.

A Okay. He came over that night. He said, "Well, I need to talk to you." And I said, "What is it?" He said, "Well, let me go to the store." He went to the store. And I said, "What is it?" He said, "Well, let me spend the night." I said, "Well, you sleep on the chair, but I got to get up and get ready to go to work."

Q Now, let me stop you for just a second, Ms. Shepard. Did he ever -- that night, did he ever say anything more about what he wanted to talk to you about?

A No.

Q Was your relationship with Rodney Woodberry over at that time?

A Yes, it was.

Q All right. And was that why you told him he'd have to sleep on the couch in the living room?

A Yes.

Q All right. And Ms. Shepard, what happened in the early morning hours of the next morning.

A I heard a noise about 5:00 o'clock in the morning. I said, "Who's sitting in there crying?" So I got up, and he

was in there. He said, "Well, it's something I need to tell you. I can't tell Beverly." I said, "Well, I'm your friend. I can talk to you." And then he said, "Well, I might get the death penalty or I might go to jail. Will you come and see me?" I told him "No." And he said, "Will you promise me will you come and see me?" I told him "No." And then he said, "Well, I might be coming into some money, to help you out." I said, "I don't want your money." And that was the end of the conversation.

Q All right. And after that, what did you do?

A I got -- I finished getting dressed and getting my son dressed, and went to -- dropped my son off at day-care and went to work.

Q And did Rodney Woodberry early that morning tell you that he had done something that he might get the death penalty for?

A Yes, he did.

Q Now, did Rodney confide in you, even after your relationship had ended at some point?

A Yes. He was constantly calling me and telling me things about his relationship. And I told him, I said, "If you're not happy, just leave."

Q Now, you indicated, Ms. Shepard, that Ted Kimble had come over to your house on a number of occasions, looking for Rodney; is that right?

A Yes.

Q Now, back -- and of course, you knew Rodney when he worked for -- I mean, you knew -- yes, you had a relationship with Rodney when he worked for Ted; is that right?

A Yes.

Q Do you know how Ted and Rodney communicated during that time period?

A It seemed like they worked together all day, then Ted would come over, be going and talking to Rodney, and I couldn't figure out why was he still coming over after work hours, just to talk to Rodney.

Q Okay. Now, while Rodney was working for Ted, did he have a pager?

A Yes, he did.

Q Who gave him that pager?

A Ted.

Q All right. Now, do you remember, Ms. Shepard, when -- and who paid for the pager?

A Ted Kimble.

Q All right. And do you know when the service on the pager was terminated?

A No. He came over that day, I want to say in June, he came over, he said, "Well, I'm just going and have this pager turned off." And then he come back with a list or

people been paging him, that he get a list of how many times people be paging him at different numbers and stuff, he came back and showed me that.

Q All right. Ms. Shepard, during your relationship with Rodney Woodberry, did you ever make Rodney go to the doctor because you were pregnant?

A No, I did not.

Q Was there another reason?

A Yes, it was.

Q What was that reason, Ms. Shepard?

A I went to the doctor to have a physical, and they told me I had a disease, a transmission (sic) disease. And they told me I need to write on a piece of paper the person I slept with. And I told them I had one person, and I brought him back with me to the doctor.

Q All right. So, you went for a physical, and they told you you had a sexually-transmitted disease --

A Right.

Q -- is that correct?

A Yes.

Q And do you remember what they called it, Ms. Shepard?

A Chlamydia.

Q Chlamydia?

A Uh-huh.

Q And they asked you for all the men you had slept with

--

A That's right.

Q -- in the recent past; is that right?

A Yes.

Q And you told them that consisted of Rodney Woodberry?

A That's right.

Q And so, as a result of that, you made Rodney come down to the doctor, is that right --

A Yes, I did.

Q -- and be treated for the sexually-transmitted disease?

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

THE COURT: Mr. Panosh?

CROSS-EXAMINATION by MR. PANOSH:

Q Ma'am, going back to what you said about the pager, you said, "He told me it was getting turned off in June." Who is "he"?

A Ted Kimble.

Q Ted told you he was turning off Rodney's pager?

A Yes.

Q Was Ted at your house at that time?

A Yes, he was.

Q Was Rodney there?

A No, he wasn't.

Q And when you say June, what year was that?

A I think --

Q Let me ask you this. Was it before or after Patricia's death?

A Before.

Q So this was one of the occasions when Ted came to your house when Rodney was not there?

A Yes.

Q Up until the time that -- Let me ask you this. When he said that he was turning the pager off, was Rodney no longer working at Lyles?

A Yes.

Q And did Ted come by on that particular occasion looking for Rodney?

A Yes, he did.

Q Now, did you know Rodney's address?

A No, I didn't.

Q After the time of about June, when he was turning off the pager, did Ted come by to look for Rodney again?

A Yes, he did.

Q When was that?

A I think he was coming every day, or calling every day.

Q And you, of course, were working at this time?

A No, I wasn't.

Q Oh, you weren't working then?

A No, huh-uh.

Q Do you know if he was calling during the daytime or the

evening?

A He was calling in the morningtime, in the evening, or he'd stop by when he'd get off at Lyles and come by to see, have I talked to Rodney.

Q And on each of those occasions, he indicated he couldn't find Rodney?

A Right.

Q And that's why he was coming to see you?

A Yes.

Q And this went on all the way up to Patricia's death?

A Yes.

Q And even after Patricia's death?

A Yes, he did.

Q And each time he'd come to your house, he said he couldn't find Rodney?

A Yes.

Q Now, at some point, you became aware of Patricia's death?

A Yes.

Q And then the next time that you saw Ted was how long after you became aware of her death?

A It was November the 24th.

Q November the 24th?

A Uh-huh.

Q And what is it that causes you to remember that the

next time you saw him was November the 24th?

A Because it was the day before Thanksgiving.

Q Was Rodney there that day?

A No, he wasn't.

Q Did Ted ever assist you in fixing your door or your porch?

A No.

Q How did that get fixed?

A They never did fix it.

Q Did you talk to him about fixing it?

A No.

Q Who did you talk to about fixing it?

A Rodney Woodberry.

Q Now, in reference to what Rodney told you that evening when he was upset, did he ever say what occurred?

A No.

Q You said that you were living there, and let's draw your attention to the period of 1995, say, summer of 1995, up until the death of Patricia. Who was living at that address with you?

A My mother and my two kids and my two nephews.

Q And your mother's name is?

A Linda Young.

Q Lydia Young?

A Linda Young.

Q Thank you. Did there ever come a time when, due to your relationship with Rodney, you became pregnant?

A No.

Q Did you ever tell anybody that?

A No.

Q Do you know Peggy Millen?

A Who?

Q Peggy Millen?

A Huh-uh.

Q Rodney's mother?

A Oh, yes.

Q Did you ever call her?

A Yes.

Q But your final assessment of Mr. Woodberry is that he's a liar and you don't know when you can believe him?

A Right.

Q Did there come a time when Ted Kimble requested your Social Security number?

A Yes, he did.

Q Do you remember when that was?

A Only thing I know it was cold. I don't remember.

Q Do you remember --

A I think it was after Patricia death.

Q Do you know why he wanted it?

A No.

Q Did you give it to him?

A Yes.

Q And you would describe your association with Mr. Kimble as being friends --

A Yes.

Q -- Ted Kimble?

A Yes.

MR. PANOSH: No further. Thank you.

MR. LLOYD: Just a few questions, Your Honor.

REDIRECT EXAMINATION by MR. LLOYD:

Q Now, referring, Ms. Shepard, to the time that Ted Kimble came over and asked you for the Social Security number, whose Social Security number did he ask for?

A Rodney Woodberry and mines.

Q All right. And did he ever tell you why he wanted those two Social Security numbers?

A No, he did not.

Q Now, did he also tell you other things on that occasion, when he asked for the Social Security numbers?

A I can't recall.

Q Do you remember when Ted came over that time, he told you --

MR. PANOSH: We object. This is their witness. He's leading her.

MR. LLOYD: Well, if I --

THE COURT: Sustained.

MR. LLOYD: Your Honor, if I could approach.

Q Ms. Shepard --

A Uh-huh.

Q -- I show you what's been marked as Defendant's Exhibit Number 22, and ask you if you recognize that as being a write-up of your April interview with Detective Church. (Indicated.)

(Time was allowed for the witness.)

A Uh-huh.

Q And I ask you, Ms. Shepard, to read this paragraph here. Just read it to yourself.

A Okay.

Q You can pick it up, to look at it closely, if you need to.

(Time was allowed for the witness.)

A Uh-huh.

Q Now, Ms. Shepard, I ask you again, do you recall if Ted Kimble gave you any instructions about what to tell the police --

A No, he --

Q -- on that occasion?

A -- did not.

Q All right. You don't recall Ted telling you that if the police asked you, that he and Patricia had a very --

MR. PANOSH: We object, please.

THE COURT: Sustained.

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

MR. PANOSH: No further.

THE COURT: Step down, ma'am.

(The witness left the witness stand.)

THE COURT: You may stand and stretch.

Next witness, please.

MR. LLOYD: Judge, before I forget, I would move the introduction of Defendant's Exhibit Number 23, which is the affidavit that Rodney Woodberry had signed.

THE COURT: The Court'll allow the introduction.

MR. HATFIELD: Ready for the next witness?

THE COURT: Yes, sir.

MR. HATFIELD: Charles Dunn, please.

CHARLES ALLEN DUNN, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Will you state your name, please, sir.

A Charles Allen Dunn.

Q You have to kind of speak up in this big room.

A Charles Allen Dunn.

Q And how old are you, sir?

A 26.

Q Where do you work?

A Perdue-Burnham Body Shop.

Q And what kind of work do you do there?

A Body man.

Q How long have you been there?

A A little over a year.

Q Do you know Ronnie Kimble?

A Yes, sir.

Q And what is -- how long have you known Ronnie Kimble?

A About 12, 13 years.

Q Since you were about 15, 14 or 15 years old?

A Probably, right now.

Q Would you tell the jury, what kind of a friendship is this? How good a friend is he of yours?

A He was my best friend. He was always there for me.

And, you know, he helped me out a whole lot.

Q And was there a time back right after high school -- did you and he graduate from high school at the same time?

A Yes, sir.

Q And after high school, and before Ronnie went into the Marine Corps, was there a time when you all lived together?

A Yes, sir.

Q Would you tell the jury about that, please.

A He lived down my house probably, I'd say probably a month and a half, two months, and he would buy stuff for the house, do stuff around there, you know, without being asked. He, you know, wasn't a freeloader. And he helped me out a

whole lot.

Q He helped you and -- was that your parents' house that you all lived at?

A My grandmother's, yes, sir.

Q Your grandmother's house? So he was helpful to your grandmother and --

A Yes, sir.

Q -- you; is that right? Do you -- were you aware of Ronnie Kimble's relationship with Kim Stump Kimble?

A Somewhat, yes, sir.

Q You were?

A Yes, sir.

Q Do you remember when they first were dating?

A I just know they dated in high school.

Q Were you involved in that? Did you double-date with them or --

A No, sir.

Q Okay. Were you -- during the latter years of high school, do you remember whether Ronnie Kimble and Kim went together?

A I think they went together pretty much all the time we was in high school.

Q Was there a time early on when they were engaged?

A I can't remember.

Q Okay. Do you remember when they got married?

A Yes, sir.

Q What do you remember about that?

A I was best man in the wedding.

Q Okay. And do you -- during those years when you were good friends with Ronnie, before -- by the way, did you think of enrolling in the Marine Corps with him?

A No, sir.

Q Okay. During those years, were you aware of Ronnie's relationship to his brother, Ted?

A Yes.

Q Could you describe that relationship to the members of the jury.

A Well, they -- you never seen them do anything together, and they just, you know, didn't get along real great. It was just typical brothers, I guess.

Q Typical brothers that didn't get along?

A Yes, sir.

Q Do you know what the age difference was between these two young men?

A Two years, I think.

Q Do you remember Ronnie hanging around with his brother and riding around in cars and things like that with him?

A No, sir.

Q Do you remember Ronnie and Ted dating girls together and double-dating and --

A No, sir.

Q -- that sort of thing? You don't remember any --

A No, sir.

Q -- of that? Do you remember Ronnie and Ted playing sports together?

A No, sir.

Q Do you remember them hunting together?

A No, sir.

Q Do you know whether Ronnie earned money during his high school years and before he went in the Marine Corps?

A Yes, sir. He had a lawn service. I helped him out some on it.

Q Did he have equipment that he --

A Yes, sir.

Q Can you tell the jury a little bit about the details of how it was done.

A It was just sort of a small setup, you know, just a riding mower and a push mower and a weed eater. And he'd do little odds and end jobs, mow yards, rake them. And I'd help him some, after school.

Q And did you all share the money that you were paid by the customers, when you helped him?

A He just paid me, yes, sir.

Q Was this pretty much of a full-time job for him, or do you know?

A There for a while, I think it was, yes, sir.

Q Now, do you remember when Ronnie went into the Marine Corps?

A Yes, sir.

Q Do you remember what year that was?

A Not right offhand, I don't.

Q Do you remember the period of time that Ronnie was in Spain?

A I remember he was on that Mediterranean float.

Q How long did that last?

A Six months.

Q So, during that period of time, he was simply out of the country and unavailable?

A Right. He wrote letters.

Q He wrote letters?

A Yes, sir.

Q Do you know whether he wrote his brother, Ted, letters?

A No, sir.

Q Did he write you letters?

A Yes, sir.

Q And tell you what his activities were over there?

A Yes, sir.

Q During those early years, was Ronnie involved in the church?

A Yes, sir.

Q Did that have any effect upon your life?

A Well, yes, sir, it did.

Q Will you tell the jury what that was.

A I mean, you know, he was just -- I really can't, you know, pinpoint what it was, just -- you know, he was just, like I say, he was just, you know, something different about him. He was always, you know, there for me when I needed him. And I seen, you know, his life, and it sort of encouraged me.

Q Did he get you interested in joining the church?

A Yes, sir.

Q And did he lead you in the direction of more spirituality?

A Yes, sir.

Q Do you remember, after Ronnie and Kim got married, their living in Swansboro?

A Yes, sir.

Q Did you go down and visit them?

A Yes, sir. When she was sick one time, I went down with him and stayed down there a day, and then we come back. He had some paperwork he had to do, to get an extra leave off.

Q Okay. Do you recall using any firearms with Ronnie on any occasions?

A Yes, sir.

Q Can you tell the jury about that?

A We'd just go out in a little pasture I had there below the house, and we'd, you know, shoot like, you know, cinder blocks, you know, pieces of wood standing up down there in the bottom of the field.

Q What kind of firearm did Ronnie have?

A I think he had a 30.06.

Q Was that a rifle?

A Yes, sir.

Q Did you ever know him -- know of him to actually hunt deer with that gun?

A No, sir.

Q And to the best of your knowledge, has he ever killed a deer?

A No, sir, I don't --

Q Now, what kind of a gun did you have on these occasions?

A I had a 9mm.

Q Okay. Is that a pistol?

A Yes, sir.

Q Okay. And did you use the pistol?

A Yes, sir.

Q Did you let Ronnie use the pistol?

A No, sir.

Q Has he ever handled your gun?

A He handled it right when I first got it, at Christmas

Eve we had a party, and he did stand there in the den, looking at it.

Q Okay. So did someone give it to you at Christmas time?

A Yes, sir, my mother and father.

Q Your mother and father did?

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

Q Do you recall observing Ronnie ever fire that gun?

A No, sir.

Q Now, I assume that you've seen Ted Kimble many times in your life?

A Not too many, but some, yes, sir.

Q Have you seen Ted Kimble carry a gun?

A No, sir.

Q Have you -- after Ronnie was in the Marine Corps, do you recall Ted getting married?

A I know he got married, but I don't remember when.

Q Were you invited to the ceremony?

A I don't think so.

Q You're a member of Monnett Road, aren't you?

A Yes, sir.

Q Do you remember some sort of memorial ceremony for the marriage in the spring of 1994, when they got married, or when they announced to everybody they were married? Did you know anything about that?

A No, sir.

Q Did you know Patricia Kimble?

A I met her once, I think.

Q Where was that?

A At Ronnie's wedding.

Q So she did attend Ronnie's wedding?

A Yes, sir.

Q All right. When Ronnie was sworn into the Marine Corps, after he'd made it through basic training, did you go to that ceremony?

A No, sir.

Q Were you invited to it?

A Yes, sir.

Q Just couldn't make the trip?

A Yeah.

MR. HATFIELD: That's all the questions I have.

Thank you.

THE COURT: Mr. Panosh, any questions?

MR. PANOSH: Yes, sir.

CROSS-EXAMINATION by MR. PANOSH:

Q So you knew him quite well when he was 15 years of age?

A Yes, sir.

Q Drawing your attention to that period of time, did he and his brother ever get in trouble together?

A I can't recall.

MR. LLOYD: Objection, Your Honor.

MR. HATFIELD: Objection.

THE COURT: Sustained.

MR. HATFIELD: Ask the jury to be instructed.

THE COURT: Members of the jury, disregard that question.

MR. PANOSH: Your Honor, we'd ask the matter, based on what he said about their relationship.

THE COURT: Overruled.

Q You said that he guided you in spiritual matters?

A Well, yes, sir.

MR. PANOSH: May I have those exhibits?

MR. HATFIELD: Objection. Ask for a hearing outside the presence of the jury.

THE COURT: Let me see the documents, sir, what you're talking about.

(The clerk handed an envelope to Mr. Panosh, and Mr. Panosh handed the envelope to the Court.)

(Time was allowed for the Court.)

THE COURT: Objection sustained.

Q Do you know what, if anything, Ronnie Kimble did during the period of time after his arrest?

A Excuse me? I don't --

Q Do you know what, if anything, Ronnie Kimble did during the period of time after his arrest?

A No, sir.

Q While he was in custody?

A No, sir.

Q And you said that, to your knowledge, Ronnie Kimble did not ride around in his brother's car?

A No, sir.

Q Are you saying you don't know of any situation, or are you saying that you definitely know he didn't ride around in his car?

A I never seen him ride around with him.

Q But you do know that he worked for his brother at Lyles from time to time?

A Every once in a while, yes, sir.

Q And you do know that he got materials from his brother?

A I don't know that.

Q He never told you that he was able to get building materials and --

A I suppose he could, but he never told me, no, sir.

Q When you said you had a close relationship with Ronnie Kimble, what do you mean?

A I mean, he was my best friend. I mean, all through high school and in high school and, you know, after we graduated, while he was in the Marines.

Q And drawing your attention to the time after graduation and while he was in the Marines, did you and he talk frequently?

A When he come in, yes, sir, when he --

Q When he'd be in Greensboro?

A Yes, sir.

Q And did you call him while he was down at his base?

A No, sir.

Q Do you know Joy Dyer?

A Yes, sir.

Q Do you know about the fact that Joy became pregnant at some point, about the end of high school?

A Yes, sir.

Q And did Ronnie consult with you about that?

A Yes, sir, he spoke to me about it.

Q And what did you tell him to do?

A I just -- I really didn't tell him what to do. I mean, I wasn't the one to give advice, I didn't think.

Q Did you tell him to see someone who could give him advice?

A No, sir.

Q Do you remember being interviewed on the telephone on August the 25th of 1998, this year?

A Was that on a Monday?

Q I believe so, sir.

A No, sir. I wasn't at home.

Q Do you remember being interviewed at your -- at Perdue-Durham (sic) Body Shop?

A Yes, sir.

Q So you were interviewed?

A What it was, he said he wanted to ask me a few questions, and I refused to answer any.

Q Did you state to him that you were supporting Ronnie Kimble, and Kimble's attorney told you not to talk with the District Attorney's Office or law enforcement, in the event you were contacted?

A I said I supported Ronnie Kimble, and I didn't say who told me I did not have to speak to y'all. I did not say no names.

Q But you refused the interview?

A Yes, sir.

Q And said you were supporting Ronnie?

A Yes, sir. I said I've been subpoenaed by Ronnie's attorneys, also.

Q Drawing your attention to October the 9th of 1995.

A Uh-huh.

Q Do you remember finding out Patricia Kimble had been killed?

A Yes, sir. My sister told me about it when I got home.

Q Were you notified by Ronnie?

A No, sir.

Q Did you know Ronnie was in town at that time?

A No, sir.

MR. PANOSH: No further questions.

THE COURT: Step down, sir.

MR. HATFIELD: Just a second, please.

THE COURT: All right, sir.

REDIRECT EXAMINATION by MR. HATFIELD:

Q You're Ronnie's best friend, aren't you?

A Yes, sir.

Q You've known him 15 years?

A Yes, sir.

Q And until Mr. Lloyd and I sent a subpoena to you, to testify in this case, nobody ever interviewed you about this, did they?

A No, sir.

Q No one ever asked you what kind of person Ronnie was or where he'd been, did they?

A No, sir.

Q Now, when Mr. Pendergrass tried to contact you, you told him you were a witness for Ronnie, didn't you?

A Yes, sir.

Q And he said that you could still talk to him, didn't he?

A Excuse me?

Q He advised you that you could still talk to him?

A Yes, sir.

Q And you told him that you just didn't want to?

A Yes, sir.

Q And then he said to you --

MR. PANOSH: We object. This is his witness, please.

THE COURT: Sustained.

Q Isn't it a fact, sir, that Mr. Pendergrass said to you, "Did Hatfield tell you not to talk to me?"

MR. PANOSH: Objection.

A Yes, sir.

THE COURT: Sustained.

Q What did Mr. Pendergrass say to you, after you advised him you didn't want to talk to him?

A He just sort of paused, and I said, "Well, if you don't have anything else, I need to get back to work."

MR. HATFIELD: Thank you.

No further questions.

THE COURT: Step down.

(The witness left the witness stand.)

THE COURT: The Court will take the morning recess, members of the jury. It'll be a 15-minute recess. Please remember the Court's previous instructions.

(The jury left the courtroom at 10:55 a.m.)

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

(A recess was taken at 10:56 a.m.)

(Court reconvened at 11:17 a.m. The defendant was present. The jury was not present.)

(The jury entered the courtroom at 11:17 a.m.)

THE COURT: You may call the next witness for the defense, please.

MR. HATFIELD: Jeffrey Clark.

JEFFREY CONLUIS CLARK, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Will you state your name, please, sir.

A Jeffrey Conluis Clark.

Q Okay. You have to speak up. This room has very poor acoustics, Mr. Clark.

A Jeffrey Conluis Clark.

Q Mr. Clark, are you currently serving a prison sentence in the North Carolina Department of Corrections?

A Yes, I am.

Q In recent months, have you been incarcerated in both the Greensboro and High Point Jail?

A Yes, sir.

Q Do you know Ronnie Lee Kimble, who's sitting beside me?

A Yes, I do.

Q At some point in time, were you confined in the same jail facility as he was?

A Yes, I was.

Q Do you also know Ted Kimble?

A Yes, I do.

Q And were you confined with him for a period of time --

A Yes, sir.

Q -- in the same facility? And was that High Point?

A Correct.

Q Did a time arrive when an incident took place, perhaps in July of 1997, between you and Ronnie Kimble?

A Yes, sir.

Q Can you briefly describe that incident.

A Well, one day I was -- well, Ronnie used to serve and clean up the trays in the jail. And one particular morning, the officer allowed me to go out and clean up. And before that, there was some words exchanged, and Ronnie thought that I was just making a racial thing, but he got the wrong -- he wasn't right about it. It wasn't me, it was another inmate. So I couldn't get Ronnie's tray from up under his door, so, you know, when the officer opened the door, Ronnie like pushed his tray, Kimble took his foot and pushed his tray towards me at the door. And I thought that, you know, he was trying to attack me or something. So it was like a little confrontation. But other than that, that was it.

Q And did the --

A Like it blew over.

Q Did the guard who was present resolve that controversy right away?

A Yeah. Officer Stevenson.

Q All right. Now, did something happen later in the day?

A Yeah.

Q What happened?

A Detective Church called me down to his office.

Q In the Detective Division of the sheriff's office?

A I guess that's what it is. I know --

Q Is that in the same --

A -- it was outside -- I know it was out--

Q Is that in the same building where the jail is?

A Yeah. Where B.J. Barnes' office is.

Q What did Detective Church say to you?

A He stated his name, told me who he was, and heard that -- he had got word that me and Ronnie Kimble had got into a little confrontation. And he said he's the first to know about anything that has any dealings with Ronnie Kimble.

Q He told you he -- whenever anything happened with Ronnie Kimble, he was the first to know?

A Yeah.

Q And did he ask you the details of what had happened with Ronnie Kimble?

A Yeah.

Q Did you tell him?

A Yeah.

Q And then what did Mr. Church say to you?

A He asked me, he said, "Well, back up --" "When you go back up there, find out --" you know, "see what you can --" said, "Have Ronnie said anything to you concerning why he was in the jail? Or have you heard him talking about his case?" And at the time --

Q Did Detective Church tell you anything about Ronnie's case?

A Not at that present time, but on another occasion, he did.

Q So this time, he told you to go back up and see if Ronnie would say anything about his case?

A Yeah, he did, he did say that.

Q Did he tell you how it was that Ronnie's sister-in-law had met her death?

A Yeah.

Q What did he tell you?

A He said that she was shot in the head with a large caliber pistol, and she was chained and soaked with gasoline and burned.

Q Chained to a chair?

A Yes, sir.

Q And soaked with gasoline?

A Yes, sir.

Q And burned?

A Yes, sir.

Q Did he tell you that he thought Ronnie did that?

A He said that -- yeah, he has good -- he said he has a good idea, and he's pretty for sure that Ted and Ronnie had something to do with it.

Q Now, did Detective Church write up a -- was he writing while he was talking to you?

A Yeah. Every occasion he was writing.

Q And did he show you what he wrote?

A No.

Q Now, subsequently, did you have another occasion to meet with Detective Church?

A Yes, in --

Q Where was --

A -- High Point.

Q In High Point?

A Yes.

Q Do you know when that was?

A I'm not for certain on the dates.

Q All right. And tell the jury what happened then.

A Well, on that occasion, he came to me and asked me, had I talked to Ted at the time. And I told him, yeah, we talked. And -- I'm not really for sure right off what he said to me at that time or what that really -- that conversation was about. But I remember the last conversation.

Q Did he ask you if Ted had given you anything?

A Yeah.

Q What did you respond?

A I said yeah. He gave me a little pamphlet, it's like a religious pamphlet. And he asked me, could he see it. I showed it to him. He was writing some stuff down. And he said, "Well, are you sure I will get Ted Kimble's fingerprints off of this?" I said, "Yes, sir." And he took it.

Q Did it have any drawings in it of anything unusual?

A Yeah. It had some drawings, like little cartoon things. And I'm not really for sure. It's been so long.

Q On that occasion, did Detective Church say anything to you about the prison time you were facing?

A Yeah. He said he would -- don't worry about -- don't worry about anything, he would help me. Whatever time that I get, I wouldn't get it.

Q And what did you think he meant by that?

A I mean, I wasn't going to prison.

Q He was going to excuse you from going to prison, if you'd cooperate with him?

A Yes, sir.

Q Is that what he made you believe?

A Yes, sir.

Q Now, was there a subsequent visit after that with Mr.

Church?

A Yes, sir.

Q And what happened then? Was anybody with him?

A Yeah. It was SBI agent -- I don't see him in here.

Q Was it Mr. Pendergrass?

A Pendergrass. Pendergrass.

Q All right. And what happened on that occasion?

A Well, that occasion, he came and talked to me, and he told me he was going to visit an inmate by the name of Dominic Harris at the high-rise. And we had talked. And SBI Agent Pendergrass, he walked out of the room, and Detective Church showed me three pictures.

Q What were those pictures of?

A It was of a -- well, one of them I know was a female. It was a small wallet-size picture of a female, looked like maybe a Glamour Shot picture, a very pretty girl. And the second one was of an open-face garage, with a gas can outside of it. And he said that "I'm for sure this is the gas can that was used in the burning." And the second one was -- it could have been a body, you know. I couldn't really tell. All I know, it was like ashes. It was a burned house. I mean --

Q That was the third one?

A Yeah. If you showed me the picture, maybe I could maybe identify it.

Q I show you what's been marked State's Exhibit 1. Does that look like the picture of the girl he showed you, except bigger?

A No, that's not the picture, but it's a much smaller picture, but it looks like the girl.

Q The girl depicted in Exhibit 1 looks like the girl in the picture that he showed you?

A Uh-huh. It's a much smaller picture, though.

Q All right. And showing you what's been marked Exhibit 5, does that look like the garage that he showed you a picture of?

A That's the garage, but it was a gas can outside of it.

Q There was a gas can in there?

A Yeah.

Q And showing you Exhibit 46, a body that's severely burned.

A Yeah.

Q Does that look like the picture he showed you?

A Somewhat of it.

Q Now, what -- after he showed you these pictures, what did he say to you?

A Well, after he showed them to me, we was sitting there just -- I think we was talking about the weather or something, and he noticed that Mr. Pendergrass was coming back in, so he slid them in the file and he said, "Look, you

didn't see this from me or hear it from me, these pictures."

Q And what did -- did you draw the conclusion he didn't want Mr. Pendergrass to know he'd showed you that stuff?

A Correct.

Q And what was his purpose in showing you that stuff?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q Was he asking you to implicate the Kimble brothers in murder?

A Yeah.

Q Now --

A I mean, from the whole time I got with talking to Mr. Church, it was like, what I got from it, it was trying to put this on the Kimble brothers.

Q Now, did -- at any time prior to very recently, did anyone show you any of these writings that Mr. Church wrote down?

A Well, I think about maybe two to three weeks ago, I came back here and --

Q Back here?

A Well, I came to the DA's Office.

Q Yeah.

A And the DA, he went downstairs and got a stack -- a book with a stack of papers in it. And he just briefly read over some things. It was like maybe --

Q Was that Mr. Panosh?

A Right. But he said at the time that he really didn't have time to talk, because Mr. Church wasn't in, he had to go to Winston-Salem for something.

Q Did Mr. Panosh read to you any of the things from the statements that Mr. Church had turned in on you?

A He didn't read over them. He just opened them up and started briefly reading to his self.

Q Did he mention anything to you that you felt you hadn't heard before?

A I think he read the first statement when I went to see Mr. Church. That's about me and Ronnie being into the confrontation.

Q And did you tell Church on that occasion that Ronnie pushes religion at everybody?

A I think I made the statement, Ronnie talks the religion talk to everyone in the jail.

Q And was it your -- did you try to put it in terms of pushing religion on people?

A I'm not going to say, because it's been so long.

Q Did you tell Detective Church that Ronnie was always trying to start trouble among the inmates?

A No.

Q You didn't tell him that?

A No, I don't think so.

Q Did you tell Detective Church that Ronnie had his wife call the jail and find out what you were charged with, and then told other inmates?

A No.

Q You didn't tell him that?

A No.

Q Did you tell him Ronnie gives the young guys that come into the cell block snacks, to try to win their friendship over?

A No.

Q You didn't say that?

A No.

Q Did you tell him that Ronnie said that his brother had been selling stolen property from his business?

A No.

Q Did you tell him that Ronnie said his brother had taken an insurance policy out on his wife, the woman who was murdered?

A (The witness shook his head from side to side.)

Q Did you ever hear Ronnie discuss any of those things?

A No. But I heard Mr. Church, he discussed it some briefly to that about it.

Q So, while Detective Church was writing this statement, he was telling you those things?

A I remember one occasion in High Point, yeah.

Q Did you tell Detective Church that you overheard Ronnie Kimble on the telephone talking to someone, and he stated that "They," meaning law enforcement, "think my rifle was used, but they don't know for sure if it was a rifle or a pistol"? Did you ever make that statement?

A No, sir.

Q Did Detective Church say something like that to you?

A I don't remember that statement.

Q Did Ronnie Kimble say to you and did you tell Detective Church that Ronnie thinks his truck was seen in the area, but the person who seen the truck cannot positively identify him? Did you ever say that to Church?

A No, I didn't. But I do remember Mr. -- the DA reading that to me.

Q And did you tell Mr. DA when he read it to you that you had never said it?

A Say again.

Q Did you tell him you never said it?

A I don't recall. I mean, at the time that I saw the DA, it was like real brief.

Q After you saw Mr. Panosh, did you realize that there were things in Church's reports that you had never said?

A Yes, sir.

Q And are you telling this jury now that Mr. Church told

--

MR. PANOSH: Objection to leading, please.

THE COURT: Don't lead him.

MR. HATFIELD: No further questions.

Thank you.

THE COURT: Mr. Panosh?

MR. PANOSH: Yes.

(Mr. Panosh showed exhibits to Mr. Lloyd and Mr. Hatfield.)

MR. PANOSH: May I approach the witness?

THE COURT: Yes, sir.

CROSS-EXAMINATION by MR. PANOSH:

Q Mr. Clark, I'm going to show you three exhibits. The first one is numbered 150. Do you recognize your signature on 150?

A Yes, sir.

Q And I believe it says here it's Page 1 of 4; is that right?

A I recognize my signature.

Q Okay. But the page number is identified as Page 1 of 4, right?

A Okay. Right.

Q Okay. And your signature's on Page 1. Is your signature on Page 2?

A Correct.

Q Is your signature on Page 3?

A Correct.

1 Q Is your signature on Page 4?

2 A Correct.

3 Q Okay. Showing you then 151, it says Page -- it's a
4 two-page document. Is your signature on Page 1?

5 A Correct.

6 Q Is your signature on Page 2?

7 A Correct.

8 Q Okay.

9 MR. HATFIELD: We object to the second document.

10 THE COURT: Overruled at this point.

11 Q Showing you then State's 152, this is a, says five
12 pages; is that right, sir?

13 A Correct.

14 Q Is that your signature on Page 1?

15 A Yes, sir.

16 Q How about Page 2, sir?

17 A That's my name. It don't look like my handwriting,
18 though.

19 Q Okay. So you don't know if that's your signature?

20 A No.

21 Q Okay. How about Page 3?

22 A No.

23 Q Page 4?

24 A No, that one isn't.

25 Q Page 5?

A (The witness shook his head from side to side.)

Q So on State's Exhibit 152, you're saying that's yours on the first page, but the other ones look different?

A Yeah, they look different.

Q Okay.

A They don't look like my writing.

Q But you're sure on the first page that's your signature?

A Yeah.

Q Okay. Going back to State's Number 150, and on the second page, there are cross-outs and there are initials there. Do you recognize those initials?

A Correct.

Q Are those your initials?

A Yeah.

Q Page -- there were no more on that one. Excuse me. 151 -- I'm sorry, 152, Page 2, there's a cross-out. Do you recognize your initials?

A Yeah.

Q The second cross-out, do you recognize your initials?

A Right.

Q Page 3 of Number 152, there's a cross-out there. Do you recognize your initials?

A Yes, sir.

Q Okay. And then on Page 5, there's a cross-out. Do you

recognize your initials?

A Yes, sir.

Q So you recognize your signature on each of these, except for the Pages 2 through 5 of 152; is that right?

A Correct.

Q And you recognize the initials on 152 as being your initials?

A J.C.

Q Okay. Isn't it a fact, sir, that these are the interviews you gave Detective Church, and he read them over and let you make corrections?

A No, sir.

Q He didn't make --

A He didn't -- I signed them. He never read them over to me.

Q Okay. You signed them, without reading them?

A Correct.

Q And when he crossed things out, those initials, J.C., did you put those there?

A Yes, I did.

Q So you initialed things, without reading them?

A Correct.

Q But you did sign each page?

A Yes, I did.

MR. HATFIELD: Objection. He said there were

pages he said he didn't sign.

THE COURT: Sustained.

Q Of the pages you indicated you signed, do you recognize your signature?

A Yeah.

Q And all of the cross-outs, you recognize as your initials?

A Correct.

Q Now, drawing your attention to 150. It indicates your name; is that correct?

A Correct.

Q Your date of birth, March 17th of '66; is that correct?

A Correct.

Q It says that you're 31, or you were then?

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

Q That you're six foot three and 205 pounds. Is that information correct?

A Correct.

Q It says, "I was arrested on July 22nd of '97 and moved to D floor of the jail on July 23, 1997. After this date, I became familiar with Ronnie Kimble, by Ronnie's trying to push religion and the Bible at me." Is that correct?

A No.

Q You didn't say that?

A No.

Q Sir, under the line that says "push religion and the Bible at me" is your signature, and you've already identified that as your signature; isn't that right, sir?

A Correct.

Q So you're saying that you signed that piece of paper with that --

A What I'm saying is that --

Q -- statement on it, without reading it?

A What I'm saying is that I signed this paper without Mr. Church reading it to me or me reading it. That's what I'm saying.

Q Well, why would you do that, sir?

A I mean, if a man promised you, if you're facing a lot of time, if a man promised you that he would get the time up off of you, if you cooperate with him and help him out in the case, would you go along with him?

Q If it's all right --

A That's my reason for that, okay.

Q Isn't it a fact that he read to you this entire statement and asked you to sign it page by page?

A No, it's not true.

Q And isn't it a fact that he went on to say that you -- "that Ronnie was trying to push religion and the Bible at me, while he was in the hallway of the cell block and would be cleaning the same. Ronnie pushes religion at everyone.

I also been the cleanup person in our cell block"? Is that true?

A Yeah, that's true.

Q "Yesterday, I was doing the cleaning and picking up food trays. When I got to Ronnie Kimble's cell, I couldn't get his tray from under the door, so the officer opened the door, and I saw Ronnie Kimble's foot on the tray." Is that true?

A Correct.

Q "Ronnie was upset, because I got the job of cleaning up. He accused me of being a racist. But I don't know why, other than it's his excuse to keep the cleanup job on that hallway." Is that true?

A Correct.

Q "Ronnie put his finger in my face and took his foot and kicked the food tray at me." Is that true?

A Not the finger part.

Q Okay.

A But he did push the tray at me.

Q "I pushed him away, and that's when Officer Stevenson came between us." Is that correct?

A I never put my hands on him.

Q Okay. "Ronnie is always trying to get things started, and causes trouble among the inmates." Did you say that?

A No.

Q "Ronnie somehow found out what I was charged with. I heard the inmate in Cell G and Ronnie talking, and Ronnie stated that he had his wife call the jail and find out what I was charged with. And Ronnie told the guy in Cell G that I was charged with rape." Is that true?

A No, sir.

Q Were you charged with rape?

A Yes, sir.

Q Now, in that sentence, there are two cross-outs, and you initialed them. Are you saying that you changed -- made those changes, without reading it?

A I initialed it and I signed it. I never did read it, and neither did Mr. Church ever read it to me.

Q So you're saying Mr. Church made those changes for some reason, and you just initialed them?

A Mr. Church did all the writing. The only thing I did was sign.

Q And initial?

A And initial it.

Q Okay. So he changed -- here it says, "Ronnie somehow found out what," and he changed that, and you initialed it; is that right?

A I initialed and signed. Mr. Church did all the writing.

Q Right. And you're saying that you had no input into

what changes he was making?

A No, I didn't.

Q And then you -- it goes on to say, "what I was charged with. I heard the inmate in Cell G," and the change is the word "heard." And you had no input in there?

A I signed J.C. I signed my name Jeffrey Clark. I never changed anything, and Mr. Church did all the writing.

Q I understand he did the writing. Did you tell him what to write there, sir?

A No, I did not.

Q Okay. "The guy in Cell G called me a rapist." Was that true?

A No, sir.

Q "I know for a fact that the inmates on the floor don't like Ronnie Kimble. They told me so." Was that true?

A No, sir.

Q "Ronnie gives the young guys that come in our cell block snacks, to try to get them --" "to win them over." Was that true?

A No, sir.

Q "I heard Ronnie talking to an inmate named or called Dominic on one occasion. Ronnie told him that his brother was selling stolen property from his business, and that's how he was linked to the murder." Was that true?

A I never said that Ronnie told Dominic anything about

his brother. I told Detective Church that Ronnie had a friend, Dominic Harris, that he always talked to.

Q Okay. You didn't say Ronnie told him that his brother was selling stolen property from his business, and that's how he was linked to the murder that he is charged with?

A No, I did not.

Q But in the middle of that sentence, there's a correction with your initials?

A It's a whole lot of it with my initials in there.

Q Okay. So you're saying that was corrected and you didn't have any input in that correction?

A I put J.C. on it. I never corrected anything.

Q "He also said that he was home on leave that weekend from the Marine Corps." Did you say that?

A No.

Q "He further told Dominic that they, meaning law enforcement, think that is why she was killed, for the insurance money." Did you say that?

A No, I did not.

Q You do know who Dominic is, don't you?

A Yeah.

Q You didn't mention Dominic Harris?

A Yes, I did.

Q In fact, that's the reason they went to see Dominic Harris, is because you gave them their (sic) name?

A I'm not for sure, other than, I told Detective Church, he asked me, he said, "Who does Ronnie associate up there in the block?" And I said, "Dominic Harris."

Q So that part of the statement is true?

A Read it again.

Q "He further told Dominic that they, meaning law enforcement, think that's why she was killed, for the insurance."

A No, it's not true. I never heard Ronnie tell Dominic any such thing concerning his case.

Q Okay. "I also heard him on the telephone talking to someone, and he stated that they, meaning law enforcement, think my rifle was used, but they don't know for sure if it was a rifle or a pistol." Is that true?

A No, it's not.

Q "He also said that they, meaning law enforcement, think his truck was seen in the area, but the person who seen the truck cannot positively identify him." Is that true?

A No, it's not.

Q "I also heard him say that he would be released if they, meaning law enforcement, did not release information to his attorneys within 45 days."

A I did hear that.

Q And that part is true?

A That part is true.

Q That part is true. So there are some parts in here that are true, but most is false?

A Correct.

Q But you signed every page?

A Correct.

Q 151.

MR. HATFIELD: Object.

THE COURT: Overruled.

Q "On the night --"

MR. HATFIELD: Your Honor, this is a means of bringing evidence in that's completely extraneous.

THE COURT: Overruled.

MR. HATFIELD: We don't need -- this is cross-examination. I didn't bring these other statements up on direct. We've heard enough.

THE COURT: He's testified. Overruled.

Q "On the night before I was moved to High Point Jail, there was a young kid in a cell beside me that was finding out about some other inmates' cases. On that night, this kid had found out about Ronnie Kimble was in jail for."

MR. HATFIELD: Your Honor, these statements were not disclosed, to the best of my knowledge, only --

THE COURT: The witness has identified the statements as being his.

MR. HATFIELD: They were not disclosed in

pretrial, as far as I know. The only thing I have --

THE COURT: Overruled. Sit down, sir.

Move along.

Q "Everybody was locked up, and this kid kept talking on and on about Kimble being charged with murder. This kid kept saying, 'You murderer. You murderer. You burned her. You burned her. You call yourself a man. You ain't no man. Why don't you try to shoot me, if you think and call yourself a man.' This kid --"

MR. LLOYD: Objection, Your Honor.

Q "-- just kept on and on saying --"

THE COURT: Overruled.

Q "-- this, and at one point, Kimble started yelling, 'How do you know I'm a killer?' and broke down and started crying." Did you say that?

A I have no knowledge.

Q You have no knowledge?

A Not of that right there statement.

Q Sir, didn't you just say that you signed this two-page statement?

A I said that I signed and initialed all the ones that I recognize as my handwriting.

Q There's not a lot of writing there, sir, is there?

A No, it's not.

Q And you're saying that you signed these documents

without reading them?

A That's what I said.

Q Without having anybody read them?

A Correct.

Q Did you know these were important, sir?

A Yes, I did.

Q The statement goes on, "Everybody could hear it." Was that true?

A I have no knowledge.

Q Were you present on the cell block?

A Yes, I was -- I may was.

Q Did you hear that?

A I have no knowledge.

Q Sir, could you say yes, you heard it or no, you don't -- didn't hear it?

THE WITNESS: I have no knowledge, Your Honor.

THE COURT: He's answered.

MR. PANOSH: Yes, sir.

Q "An officer came and took the kid out in the hallway and talked to him for a while." Do you remember that?

THE WITNESS: Your Honor, them officers --

THE COURT: Answer the question, sir.

A I have no knowledge.

Q "The officer came back in the cell block and told the kid to keep his mouth shut or closed, or he'd have to chain

him down in a chair." Do you remember that?

A I have no knowledge.

Q "Kimble was put back in his cell, and no one said anything the rest of that night. The next day, I was moved to High Point." Did you say that?

A No, I didn't.

Q Were you in fact moved to High Point?

A Yes, I was.

Q 152. "Since I've been in the High Point Jail, I have met Ted Kimble. I never knew Ted Kimble was (sic) before coming to the High Point Jail."

MR. LLOYD: Object again, Your Honor.

THE COURT: Objection sustained at this point.

MR. PANOSH: I believe he's identified this, Your Honor.

THE COURT: Page 1.

MR. PANOSH: That's what I'm reading from.

THE COURT: All right.

Again, members of the jury, this testimony of what Ted Kimble may have said is not to be used against this defendant, unless you first find that there was an agreement to commit an unlawful act and that this defendant and Ted Kimble participated in that agreement or intended to participate in that agreement.

Q Were you in fact moved to the High Point Jail?

A Yes, I was.

Q Did you meet Ted Kimble?

A Yes, I did.

Q Was that first sentence true, "Since I have been in the High Point Jail, I have met Ted Kimble"?

A Yes.

Q "I never knew Ted Kimble before coming to the High Point Jail." Is that true?

A Correct.

Q "I did or do know his brother Ronnie Kimble from the time I spent with him in the Greensboro Jail." Is that true?

A Correct.

Q "The only thing I know about their case is that they are charged with murder, and I don't know what Ted has told me." Excuse me. "The only thing that I know about their case is that they are charged with murder, and I know what Ted has told me." Is that correct?

A That first line is.

Q What part isn't correct, sir?

A What Ted has told me. Ted never told me anything.

Q "Approximately two weeks ago, Ted Kimble and I were out on the floor at the same time. Ted asked me my name and told me that he had observed that I stayed in my cell and kept to myself a lot." Did you say that?

A I don't recall.

Q It's got your initials there at that correction, sir.

A It's a lot of things has my initials in there I didn't say.

Q "Ted said he noticed that I didn't beat on the door and yell through the vents like the other inmates do." Do you remember saying that?

A I don't recall.

Q "After that, Ted and I --"

A Yes, I do. Yes, I do.

Q You said that part?

A Yes, I did.

Q Okay. "After that, Ted and I didn't talk until this past Tuesday, November the 4th of '97." Did you say that?

A I don't recall.

Q It's got -- the date is crossed out and Tuesday's written in and there's your initials. Didn't you make that correction, sir?

A No, I did not make the correction. I put J.C. beside it. I never did do any of the writing.

Q So you don't know what was being done when that correction was made?

A No, I don't, because I never -- didn't read the statement.

Q You didn't watch him cross it out, put in Tuesday and

put your initials there?

A No, I did not.

Q "On this day, Officer Roberts was talking to an inmate Simmons about the Bible. I didn't pay any attention to exactly what they were saying, but I know it was about religion." Was that true?

A Yes. Correct.

Q "I was cleaning on the top tier at the time Officer Roberts was talking to inmate Simmons in front of Ted Kimble's cell door." Was that part true?

A Correct.

Q "Ted spoke to me through the slot in the door and asked me if I had heard what Officer Roberts had said." Was that part true?

A Correct.

Q "I told Ted that I heard them talking, but I hadn't paid any attention to what they said. Ted asked me if I was saved, and I told him that I believed in God." Was that part true?

A Correct.

Q "Ted said, 'Did you hear what Officer Roberts said, that there's only one belief?'" Was that part true?

A Correct.

Q "I told him I didn't hear Officer Roberts say this. Ted told me what he heard Officer Roberts say was that there

was only one belief and that was God." Is that true?

A Correct.

Q "Ted indicated Officer Roberts meant that one belief was God, and not Baptist, Holiness or any other denomination." Is that true?

A Yes.

Q "I took this to mean that Ted did not agree with Officer Roberts." True?

A Correct.

Q "Ted then handed me a pamphlet and told me to read it, and told me that he had --" "that if I had a radio, to put it on 95 point something." Is that true?

A Correct.

Q "I didn't listen to the station, like he asked me to." Was that true?

A Correct.

Q "Ted told me he would talk to me when he came back for his hour." Is that true?

A Correct.

Q Talking about an hour of exercise?

A Correct.

Q "I did read the part of the pamphlet he gave me. It was a truck driver, one believed in God, and two didn't. And also, something about burning a house and a murder." Is that true?

A No, it's not.

Q Ted didn't give you a pamphlet that said that?

A Yes, he gave me a pamphlet, but as far as him saying a murder and all that, he never said that.

Q Well, actually it says it in the pamphlet; isn't that correct?

A I'm not for sure. I think I -- I didn't get through the whole pamphlet.

Q You gave it to Detective Church; is that right?

A Correct.

Q "Like I said, I didn't read the whole pamphlet," correct?

A Correct.

Q "Ted and I didn't talk again until yesterday. It was after lunch when Ted got his hour out of his cell. Ted came up to my cell and asked me if I had read the pamphlet, and I told him yes." Is that correct?

A No, I didn't.

Q You didn't say that?

A No.

Q "Ted said, 'You know, every time I read that pamphlet, I get upset and cry.'" Did he tell you that?

A No. He told me that -- he said it upsets him. He did say that, correct.

Q Left out the --

A Crying.

Q The crying part wasn't true?

A He didn't say nothing about crying.

Q Even though you signed that?

A Correct.

Q "Ted asked me if I was from North Carolina. I told him no, that I'd been in North Carolina a couple of years on and off." Is that correct?

A Correct.

Q "Ted then said, 'I really can't go into it, but I can't believe I saw that burning house and hurt the one I loved.'" Did you say that?

A No, sir.

Q That's not correct?

A No, sir.

Q "I asked him what he meant, and Ted said, 'I wanted more.'" Did he say that?

A No, sir.

Q "I asked him 'More what?' and he said, 'More money.'" Did he say that?

A No, sir.

Q Although you signed it?

A Correct.

Q "At that time, the canteen man came into my cell and Ted walked away, and that was the end of the conversation."

Did you say that?

A I don't -- I don't recall that.

Q Uh-huh. Did you go on and tell Detective Church, "The reason I have come forward to give this information is not because I like to tell on anyone, or not because I dislike Ted or Ronnie Kimble, but it's the right thing to do. And if my wife, mother or sister had been murdered, I would only hope if anyone had information, that they would do the same." Did you say that?

A No, I did not.

Q Even though you signed it?

A Correct.

Q "Detective Church and Agent Pendergrass --"

THE COURT: Well, Mr. Panosh, is that Page 1, or is that 2, 3, 4 or 5?

MR. PANOSH: He just identified Page 5 as signing it, sir.

THE COURT: All right, sir.

Q "Detective Church and Agent Pendergrass have made it very clear to me that no promise, no deal or anything related to my charges could be made by either of them." Did you say that?

A No, I did not.

Q Even though you signed it?

A Correct.

Q "This statement that I have given is absolutely the truth, and I'm willing to take any test to prove my truthfulness." Did you say that?

A No, sir.

Q Even though you signed it?

A Correct.

Q "Detective Church or Agent Pendergrass has not asked me to contact, talk to, or do anything in their behalf related to Ted or Ronnie Kimble, prior to this statement or the other statements." Did you say that?

A No, sir.

Q But you signed it?

A Correct.

Q And that's the last thing that's on that page?

A Correct.

Q And you're saying you didn't read the last thing right before your signature?

A I never read anything on any of those papers.

Q But you have identified Page 1 as your signature and Page 5 as your signature, correct?

A That's not my signature. (Indicated.)

MR. LLOYD: Let the record reflect, Your Honor, that he said Page 5 was not his signature.

THE COURT: Let the record so reflect.

Q Do you remember talking to me on August the 6th, this

year?

A Yes, I do.

Q About lunchtime?

A Correct.

Q In the DA's Office conference room?

A Correct.

Q Do you remember -- did I make any promises?

A No, you didn't.

Q Did I in fact tell you that nothing could be done to alter your sentence?

A I don't recall. I know you didn't make me any promises.

Q Do you remember telling me that Ronnie is all God one minute, and then he's totally different the next?

A We never did really have a conversation, DA.

Q So if I wrote that down, that's incorrect?

A Correct.

MR. HATFIELD: Objection.

THE COURT: Sustained.

MR. HATFIELD: If he wants to testify --

THE COURT: Sustained.

Q Do you remember telling me that "Ronnie never admitted it, he started to say it, but he just wouldn't come out and say it"?

A No, I do not.

Q That's not correct?

A No. We wasn't there long enough to really have a conversation, because you went downstairs to get a book, supposedly with these papers right here in it, and you wanted Detective Church to be there, but you said he wasn't there, he had to go to Winston. And you said, "Well, I got to get back to court." So that was the end of that conversation. We was there maybe 10 to 15 minutes.

Q But I did go downstairs and get those papers?

A You went downstairs and got a book with those papers in it.

Q Yes. And we went over those papers, didn't we?

A No, we did not go over all those papers.

Q And what have you been tried and convicted of in the last 10 years that carries a punishment in excess of 60 days?

A I don't know. Less than 60 days?

Q Greater than, sir.

A Kidnapping, armed robbery -- I mean, yeah, robbery and rape.

Q What's your present sentence, sir?

A 240 months to 273.

MR. PANOSH: No further questions.

REDIRECT EXAMINATION by MR. HATFIELD:

Q Did you ask Detective Church to put these promises to

you in writing?

A Yes, I did.

Q What did he say in response to that?

A Told me that he couldn't, because it was an ongoing investigation, but he would take care of it.

Q Did he mention that he would assist you with avoiding a prison sentence each and every time he talked to you?

A Yes, sir.

Q Is the reason that you signed some of these documents, in order to satisfy him, so that he would help you avoid a prison sentence?

A Yes, sir.

Q Is that what your understanding was?

A Yes, sir.

Q Now, when I asked you about the photographs that you were shown by Detective Church, you said that Mr.

Pendergrass was not in the room. Do you see Mr. Pendergrass in the room now?

A Yes, sir. This gentleman right here. (Indicated.)

Q This gentleman seated next to the family? (Indicated.)

A Correct.

Q And Mr. Pendergrass was not present when these photographs were shown to you, was he?

A No, he wasn't.

Q And did Mr. Church tell you not to let Mr. Pendergrass

know he showed you these pictures?

A He said not to let anyone know.

Q Now, do you remember talking to Investigator Mike Ingold on July 11, 1998?

A Yes, I do.

Q Where was that?

A High Point Detention Center.

Q And did you tell Mr. Ingold the entire story of how you were dealt with by Mr. Church?

A Yes.

Q Are the things that you told Mr. Ingold the truth?

A Correct.

Q And have you told the truth today in this courtroom?

A Correct.

Q Does it make any difference to you whether you serve 240 months or a life sentence?

MR. PANOSH: We object to leading this witness.

A It is a life sentence.

THE COURT: Sustained.

Q It is a life sentence?

A Yes, it is.

THE COURT: Don't answer that.

Q Sir, would you misrepresent the truth --

MR. PANOSH: We object to --

Q -- in this courtroom?

MR. PANOSH: -- leading, please.

THE COURT: Your witness. Don't --

A No, sir.

THE COURT: Sustained.

Q Now, you were shown State's Exhibit 151 a few minutes ago, weren't you?

(Mr. Hatfield approached the witness and indicated.)

A Correct.

Q The printing on that -- on the text of this statement, whose handwriting is that?

A Are you talking about these here? (Indicated.)

Q Yeah. The words.

A Detective Church.

Q Did you write any of those words?

A No, sir.

Q Now, in this statement -- Is the date of this statement October 28, 1997? Can you see that?

A Correct.

Q Who wrote that date?

A I wrote that date.

Q You did?

A Yes, I did.

Q Were you told to write it?

A Yes.

Q Now --

A He told me to sign it, put the date and time on it.

Q Now, this is a very short statement. Are you saying that you did not read the words in the statement?

MR. PANOSH: Object to leading his own witness, please.

A I never read any of it.

THE COURT: Sustained.

Q You never read any of this statement?

A No.

MR. PANOSH: We object to leading his witness, please.

THE COURT: Overruled.

MR. HATFIELD: First of all, he's not my witness.

THE COURT: Well, proceed.

MR. HATFIELD: He's Mr. Church's witness, if Your Honor please.

THE COURT: Well --

MR. HATFIELD: I submit I ought to be entitled --

THE COURT: -- counsel --

MR. HATFIELD: Yes, sir.

Q Who was the person -- do you recall an inmate screaming at Ronnie Kimble, "You murderer. You murderer," etc.?

A No.

Q You don't recall that event?

A No.

Q Do you recall Kimble responding to some inmate who was screaming taunts at him?

A No, I don't.

Q Did you ever say to Detective Church or anyone else that you heard Ronnie Kimble discuss being a killer?

A No.

MR. PANOSH: Object, please.

A No.

THE COURT: Overruled.

Q Then when it's written here, "The kid just kept on and on saying this, and at one point, Kimble started yelling out, 'How do you know I'm a killer?'" Did you ever hear Kimble say that?

A I never heard Kimble say anything concerning being a killer.

Q Do you know of anyone else that ever heard this incident?

A No.

Q Did you ever see Ronnie Kimble break down and cry?

A No.

Q And did you ever hear Ronnie say, "Even if I am a killer, you don't know. You weren't there"?

A No, I didn't.

Q It says, "Everybody could hear it, the whole cell block." Is there any truth to that?

A I didn't hear it.

Q Now, I believe that this statement was taken in High Point. Is that your understanding?

A 10/28. That's October?

Q Yes.

A Correct.

Q Now, is this the time that Mr. Pendergrass was present with Mr. Church, or was this one of the occasions when Mr. Church was by himself?

A I'm not for sure, because I had Mr. Church interview me two times in High Point. Only on one occasion was Mr. Pendergraph (sic) there.

Q Do you know whether -- you were on D floor before October of 19-- late October of 1997, in Greensboro? Were you on D floor in Greensboro?

A No. I was on D floor in Greensboro from July through September the 28th of '97.

Q So, September 28th?

A Right.

Q So where were you during the 30 days prior to the time you were transferred to High Point, so that you could give that statement?

A I was in High Point -- Okay. In Greensboro. Like I say, I got in Greensboro the 22nd. I was placed on D floor the 23rd. From the 23rd of July of '97, through October --

I mean September 28, '97, I was on D floor.

Q So, for the last month that you were in Greensboro, you were not on D floor; is that right?

A Yes, I was.

Q You were on D floor?

A Right.

Q I thought you said that you were on D floor until September 28th?

A I was. From the 23rd of October -- I mean, from the 23rd of July, up through the 28th, and from then, I was in High Point after that.

(Mr. Hatfield approached the witness and picked up an exhibit.)

Q Now, this statement was made in High Point, wasn't it?

A What month was that, October?

Q Yes, sir.

A Correct.

Q October 28th. (Indicated.)

A Correct.

Q So this statement would have been one month after you had left D floor in Greensboro; is that right?

A Correct.

Q So this statement would have been referring back to conduct that would have taken place in the latter days of September, if it happened on D floor?

MR. PANOSH: Object to leading his own witness, please.

A Correct.

THE COURT: Sustained.

Don't lead him.

Q So, does the statement say, "On the night before I was moved to the High Point Jail, there was a young kid in a cell beside me that had been finding out about other inmates' cases"? Is that what the statement says?

A That's what the statement says.

Q All right. Now, do you remember such a person finding out about other people's cases?

A You have so many guys come up there. They assume about other inmates' cases.

Q It says, "On the night before I was moved to the High Point Jail." What would the date of "the night before I was moved to the High Point Jail" have been?

A The 27th.

Q September 27th, wouldn't it?

A Correct.

Q And this statement is dated October 28th?

A 28th, correct.

Q Do you remember which section of D floor you were in on September 27th?

A Yes. I was in D, Block 1, Cell 2.

Q Do you remember where Ronnie Kimble was?

A One, two -- maybe three cells down.

Q Do you remember whether or not you communicated with Ronnie at all during those latter days?

A Yeah.

Q Do you remember anything that Ronnie said to you during that period?

A No, I don't. I mean, after that incident that we had, it wasn't nothing negative going on between us.

Q Would you classify yourselves as friends?

A Yeah.

Q Did you have respect for each other?

MR. PANOSH: We object, please.

A Yeah.

THE COURT: Sustained.

A I mean, other than that incident that we had --

MR. PANOSH: We object, please.

A -- you know --

THE COURT: Overruled. He may answer that.

A -- after that, it's no problem.

Q Other than the incident that was written up --

A Correct.

Q -- by Officer Stevenson, there was never any problem; is that right?

A No.

MR. HATFIELD: I don't have any further questions.

MR. PANOSH: No further.

THE COURT: You may step down, sir.

(The witness left the witness stand.)

MR. HATFIELD: Your Honor, may I ask the Court to release this witness. He's got trouble with his surgery and he's had surgery.

THE COURT: Release him to what, sir?

MR. HATFIELD: Just have him released from this trial, so that they can ship him back to where he can be treated for his injury.

THE COURT: Yes, he may be transported back for medical attention.

Stand and stretch, if you'd like.

Next witness, please.

MR. HATFIELD: Mr. Dziadaszek, please. He's already been sworn earlier.

JAMES ALLEN DZIADASZEK, II, having been previously duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q State your name again, please.

A James Allen Dziadaszek, II.

Q Mr. Dziadaszek, are you now officially out of the Marine Corps?

A Yes, I am.

Q And are you staying in Greensboro for a few days?

A Yes, I am.

Q Mr. Dziadaszek, reminding you that you testified earlier in this case, you indicated you were a friend of Ronnie Kimble's; is that correct?

A Yes, it is.

Q How many times during your -- well, first tell the jury when you first met Ronnie Kimble.

MR. PANOSH: We object, please. This has all been gone over before.

THE COURT: Sustained.

MR. HATFIELD: Just like to get the date set, and then I'll get to the issue.

THE COURT: You may do that, and then move along.

Q When did you meet him?

A I met Ronnie Kimble when I was stationed at the base chaplain's office. It was around the second, third or fourth week in December of --

Q Of --

A -- '96.

Q Of 1996?

A Yes.

Q And do you recall that Ronnie Kimble was arrested on approximately April 1 of 1997?

A Yes.

Q So that was about a five-month period there where you were friends; is that right?

A Yes.

Q Now, during the five months that you were friends with Ronnie Kimble, how many times did you accompany him to the Greensboro area?

MR. PANOSH: We object. It's all been over before.

THE COURT: Sustained. He's testified previously about his times in Greensboro.

Move along.

Q How many times during your visits to Greensboro did you see Ted Kimble?

A Just once.

Q And can you tell the members of the jury the circumstances of your seeing Ted Kimble.

MR. PANOSH: Object to relevance.

THE COURT: Overruled.

A Ronnie had a doghouse that he had at the one chapel, and he was just taking it up to Ted's business, to see if his brother could sell it for him.

Q And did you meet Ted on that occasion?

A I met him, and the only thing we did was shake hands, and that was all.

Q And how long was Ronnie there in Ted's presence?

A Probably only about five minutes.

Q Did you hear them talk about anything?

A No. I really wasn't paying attention. I was outside.

Q Did they set a price on this doghouse?

MR. PANOSH: Objection. He just said he didn't pay attention.

THE COURT: Sustained.

MR. HATFIELD: I don't know what all the anger's about.

THE COURT: Well, move along.

Q Do you recall whether they put a price for the sale of the doghouse?

A I know they put a price, but what it was, I really don't know.

Q Now, during the period that you knew Ronnie Kimble, had you sustained any injuries while you were in the Marine Corps?

A I was suffering from a fractured leg, which I fractured back in October '95.

Q And that fracture occurred while you were on a naval tour of -- practicing for a naval tour?

A Yes.

Q And what kind of injury was it?

A It was the tibia -- the tibia-fibula bone. I had about a quarter inch gap in it. I underwent surgery the day I

broke it. They put two screws in it. And I was recovering from that.

Q As a result of that injury, were you placed on some special duty?

A I was -- I was -- when I broke my leg, I was in L Company, First Battalion, 8th Marines. I was then transferred to the Third Battalion, 8th Marines, because 1-8 just went off to the Mediterranean, which I was training for. When I was at 3-8, they needed to send some people to the base chaplain's office for a FAP, which is an acronym for Fleet Assistance Program. I was stationed there -- well, 3-8 just transferred me over to the chaplain's office, and that's when I met Ronnie.

Q Is Fleet Assistance Program an equivalent to light duty?

A No, it's not.

Q But it does -- it can involve light duty for people who are recovering from injuries; is that right?

A Depending on the type of FAP it is, they may send you over there, they may not.

Q Were you sent to the chaplain's office because you'd been injured?

A I do not believe so. I was sent over there because when I was transferred to Third Battalion, 8th Marines, I was -- I was put up in the H&S company office and the S-1

office, which is administrative part of the battalion. I am very computer illiterate, and they just basically sent me over there, so hopefully I would learn how to use a computer or something.

Q Now, during the period that you were associated with Ronnie in the chaplain's office, did you learn about the possibilities for disability in the Marine Corps?

A I knew about disabilities from the Marine Corps from fellow Marines that I'd known that got out when I was in -- through a couple friends that were getting out on medical boards.

Q And did you -- were you aware that Ronnie --

MR. PANOSH: We object. This is calling for

hearsay.

MR. HATFIELD: No, it's --

THE COURT: Well, overruled at this point.

Q Were you aware of whether or not Ronnie Kimble was suffering from a sleep disorder?

MR. PANOSH: Objection.

THE COURT: Overruled.

A I became aware of Ronnie Kimble's suffering from sleep disorder around the second -- full second week in January.

Q The second week in January?

A Yes.

Q What caused you to become aware of it?

A He asked me if I could come up to Greensboro with him, to help him drive, in case he had trouble staying awake, when he came back to see his wife.

Q After you found out about that, did he discuss it with you at all?

A Yes, he did.

Q And did you make any suggestions to him concerning it?

MR. PANOSH: Objection, please.

THE COURT: Suggestions he made to Mr. Kimble, is that your question?

MR. HATFIELD: Yes, sir.

THE COURT: Overruled.

A I suggested to -- I suggested to Kimble, for the reason that he should see if he could get a medical board, because so then he could get out with some disabilities from it.

Q So you suggested that to him; is that right?

A Yes, it is.

Q What was his response?

MR. PANOSH: We object.

THE COURT: Overruled.

A At first, he was very hesitant, and then he decided to go on with it.

Q And do you know whether he ever actually requested any kind of disability consideration by the Marine Corps?

A No, I don't. I just know he went up to the naval

hospital, Bethesda, Maryland, to have the sleep disorder test, because the naval hospital at Camp Lejeune does not have one.

Q Now, before you mentioned disability to him, had you ever heard him mention it?

A No, I didn't.

Q So whose idea was it, yours or his?

A Pardon?

Q Whose idea was it, yours or his?

A It was mine, mostly.

Q Now, during that period, did you begin dating Sherry Wilson?

A Yes, it was about that time.

Q And is that -- did that cause you to come to Greensboro more often?

A Yes, it did.

Q On your visits to Greensboro, other than the time of the doghouse incident, did you ever again see Ted Kimble?

A No, I haven't.

MR. HATFIELD: No further questions.

THE COURT: Mr. Panosh?

CROSS-EXAMINATION by MR. PANOSH:

Q When in 1996 did you meet Ronnie?

A I don't really recall the exact date. I was transferred to the base chaplain's office December 6th of

'96. And at that time, Ronnie Kimble was on the rifle range. So it was about two -- roughly two weeks later.

Q So late '96 or perhaps early '97?

A Yes.

Q First mention of the sleeping -- what Ronnie Kimble referred to as the sleep disorder, was when?

A Was roughly the first week in '97.

Q So the first week you met him?

A Roughly.

Q So as soon as you met him, he told you about it?

A He had -- well, I was working with him, because me and him were both maintenance people, Building 37, which is the building we worked at, and he had trouble staying awake. And I asked him about it, and he talked to me about it.

Q And that was just about as soon as you met him?

A Yes.

Q And the conversation about disability followed shortly thereafter?

A We start-- I actually started talking to him about disability roughly, I believe it was around Valentine's Day '97.

MR. PANOSH: The Court's indulgence for a moment.
(Time was allowed for Mr. Panosh.)

MR. PANOSH: Your Honor, I have about three more questions that I need to verify something before I do that.

Could I do that after the break?

THE COURT: Yes.

You may step down, sir.

(The witness left the witness stand.)

THE COURT: Let me see the attorneys up here about an administrative matter before we take our break.

(All three counsel conferred with the Court at the bench.)

THE COURT: Okay. Members of the jury, at this point, we're going to take our lunch recess. You'll need to be back at 2:00 o'clock. Please report to the jury room. Please remember the Court's instructions and the jury responsibility sheet.

Have a nice lunch. I'll see you at 2:00.

Everyone remain seated, while the jury leaves.

(The jury left the courtroom at 12:23 p.m.)

THE COURT: You may declare a recess until 2:00 o'clock, sheriff.

(A recess was taken at 12:24 p.m.)

(Court reconvened at 2:03 p.m. The defendant was present. The jury was not present.)

(The jury entered the courtroom at 2:04 p.m.)

THE COURT: I hope the jury panel had a nice lunch and feeling okay. Anyone experiencing any problem this afternoon that I should know about, if you'll raise your hand, I'll be glad to talk with you about that.

You may continue with the next witness for the defense, please.

MR. HATFIELD: That witness --

THE COURT: Oh, that's right.

MR. PANOSH: We have --

THE COURT: Return to the witness stand, please, sir.

MR. PANOSH: We have no further.

THE COURT: No further questions?

MR. PANOSH: No further.

MR. HATFIELD: We rest our case.

THE COURT: Will there be any rebuttal evidence for the State?

MR. PANOSH: Yes, sir.

THE COURT: All right, sir.

MR. PANOSH: Mr. Siwinski.

EDMUND LOUIS SIWINSKI, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, sir.

A Edmund Louis Siwinski.

Q And your occupation, sir?

A I'm an investigator, employed by the District Attorney's Office here in Guilford County.

Q And prior to being an investigator with the DA's Office, what was your occupation?

A I was a deputy sheriff with the Guilford County Sheriff's Department.

Q How long were you with the Guilford County Sheriff's Department?

A Approximately 20 years.

Q And were you an investigator with the sheriff's department?

A Yes, sir. From 1983 until 1993, I was assigned to the Criminal Investigation Division. For the majority of those times, I was assigned to our major crimes unit, which was tasked with investigating crimes against persons, criminal intelligence and organized crime.

Q On August of 6th of 1998, did there come a time when you came into contact with Jeffrey Clark?

A Yes, sir.

Q Would you describe that, please.

A During the morning of August 6th, I was asked by yourself to sit in on an interview that you had with Mr. Clark. I was there to provide security, and in essence assigned for the prisoner from the bailiffs, so that they may go about their other duties.

Q At this time, Mr. Clark was in the custody of the Guilford County Sheriff's Department --

A Yes, sir.

Q -- or the jail?

A Yes, sir.

Q And you said you took custody of him. Where did that occur?

A That occurred in the conference room in the District Attorney's Office on the fourth floor of this building.

Q What was his physical condition at the time?

A He was -- I believe his left arm was injured. If I recall correctly, it was as a result of an operation that --

Q Well, just tell us what you saw, please.

A I saw his left arm, I believe it was, in a sling.

Q How long did the interview last, if you recall?

A One to two hours.

Q And during that period of time, what occurred?

A You had started to go over Mr. Clark's prior statements to investigators in this case. Mr. Clark requested that he see copies of those -- of that -- of those statements. You had to leave the room, to obtain your copies of those statements from someplace else. You returned shortly, and went over three statements with Mr. Clark. Those statements were statements that he had given on previous occasions to investigators in this case.

Q Did he note any changes or have any discrepancies with those statements?

A No, sir, he did not. It's my recollection you went over those -- the -- all three statements with him

individually, and that he agreed with all the information that was contained in those statements.

Q How was it that -- what was the process used to go over those statements?

A You would take the statements out of your binder one at a time and then go over the statement, reading the statement to Mr. Clark, and asking him if he recalled whatever fact was in that statement. And when he replied affirmatively, you asked him if there was any discrepancies or anything he wanted to change or add to those statements. He said there were none.

Q Thereafter, did I ask him a series of questions that weren't contained in the interviews?

A Yes, sir, I believe so.

MR. PANOSH: May I approach the witness?

THE COURT: You may.

Q Showing you now what's previously been marked for identification as State's Exhibits 150, 151 and 152, do you recognize those?

(Time was allowed for the witness.)

Q Do those appear to be the statements that were discussed with Mr. Clark?

A Yes, sir, they are.

Q Did you take any notes?

A No, sir, I did not.

Q What was your function there that day?

A Security of -- prisoner security, to insure he didn't leave the custody of the sheriff's department.

Q During the period of time that he was present in the inter-- in the conference room, did you stay with him at all times?

A Yes, sir.

Q During the period of time that I left the room, did you stay with him at all times?

A Yes, sir.

Q Did he ever indicate to you that he had any changes or discrepancies in his statement?

A No, sir, he did not.

MR. PANOSH: No further questions.

THE COURT: Questions?

MR. LLOYD: No questions, Your Honor.

THE COURT: Step down, sir.

Next witness, please.

(The witness left the witness stand.)

MR. PANOSH: Ms. Dyer, please. Come up, please.

Ms. Dyer.

JOY HEDGECKOCK DYER, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Your name is presently what?

A Joy Hedgecock Dyer.

Q And during the period of time before you were married to Mr. Dyer, you were Joy Hedgecock; is that correct?

A Yes, sir.

Q And you've previously testified that you dated Ronnie Kimble?

A Yes, sir.

Q Did there come a time when there was a pregnancy in relationship to that dating?

A Yes, sir.

Q Would you tell the ladies and gentlemen of the jury the details of that, please.

MR. HATFIELD: Objection. That's irrelevant.

THE COURT: Overruled.

A I had -- me and Ronnie had been dating for a while. I was late on my period, so I had told Ronnie. We went over to Patricia house, where Ted was at. We told Ted, and Ted was like, "Well, let's go get a pregnancy test." So we drove to Phar-Mor. Ronnie went in and purchased the test, came back and gave it to me. I went into Phar-Mor --

MR. HATFIELD: I can't hear her.

THE COURT: A little bit louder, please, Ms. Dyer.

A little bit louder, please.

A I went to Phar-Mor rest room.

Q Could you back up and say -- you said you drove. Who drove where?

A Ted was driving.

Q And who was with Ted?

A Me and Ronnie.

Q Where did you go?

A To Phar-Mor.

Q Phar-Mor's a --

A Drug--

Q -- pharmacy?

A Yes, sir, it's like a --

Q What happened at Phar-Mor?

A Ronnie went in, purchased a pregnancy test, came out and gave it to me. I went into the rest room at Phar-Mor and took the test, came back out and showed it to him. And it was positive. We drove back to Patricia house. We was standing out at Patricia house. I didn't know what to do. I was very nervous and upset. I was young.

Q How young were you, ma'am?

A I was about 16 years old. Ronnie didn't know what to do, either. Ted was like, "Well, I'll figure out what to do." Ted kept on saying, "You're not going to ruin my family. You're not going to ruin my family. My family's a pastor -- my father's a pastor." That's when -- he had -- he had a gun on him at that time. And that's when he had showed it to me. I just got very, very nervous. I was afraid. I did not know what to do. Then when Ted said that

he would think of something, he would figure it out, that's when Ronnie drove me back to my mom and dad's house.

Q You said he had the gun on him. Who is "he"?

A Ted.

Q Where did you see the gun?

A It was on his hip.

Q Excuse me?

MR. HATFIELD: It was what?

A It was -- it was in -- like in a holster right here.

(Indicated.) He lifted up his sweat -- I could see it under his sweat shirt.

Q Did there come a time when you did see that gun?

A Yes, sir.

Q And where -- what were you discussing at the time you were shown the gun? What were you saying?

A Can you --

Q What was being said at the time that the gun was shown to you?

A He told me that I wasn't going to ruin his family, his father was a pastor.

Q Who said that you weren't going to ruin his family?

A Ted.

Q What happened after -- you said Ronnie took you back to your home?

A Yes, sir.

Q What happened after that in regards to the pregnancy?

A The next thing I know, my mom and dad had woke me up one Saturday morning, told me to get ready, that Ronnie was coming over to take me out to eat breakfast. So I got ready, I got dressed. Ronnie came and picked me up. I went, with the intentions that I was going to eat breakfast. And instead of going to eat breakfast, we went to an abortion clinic in High Point.

Q Who was driving?

A Ronnie was.

Q Was Ted with you?

A No.

Q Did you then have an abortion?

A Yes, sir.

Q Do you know who went in and filled out the paperwork?

A I filled it out. He was there with me.

Q Who was with you?

A Ronnie.

Q Ronnie went into the clinic with you?

A Yes, sir.

Q Do you know who paid for it?

A I assume he did. I didn't.

Q Was the abortion your idea?

A No, sir.

Q How long after that did you and Ronnie break up?

A Not long after.

Q After the breakup, what occurred in regard to Ronnie?

A Well, I had wrote him a letter, told him that I didn't -- I thought it was best that we didn't see each other anymore. He had sent two dozen roses up to work, where I worked at Mayflower, and it had a note on it that said "Just because." He would sit in the parking lot and wait for me to come out, and I would have to avoid -- I would have to go out another door or with people around me, because I was very scared.

Q How many times do you remember him being in the parking lot?

A Two or three times.

Q Any portion of those events that sticks out in your mind?

A Yes, sir.

Q What was that?

A One special time when he had sent the roses up that day, that same night, when I walked out, he was holding a -- there was a rifle out the window, the window was rolled down halfway. The windows are tinted. It was a Ford Ranger truck. The windows were tinted. And the window was halfway down, and the rifle was out of it. I ran back inside and got some fellows in the kitchen to help me walk out and get into my sister car that was parked on the side.

Q After that, did there ever come a time when he came in further contact with you?

A Yes, sir.

Q What was that?

A He would follow me to church, sit behind me when I was with my -- which is my ex-husband now, he would be sitting beside me, he would drop notes over my shoulder, saying, "I want you back. Can't we work this out?" and other things. And another time, he ran over to my mom house when he -- in his uniform.

Q Drawing your attention to the time when he dropped the notes, were you married at that time?

A No, sir.

Q Do you remember when it was that he appeared at your mother's house in his uniform?

A '94. I know I was pregnant.

Q And that was not -- that pregnancy had nothing to do with Ronnie; is that correct?

A No.

Q That was Mr. Dyer?

A Yes, sir.

Q And he came to your house?

A Yes, sir.

Q Other than saying it was '94, can you be more specific about the time?

A Probably around July. I was about five months pregnant.

Q When was your baby born?

A In September.

Q So that would have been four months prior to September?

A Yes, sir. She was born in the -- in the latter part of September, September 24th. My husband -- my -- it was my fiance at the time, he was sitting there with me when Ronnie came up.

Q And what was the -- does your husband have any disabilities?

A Yes, sir. He hearing impaired.

Q Okay. And what was the nature of the conversation, when he came to your house that evening in his uniform?

A He had told me that he -- it didn't matter that I was pregnant, if I still loved him, cared about him, he would raise the baby, he would take care of it.

Q He was asking to --

A To try to work it back out.

Q Now, during the period of time that you knew Ted and Ronnie, did they associate together?

A Somewhat.

Q What would they do?

MR. HATFIELD: Objection.

THE COURT: Overruled.

A Ted and Ronnie -- at one part when me and Ronnie first got together, I know that we would go out and double-date together. That's when my twin sister was alive.

Q Did there come a time when you were enrolled at GTCC?

A Yes, sir.

Q When was that?

A In '92, when I graduated, I enrolled in -- right after I graduated from high school, into GTCC.

Q Did there come a time when anything happened in regard to Ronnie at GTCC?

A Yes, sir.

MR. LLOYD: Well, objection, Your Honor. Doesn't have anything to do with anything that's come before.

THE COURT: Overruled.

Q Would you tell the ladies and gentlemen of the jury about that, please.

A Yes, sir. I was in the pool room. I had a break from in between my classes. And I was shooting some pool. And he came up in the -- he came up to the college, and came up, wanted to speak to me. He came in the pool room and grabbed me by the arm and took me out to the -- to the front of the college, and was sitting there telling me that he had to talk to me. We sat and talked for a while. I don't remember exactly what the conversation was about. I remember he came up there and got me and pulled me around to

the front, to where his car was parked. It was a -- or his truck was parked.

Q Were you dating at that time?

A No, sir. We had broke up.

MR. PANOSH: No further questions. Thank you, ma'am.

CROSS-EXAMINATION by MR. HATFIELD:

Q Do you know what year you were born in?

A '74.

Q So in the spring of 1991, were you 16 years old?

A Yes, sir, I was.

Q And did you say that during that period when you were 16 years old, you were going to Vandalia Christian School?

A Yes, sir, I was.

Q But at that time, your twin sister was still living; is that right?

A Yes, sir.

Q And you dated Ronnie that year?

A Yes, sir.

Q And he came to your house numerous times, didn't he?

A Of course. Several times.

Q And he got to be very good friends with your mother and father, didn't he?

A Uh-huh.

Q Are you still close to your mom and dad today?

A Yes, I am.

Q And you know that they care a great deal about Ronnie, don't you?

MR. PANOSH: Objection.

Q Don't you know --

THE COURT: Sustained.

Q Don't you know that even after he broke up with you, he continued to be friends with your parents?

A I know that they spoke, yes, I do.

Q They spoke on many, many occasions, didn't they?

A Well, I could not say. I do not live at home.

Q Because --

A I'm not with my mother and father.

Q Because eventually you had a falling out with your parents, didn't you?

A I've never had a falling out with my father or mother.

Q Now --

A I moved away from home, to be on my own.

Q But you're really not on your own, are you?

A Yes, I am.

Q You're just living with a man, aren't you?

A No.

MR. PANOSH: Objection.

THE COURT: Overruled.

Q Aren't you living with Mr. Jeter?

A No.

MR. PANOSH: Object.

THE COURT: Overruled.

Q Are you living with Mr. Graham?

MR. PANOSH: Objection.

A Mr. --

THE COURT: Well, sustained, unless you've got some basis for that, counsel.

MR. HATFIELD: I do.

Q Are you living --

THE COURT: Overruled.

Q -- with Mark Anthony Graham at the present time?

A No. Who's Mark Anthony Graham? He's the one that -- he's the one that was driving the car on my sister, to when she was killed.

Q Are you living with Bobby Jeter at the present time?

MR. PANOSH: Objection.

A No, I'm not.

THE COURT: Sustained.

Q Now, when you started going with Ronnie Kimble, how long was it after you and he began going together that you became pregnant?

A About two years.

Q So it was a really long relationship, wasn't it?

A Yes, sir.

Q And it was a very close relationship, wasn't it?

A Yes, sir.

Q But it wasn't the first relationship in which you had engaged in sexual intercourse in your life, was it?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q Isn't it a fact you had intercourse with Ted Kimble?

MR. PANOSH: Object, please.

THE COURT: Overruled.

THE WITNESS: Do I answer?

THE COURT: You need to answer, ma'am.

A Yes, I have.

Q And your -- the incidents of sexual intercourse with Ted Kimble took place before you went with Ronnie Kimble; isn't that right?

A That's right. I met -- I met Ronnie through Ted.

Q And actually, you were 15 years old when you had your relations with Ted Kimble; isn't that right?

A Yes, sir. And it was one time.

Q What?

A Yes, sir. And it was only one time.

Q It happened up at a church gathering?

MR. PANOSH: We object --

A No.

MR. PANOSH: -- to relevance.

THE COURT: Well, sustained as to that.

Q Now, the business about one time is what you told your mom and dad, isn't it?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q You said you had sexual intercourse with Ted Kimble one time, but as a matter of fact, that's simply what you told your mom and dad, isn't it?

MR. PANOSH: Object, please.

THE COURT: Overruled.

THE WITNESS: Do I answer?

THE COURT: You need to answer, ma'am.

A That's what I told my mom and dad? I never told my mom and dad about that. My sister came in and found us and told, and I got grounded for a month. And why I was grounded, that was the only time I had -- that I had intercourse with Ted, was, he was let in through my bedroom window, with my twin sister's boyfriend at the same time. That was the only time. I was grounded for a month after that, in which Ted and Janet started to date.

Q And you have been angry at Ted Kimble ever since, haven't you?

A No. I am not angry at anybody.

Q Because you felt he took advantage of you when you were just a kid?

A No. No.

Q Are you saying you're not angry at Ted Kimble over that?

A No.

Q So are you saying that after that happened, you were grounded for a month, that you then became friends with Ted Kimble?

A We spoke.

Q And you say that at the same time that he had his relationship with you and you were grounded for a month, that he began to date Janet Blakley; is that right?

A Yes, sir.

Q And how many years did Ted date Janet Blakley?

A About a -- he dated -- they dated longer than me and Ronnie did.

Q So the relationship between Ted Kimble and Janet Blakley began before your relationship with Ronnie Kimble, didn't it?

A About the same time.

Q And it lasted longer than your relationship with Ronnie Kimble, didn't it?

A Yes, it did.

Q Now, when did you go to High Point and have this abortion?

A In '91.

Q So you --

A It was -- it was the same day that I received an award at school for second team all-state softball.

Q And you're quite positive it was 1991?

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

Q Well, you said in your statement that you gave to the District Attorney's Office, "In the spring of '91, while attending Vandalia Christian School, Dyer stated she began dating Ronnie Kimble," didn't you?

A When -- can you please refrain (sic) it.

(Mr. Hatfield handed a document to the witness.)

Q Can you read that, please. (Indicated.)

(Time was allowed for the witness.)

A Me and Ronnie were dating before 1991.

Q So the statement's wrong?

MR. PANOSH: We object.

THE COURT: Sustained.

Don't make any comment.

Q Is there an error in this statement, in terms of when it purports to say that you started dating Ronnie Kimble?

A Yes, sir, because we was dating before 1991.

Q Okay. So the statement's wrong in that respect, isn't it?

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

Q Would you answer the question, please.

A What was the question?

Q The question is, the statement was wrong, with respect of when it says you started dating Ronnie Kimble?

A I just answered your question.

Q So when did you start dating Ronnie Kimble?

A When I was a freshman in high school.

Q And how old were you then?

A 15, just turned 16, 15.

Q Well, then how old were you when you had your relationship with Ted Kimble?

A 15. It was the same time. That's what I'm trying to tell you, it was the same time.

Q So you had a relationship with Ted Kimble, and then you turned around and began a relationship with Ronnie Kimble; is that what you're testifying to?

A Me and Ted never had a relationship.

Q Well, he climbed in your window with another guy, didn't he?

A Uh-huh.

MR. PANOSH: We object. Been over that.

THE COURT: Well, overruled.

You may answer that, ma'am.

A Yes, sir, he did.

Q And subsequently, you say you began dating Ronnie Kimble?

A Yes, sir, after the month was up that I was grounded. Ronnie had come down to the house. In fact, it was me, Ted, Faith, Randy, Ronnie and my sister Donna had all went to a movie. That's when the first time that I had met Ronnie.

Q Now, at that time, Ted Kimble did not live with his parents, did he?

A No, sir. He lived at the end of my road.

Q And that's not very far from where your parents' house is, is it?

A No, sir.

Q So you were living with your parents' house -- at your parents' house with them, weren't you?

A Yes, sir.

Q And Ted and a roommate of his were living just a little ways away in a house trailer, weren't they?

A Yes, sir.

Q And you used to --

A But I didn't know that, until Ted had stopped me one day when I was running down the road. I had no idea.

Q So you'd already -- he'd already climbed in the window and visited you?

A No.

Q So he stopped you when you were running down the road before?

A One day -- that's how we actually met. We spoke for a

while before anything was even engaged.

Q You and Ted spoke for a while before anything was engaged?

A Yeah. Because I mean, I didn't -- I didn't do anything until after school was out, and I was -- I was still in school when I met Ted, before the -- before the summer break. I was still in school. Me and Ted didn't do anything until that summer.

Q And then -- and at that time --

A Because I remember I was grounded on July 4th, because he was up at the top of the road, shooting off fireworks.

Q And you could see the fireworks out your window?

A On the front -- I was sitting on the front porch. And every morning before he would leave for work, he'd leave a rose.

Q Every morning when he left for work, what?

A He would come by and put a rose on the porch, when I was grounded.

Q A little token of his affection?

A I assume so.

Q So, even though you were grounded, you continued to communicate with Ted Kimble?

A No, I didn't.

Q And when was it that you met Ronnie Kimble?

A I met Ronnie before I had gotten grounded.

Q You met Ronnie because you knew him through school; isn't that right?

A No, I didn't meet Ronnie through school. I met Ronnie through Ted. Because Ronnie had went out with my sister Donna one time to the movies. That's how I met Ronnie. Ronnie was supposed to be going out with Ted -- I mean, with Janet while I was with Ted. Then Ted wanted to date Janet when I was -- when I had gotten grounded, then Ted and Janet got together. And then after that, that is when Ronnie had started coming over to the house more often and stuff, and we just eventually got together.

Q Janet Blakley is your cousin, isn't she?

A No.

Q She's no relation to you?

A No. We were --

Q But she was a friend at that time?

A Yes, sir.

Q Are you and she the same age?

A No, sir. She's a little older than me.

Q So, you're saying that the way that the thing happened is, Ronnie Kimble dated Janet Blakley and you dated Ted Kimble?

A No, I never said that they dated. I said that they were supposed to go out, and they never did.

Q Who --

A So he --

Q Who determined that they were supposed to go out?

A That's what the thing were. I was supposed to go out with Ted, Ronnie was supposed to meet Janet, and Faith, my twin sister, was with Randy. We was all --

Q I'm sorry. I couldn't hear. Who was the last name?

A My twin sister, Faith, was with Randy Fields.

Q Randy Fields?

A Yes.

Q All right. Did that happen?

A No, it didn't.

Q And what did happen, you met Ronnie instead?

A No. Ronnie ended up going out with my sister Donna. We all went to the movies. Donna and Ronnie rode in the back of Ted's pickup truck with us. We went to the movies and then we come back out. And then when I got grounded, that's when Ted told me that he would like to take Janet out, and I told him, "Well, that's fine."

Q Because you were forbidden to have any further dealings with Ted, right?

A I wasn't forbidden, no. When I got off of grounding, it would have been fine.

Q But your parents found out about what had happened because of your sister, and that's why they grounded you?

A Well, yeah. I mean -- yes, of course.

Q And they were determined to prevent you from having any more to do with Ted?

A No, they didn't. If that was so, why would my parents invite them, Janet, Ronnie, Ted, Patricia, all of them, to the New Year's Eve party that they had? If I was forbidden, why would my parents go out the way to invite them into their house? I don't understand that.

Q So at that time, it was a very happy, friendly group?

A For -- yes, sir.

Q And that happy, friendly group evolved into a steady relationship between you and Ronnie Kimble; is that right?

A Yes, sir.

Q And that was the first steady relationship that you ever had?

A As far as into the terms that me and him was, yes.

Q And that was the first steady relationship he'd ever had, wasn't it?

A No.

Q Now, did you and he consider yourselves to be in love?

A Yeah, concerning at the -- at the age that I was, I -- yeah, I guess so. I guess that's what you would call it.

Q And you weren't dating anybody else, and he wasn't --

A No. No.

Q And he wasn't dating anybody else, was he?

A No, sir, not that I know of.

Q And then, you found that you were pregnant; isn't that right?

A Yes, sir.

Q Now, precisely when was it that you learned that you were pregnant?

A I can't tell you the exact date, sir.

Q Can you tell me --

A That's --

Q Can you tell me whether it was in 1991 or 1992?

A It was -- it was '91.

Q And you say that in 1991, as your relationship progressed with Ronnie, Ted's relationship progressed with Janet Blakley; is that right?

A I didn't involve myself in their relationship, sir.

Q Well, didn't you say that Ted went with Janet Blakley for several years?

A Yes, sir, he -- yes, sir, he did.

Q All right. Then at some time in 1991, you sensed that you might be expecting a baby; is that right?

A Well, yes, sir. When I missed my period, I assumed so.

Q Did you tell Ronnie you missed your period?

A Yes, sir, I did. That's why we went to Phar-Mor.

Q Were you concerned about that?

A Of course.

Q Did you discuss it with your mom?

A No, I didn't.

Q You didn't discuss it with your mom, because she is completely opposed to abortion; isn't that right?

A Yes, that's right.

Q And so is your father; isn't that right?

A Yes, that's right.

Q And for them, it's a matter of religious conviction; isn't that right?

A Yes, sir. And it's also a matter of religious conviction for myself, also.

Q But you don't always live up to your convictions, do you?

MR. PANOSH: We object, please.

THE COURT: Sustained.

Q You didn't live up to your conviction in this case, did you?

A That wasn't my choice.

Q You went ahead and had the abortion, didn't you?

A I was scared.

Q You were scared to have a baby when you were 16 years old?

A I would rather have a baby than to have an abortion.

Q That's what --

A If that --

Q -- you think now?

A If that was the case, I would not have my child that I have now.

Q Well --

A I wasn't married then.

Q You don't even have custody of the child you had --

MR. PANOSH: We object.

A I do, too.

THE COURT: Sustained.

Q Isn't it a fact that in your separation agreement with your husband, that he has physical custody and you and he have legal joint custody?

A That's right.

MR. PANOSH: Object.

A We have joint custody.

THE COURT: Overruled.

Q So the fact is that your current child, who was born on September 24, 1994, named Arizona --

MR. PANOSH: We object, please.

THE COURT: Sustained.

Q -- that child is in the custody of your ex-husband?

THE COURT: She's answered that, sir.

Q Now, in 1991, you say that you went, not to Janet Blakley's house, but to Patricia Blakley Kimble's house?

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

Q That's the lady who died, that this case is all about?

A That's exactly right.

Q And you say that in 1991, you went over there, and Ted and Patricia were living there?

A No, not -- I -- not that I know of. Ted was there.

Q Ted was at Patricia --

A That's right.

Q -- Blakley Kimble's house --

A That's right.

Q -- in 1991?

A That's right.

Q Are you aware that this is three full years before Ted Kimble and Patricia Kimble got married?

A No, I didn't know that.

Q Because you didn't know that Ted and Patricia didn't even know each other in 1991, did you?

MR. PANOSH: Objection.

THE COURT: Well, sustained.

Q The fact is, you didn't go to Patricia Kimble's house, because Ted Kimble didn't even know Patricia Kimble in 1991; isn't that right?

A No, that's not right. I went to Patricia house.

Q And you said, you told the investigators when they wrote up this report, that it was at Brandon Station Court, didn't you?

A It was Patricia house.

Q But you know that Ted Kimble did not even know Patricia Blakley Kimble then, don't you?

MR. PANOSH: Objection.

A If --

THE COURT: Well, sustained.

A If I --

Q When did Ted Kimble marry Patricia Blakley?

A I have no idea. When I broke up with Ronnie, my dealings with the Kimble family, I had no more. I broke that off. I had no more dealings with the Kimble family after '92. I broke up with him that summer in '92, and that's when I started dating my ex-husband.

Q Now, you stated when you told the investigators about all this stuff, that sometime in May of 1991, you went to an abortion clinic; is that right?

A Yes, sir.

Q And at the time you talked to them, you said you couldn't remember the location of the clinic; is that right?

A That's right. I know it's in High Point, because I know we went down High Point Road, past Jefferson-Pilot, and all that. I remember that, because I was sick, and I had my head out the window.

Q Now, you don't know who paid for it, do you?

A No, I don't know who the money -- who had -- who gave up the money. I didn't pay for it, so obviously it got

paid.

Q You don't know whether it had to be paid for or not, do you?

A No.

Q Now, did Ronnie Kimble walk into that clinic with you?

A Yes, he did.

Q Did you walk in of your own free will?

A No.

Q Are you saying that you were dragged into the clinic?

A I was held by the arm. I was scared.

Q If you were held by an arm, why didn't you tell the investigators that when they wrote this report?

A (No response was given by the witness.)

Q When you got inside the clinic, did you meet a medical doctor?

A A nurse, a woman.

Q Did you --

A She set me down. She wanted to make sure that we watched a movie, a video, like they always -- I guess they said that that was routine.

Q And she had you sign some papers, didn't she?

A Yes, sir.

Q And the papers indicated that you understood what you were doing, and that you were doing it freely and voluntarily; isn't that right?

A Yes, sir, that's what -- we signed the papers.

Q Now, did someone make you sign those papers?

A No one forced -- no one held my hand and made me sign the papers, no.

Q And no one --

A But I was scared for my life.

Q And no one --

A I was scared.

Q No one dragged you in there, either, did they?

A What do you mean, drag me by the hair in there?

Q You're just making all that up now, in the aftermath, aren't you?

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q Isn't it a fact that you felt no fear whatsoever, except the fear you felt that your mother would find out what you were doing?

A My mother?

Q Yes, sir -- yes, ma'am.

A No. My mom and dad would have supported me and loved me and took care of me and the baby.

Q Well, why did you tell the investigators, when asked, "Dyer stated she was never physically threatened by Ted or Ronnie Kimble to have the abortion"? Why did you tell the investigators that?

A I wasn't physically threatened.

Q You said --

A Not physically.

Q You said, when I wasn't around, and this jury wasn't around, and no one was putting any pressure on you at all, you said that you were never physically threatened, didn't you?

A Not physically, yes, sir.

Q But now you're in here --

A I haven't said that, even still sitting here, I have not said that I was physically threatened. I haven't come out of my mouth and said that I was physically threatened. I have -- I have not said that.

Q Have you ever gone back to try to locate that abortion clinic, so that you could find out more about it?

A No, sir.

Q When did your mom and dad finally find out what you'd done?

A I don't know.

Q You've talked about it with them, haven't you?

A No.

MR. PANOSH: Object.

THE COURT: Overruled.

Q Now, do you remember what years you worked at the Mayflower seafood restaurant?

A Yes, sir, '92 and '93.

Q When were those years?

A '92 and '93.

Q So sometime in 1992, after you had the abortion, you and Ronnie decided not to see each other anymore; is that right?

A Yes, sir. That's what --

Q And he had a difficult --

A -- I decided.

Q Excuse me?

A That's what I had decided.

Q You decided?

A Yes, sir.

Q So it was really a unilateral decision, you didn't want to have anything more to do with him?

A Yes, sir.

Q Because you found Mr. Dyer?

A No, sir.

Q Well, you engaged in an extramarital relationship with Mr. Dyer, too, didn't you?

MR. PANOSH: Object.

THE COURT: Overruled.

Q Didn't you?

A Yes, sir.

Q And you incurred a pregnancy with Mr. Dyer, didn't you?

A That's right.

Q And before you had a chance to marry Mr. Dyer, Ronnie said that if you would come back to him, he would take responsibility for that; isn't that right?

A Uh-huh.

Q Ronnie didn't want that abortion any more than you did, did he?

A I guess -- I don't know.

Q You know he didn't want it any more than you, don't you?

A I don't know.

Q You know that he was just as torn up over that as you were, don't you?

A During -- Okay. If he was so torn up about that, then why would he put that through me -- would why he -- why would he cause me to go through that?

Q Because both of you mutually agreed --

MR. PANOSH: Object to him answering the question.

Q Isn't it a fact --

THE COURT: Overruled.

Q -- that both of you mutually agreed that you were just too young to have a baby --

A No, sir.

Q -- and to take care of -- That's what you both agreed to, isn't it?

A No, that is not what I agreed to.

Q Ronnie Kimble begged you to get married and to face life and to have that baby and to not have an abortion, didn't he?

A No, sir.

Q Now, you say that you went to Patricia Blakley Kimble's residence --

MR. PANOSH: It's been asked and answered, please.

Q -- on Brandon Church (sic) Court --

THE COURT: Overruled.

Q -- and met Ted Kimble there; is that right?

A Yes, sir.

Q And you're saying that he had a gun strapped to his hip; is that right?

A Yes, sir.

Q And where was Patricia?

A In the house. She wasn't outside.

Q And at that time, was Ted Kimble living at that house?

A I don't know that. Not that I know of, no.

Q And were you able to see, under the circumstances, what this gun looked like?

A It was a black gun. That's all that I seen.

Q Did he ever take it out of the holster?

A Not then. Not then.

Q And as a matter of fact, there was a shirt covering it?

A It was a sweat shirt.

Q Yes. So you couldn't even see it, could you?

A He showed it to me. He lifted it up and then put the sweat shirt back down.

Q And told you he had a gun on his hip?

A He showed it to me. He didn't tell me.

Q And did he tell you that he was going to do anything with that gun?

A No, sir, he didn't say that. Only thing, when he showed me the gun, he told me that I was not going to ruin his family, that his father was a pastor.

Q He was -- that you were not going to ruin his family?

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

Q But you're going to ruin his family now, if you possibly can, aren't you?

A (The witness shook her head from side to side.)

MR. PANOSH: Object, please.

THE COURT: Sustained.

Q What is your reason for coming in here and dredging up these events from seven or eight years ago in your miserable life?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q What is your reason for coming here and bringing these things to everybody's attention, eight years after they

happened?

A I was asked these questions from the past. I had no dealing with this. They came to me. I did not find anybody. My dealing of being here is to tell the truth.

Q That's what they told you upstairs, isn't it?

A I haven't even been upstairs.

Q Well, where were you when you wrote the statement that said that you were never physically threatened by Ted or Ronnie Kimble? Where were you then?

A Wrote a statement?

Q When you told the people that wrote this statement down

--

A In Greenville --

Q -- where were you?

A -- North Carolina.

Q What?

A In Greenville, North Carolina. They came to me.

Q And you told them that back in the days when you were dating Ronnie Kimble, that he was overly possessive, didn't you?

A Yes, sir.

Q And that's really what that's about, is the fact that while you were still going with him, you just decided to move to another person, and you took up a relationship with Mr. Dyer; isn't that right?

A No, sir. I was broke up with Ronnie for a good two, three months, before me and Henry even got together. My twin sister, Faith, was dating his twin brother at the time, Sammy.

Q What period of time did you work at the Mayflower?

A From '92 to '93.

Q So when was it that you claim that Ronnie Kimble came to the Mayflower and sat outside, after he'd given you roses?

A In May of -- May of 1992, right after I had graduated from high school. That's when I got -- when I got -- when I had graduated from high school, the day after I graduated, my family went to the beach for six days. We came back. The following week, me and my twin sister went together to Mayflower and applied for a job.

Q Now, according to the language that is incorporated in this statement that was written down in Greenville, it says that "sometime in the spring (May of 1991)," you all went to get this abortion. Is this accurate?

MR. PANOSH: Objection. This has been over --

MR. HATFIELD: I want to --

MR. PANOSH: -- at least twice.

MR. HATFIELD: I want to orient it to the Mayflower thing. I think I can ask --

THE COURT: Well, Mr. Hatfield, we've been over

it three or four times. I remember that the --

MR. HATFIELD: Well, I'm slow to remember. I'm sorry, Your Honor.

THE COURT: One more time.

Answer it, ma'am.

Q Was it -- is it accurate when it says May of 1991?

A As far as?

Q When you had the abortion.

A Yes, sir.

Q So are you saying now that in May of 1992, you graduated from high school and received your awards? Did you just say you graduated from high school in May of 1992?

A That's right, May 29, 1992.

Q And are you saying that a full year after you had this abortion, that Ronnie Kimble was still bringing you roses?

A Yes, sir, it was.

Q And that sometime around May of 1992, you say you saw him out in the parking lot one day and you thought he had a gun with him?

A Yes, sir.

Q Who else was there?

A Several people that worked there.

Q Can you name them?

A No. It's been so long ago. They were kitchen people.

Q So there isn't anybody that you can think of now who

would back you up on this?

A Not now. She's dead.

Q Your sister's dead?

A Yes.

Q So it's true, as I just asked you, that there's no one who can back you up on that story, right?

A No, sir.

Q And you never really told that story until these investigators went down and asked you about it, did you? You never told that story to anybody, about thinking that you saw Ronnie with a gun?

A Wrong.

Q Well, who did you tell it to?

A I told my sister. My sister Bonnie, she knew about the abortion. My sister Donna knew about the abortion. They both knew when it happened.

Q Now --

A I talked to my sister instead of my parents, because I felt like I was closer to my older sister.

Q Plus, they're not as opposed to abortion as your parents?

A Oh, yes, they are. Very.

Q Now, what did this gun look like?

A Which gun?

Q This gun you claim you saw.

A When I had the pregnancy test and we came back to Patricia house --

Q No.

A -- and Ted --

Q The gun that you claim you saw in Ronnie's possession.

A In Ronnie's possession, the one at Mayflower, it was a rifle. He carried it behind his seat in the truck.

Q Was there a rack on the --

A No.

Q -- window of the truck?

A It was behind the seat.

Q And you had seen it on many previous occasions?

A Yes. We target practiced with it, went to turkey shoots, shot in my mama's back yard in the woods.

Q You shot the gun yourself, didn't you?

A Yes, I had.

Q What kind of gun was it?

A This was a rifle. I don't -- I don't know. I'm not an expert on guns, sir.

Q And was it in rather new condition, or was it an older gun?

A I cannot remember that.

Q Is it something that Ronnie had had for as long as you knew him?

A I can't say -- I would not know that.

Q So, in a full year after you've had your abortion, and many, many, many months after you had broken up with Ronnie, you say that he was still trying to communicate with you, and that he left you some flowers at Mayflower; is that right?

A Yes, sir.

MR. PANOSH: Objection.

Q And you say --

THE COURT: Overruled.

Q -- that you saw this gun, that you'd seen many times before, in his possession then; is that right?

A Yes, sir. This was after we had broken up. He had been following me to church, about ran my ex-husband off the road, chasing him up and down Randleman Road.

Q Did you tell the people that wrote this report about your ex-husband, so they could go ask him about this?

A Yeah, if -- yeah, I have.

Q Did you tell these investigators that Ronnie Kimble's mother did not particularly like you?

MR. PANOSH: Object.

THE COURT: Overruled.

THE WITNESS: Answer?

THE COURT: You may answer.

A Yes, sir.

Q And that bothered you, didn't it?

A I guess to some degree, back in -- back when we was dating.

Q And did you also tell these investigators that you thought that Ronnie Kimble's parents paid more attention to Ted than they did to Ronnie?

A Yes, sir.

Q And you knew that of -- as a fact, of --

A Yes, sir.

Q -- your own observation, didn't you?

A Yes, sir.

Q Everything that Ted did was right, wasn't it?

MR. PANOSH: Object.

THE COURT: Overruled.

Q In their -- in your observation, everything that Ted did was right, wasn't it?

A Accord-- what I thought?

Q Yeah, what you say. You saw that the way Ted was treated was, everything he did was right?

A The way I thought the way that everything that he did the way his parents thought --

Q Yeah.

A -- was right? Yes, sir.

Q And everything that Ronnie did was a little bit lacking, wasn't it?

A Uh-huh.

Q And during the time before you broke up with Ronnie, you felt very sorry for him for that situation, didn't you?

A Yes, sir. Well, during the whole time that we was together.

Q So, aren't we really just looking back on a typical teenage relationship that just didn't go anywhere? Isn't that what this is all about?

MR. PANOSH: Object.

THE COURT: Sustained.

Q You were a teenager and he was a teenager; isn't that right?

A Yes, sir.

Q And no matter what you and he might have wanted to do, you were just too young to really do it, weren't you?

A What do you mean --

Q You just --

A -- too young to really --

Q You couldn't get married and have that baby and --

A I could have got married.

Q -- big house in the country --

A I could have --

Q What?

A I could have gotten married or had the baby.

Q How were you going to support yourselves?

A I don't know. I could have lived at home with my mom

and dad.

Q And Ronnie could have mowed lawns, right?

THE COURT: Well, sustained. Move along.

Q Isn't it a fact that the -- that Ronnie was very industrious in running his yard care business during this period when you knew him?

A Yes. He had a lawn care service.

Q And he had quite a few customers, didn't he?

A Yes, sir. I helped out on occasions.

Q And he worked real hard whenever he was not in school; isn't that right?

A That's right.

Q And he paid his way for everything, didn't he?

A Yes, sir, as far as I -- as far as I know, yes, sir.

Q And until your relationship went sour, he took good care of you, didn't he?

A What do you mean took good care of me?

Q He dated you and was nice to you and made you feel good and did things with you and was a good companion for you, wasn't he?

A At the beginning.

Q And then the pregnancy came along, didn't it?

A Yes, sir.

Q Things changed?

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

MR. HATFIELD: Thank you. I have no further questions.

MR. PANOSH: No further.

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

(The witness left the witness stand.)

THE COURT: Stand and stretch, if you'd like, members of the jury.

MR. PANOSH: Ms. Jeffers.

BEVERLY MARIE JEFFERS, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, please.

A Beverly Marie Jeffers.

Q And where do you live, please?

A 128 Piedmont Way, which is Burlington, North Carolina.

Q Who do you live there with?

A Rodney Woodberry and my two boys.

Q Going back to summer of 1995, did there come a time when you started seeing Rodney Woodberry --

A Yes, sir.

Q -- in a romantic relationship?

A Yes.

Q And drawing your attention then to October of 1995, October the 9th of 1995, do you remember that particular day?

A Yes, sir, I do.

Q And how is it you remember that day?

A Because that's the date that -- well, I had went to work that morning, which I go in at 5:00 and get off at 1:00 in the afternoons. And Rodney was there keeping my two kids.

Q You say you went to work. Where were you working at the time?

A At McDonald's in Graham.

Q Were you also living in Graham?

A Yes, sir. 711 Oakley Street.

Q And there came a time when you went to work, and where did Rodney go?

A He was there at the house, baby-sitting, until I got off.

Q What time did you get off?

A 1:00 o'clock.

Q What time did you get home?

A Probably about 15 after, because it was like 10 minutes, 10, 15 minutes -- well, not even 15 minutes from where I work at to my house.

Q Is that a 15-minute drive, a 15-minute walk, or what are you talking about?

A A 15-minute drive, because I got there about 1:15.

Q So at 1:15, you returned to your house; is that correct?

A Yes, sir.

Q Who was there when you returned?

A Rodney Woodberry, my sons, which is Brandon and Travis, and Sarah Haith.

Q And how old were Brandon and Travis at the time?

A Brandon was nine and Travis was seven.

Q And what did you do after 1:00 or 1:15 in the afternoon on October the 9th?

A I came in, I took a bath and changed clothes, and I went in the kitchen and started cooking supper.

Q And do you know where Rodney was?

A In the living room, talking to Sarah Haith and watching TV.

Q Was he still watching the boys?

A Yes. Well, they was outside playing when I got there, in the front yard.

Q Did there come a time when he left the house?

A He left about between 7:00 and 7:30, went to Carolina Temporaries, because he was in the process of trying to find a job.

Q Do you remember how he got to Carolina Temporaries?

A Yes, sir. My sister and her boyfriend took him.

Q And do you know how long he was there at Carolina Temporary Service?

A He got back to the house probably like quarter past

8:00, because I think that -- well, they closed at 8:00. So she came -- she took him there. And about quarter to 8:00, she came back to get his Social Security card, while he was there filling out information. And when she -- when he returned to my house, it was 8:15. But they had closed at 8:00 o'clock.

Q Now, on the next day, did it come to your attention that Patricia Kimble had been killed?

A We seen it on TV, yes, sir.

Q And at that time, did Rodney tell you that he knew her?

A Yes. He said that was Ted's wife.

Q Did you know Patricia?

A No, sir, I do not.

Q Did you know Ted?

A I met Ted once or twice. When me and Rodney had started dating, I went down to Lyles, to pick them up, to go on lunch break. Other than that, no, sir, I never know who he was until then.

Q Now, the following day, which would have been October the 11th, do you remember where Rodney was? I'm sorry. Following day, which would have been October the 10th, do you remember where Rodney was?

A He had went to -- Carolina Temporary had sent him to a one-day job at the outlets, with the -- it was a -- something like a linens place, where he had stack-- was

stacking up stuff, because they were off the truck and stuff. BMOC outlets in Burlington.

Q You said BMOC outlet?

A Outlets, uh-huh, in Burlington.

Q And how do you know that he went to BMOC outlets on October the 10th?

A Because he left there that morning -- that's the -- they had gave him a paper, to report to that job. So he left that morning going there. I think he worked like 10 hours that day, and he came back from work.

Q Do you also know his former girlfriend?

A Yes, sir, I do.

Q And who is that?

A Laura Shepard.

Q And how do you know Laura Shepard?

A Well, I had seen -- I heard -- when we first started dating, I heard him talk about her. And he had -- his mother had a cookout, which her and her family was at the cookout. He invited me and my sister to the cookout, and her family was there, also. And I had knew that he was dating her and that he was living with her at the time. And then the more him and me got to seeing one another, then I got to see more of her, as far as at the club and stuff like that.

Q Based upon your acquaintanceship with her at the

cookouts and clubs and other social matters, do you have an opinion satisfactory to yourself as to her reputation in the community for truthfulness?

MR. HATFIELD: Objection. That's not a sufficient basis, seeing somebody at a cookout.

THE COURT: Overruled.

A Yes, sir, I do. I know that she keeps stuff started, and she can tell you something --

MR. HATFIELD: Objection as not responsive --

A -- for one thing to be said --

MR. HATFIELD: -- Your Honor.

THE COURT: Sustained.

Q Ma'am, just answer "Yes" or "No." Do you have an opinion?

A Yes, I do.

Q And based upon your opinion, is she a truthful person?

A No, sir, she's not.

Q Now, did there come a time in 1996 shortly after Patricia's death when you were interviewed by Detective Church? Do you remember this gentleman? (Indicated.)

A Yes, sir, I do.

Q Did you provide him with the information that you just provided the jury?

A Yes, sir.

Q And were you interviewed once or more than once?

A Probably about twice, once or twice, as I can recall.

MR. PANOSH: No further questions. Thank you.

CROSS-EXAMINATION by MR. LLOYD:

Q Ms. Jeffers, did you indicate that Rodney Woodberry lives with you?

A Yes, sir.

Q All right. And does he provide for you and for your children?

A Yes, sir, he do.

Q All right. And have y'all talked about getting married?

A We talked about it, yes, sir. We hadn't set no particular date or nothing.

Q You indicated to Mr. Panosh just a minute ago that at some point, you talked to Detective Church, sitting over there; is that right?

A Yes, sir.

Q Do you remember when that was?

A I don't know what -- know what dates or nothing, it's been so long, but I have talked to him, yes.

Q All right. Well, was it a year ago?

A I'm not for sure.

Q All right. Was it within a year after Patricia's death?

A It was sometime along there, yes, sir.

Q All right. And I believe you said you talked to him two times, so that would have been the first time; is that right?

A I remember him coming to my job, which was at McDonald's. I talked -- I think I talked to him then. And it was one time they had come to my house.

Q And had Rodney talked to you about the fact that Detective Church might be coming to talk to you?

A No, because I think they talked to me before they talked to Rodney, I believe. If I'm not mistaken.

Q And you were aware at that time, were you not, Ms. Jeffers, that Ronnie was a suspect in Patricia Kimble's death, were you not?

A I don't have any idea until I heard from Mr. Church and them that he might be questioned about it, due to some stuff that something about Laura had said.

Q Now, Ms. Jeffers, did Rodney ever talk to you about having done something that might get him the death penalty?

A No, sir, he never.

Q Talk to you about coming to see him in prison?

A No, sir, he have not.

Q Ever talk to you about being able to supply you -- keep you well cared for, even if he was in prison, because he was coming into some money?

A No, sir.

Q Now, you indicated that back on October the 9th, Rodney was baby-sitting for you at that time; is that right?

A Yes, sir.

Q And I believe you indicated that there was another person with him, a woman by the name of Sarah Haith?

A Yes, sir.

Q Were there any other people who would have seen Rodney on October the 9th, while he was baby-sitting or during the afternoon hours of October the 9th?

A Well, my neighbors across the yard, they know that he live there, but that didn't -- he didn't really associate with nobody, because at the time, he really did not know nobody over there.

Q But they knew what he looked like, didn't they?

A Yeah, they knew what he looked --

Q All right.

A -- like, yeah.

Q Did you tell Detective Church or any of the other detectives that you talked to about those neighbors?

A I told them there's a lot in my complex have seen him, but they didn't know his name.

Q All right. But did you give Detective Church the names of those people?

A No, because I didn't think that he needed -- that he was wanting to need them. He didn't ask me to give him no

names, so I didn't.

Q He didn't ask you for any names?

A Right.

Q So you didn't give him any names; is that right?

A Right.

Q You indicated that at that time, you were working at McDonald's; is that right?

A Yes, sir, I was.

Q Did you ever show Detective Church any of your pay stubs, to indicate that you were actually working in -- at McDonald's in --

A I didn't have to, because they came there. I was at work when they came to talk to me, because I was at work when he asked me to speak with him.

Q Well, let me ask you this, Ms. Jeffers. Did you show him -- you had to punch a clock at McDonald's, didn't you?

A I was at work -- I was working when they came to talk to me.

Q I'm not talking when they came to see you, Ms. Jeffers.

A Uh-huh.

Q But as a general rule, when you came into work at McDonald's --

A Uh-huh.

Q -- you had to punch a clock, didn't you?

A Yes, sir, I did.

Q And did you get your timecards from October the 9th, and show those to Detective Church --

A We didn't have --

Q -- to confirm that you were at work on October the 9th?

A We didn't have the timecards that you can make a printout. It's just a time -- a clock that you clock in, and it goes into our company's internal computer.

Q Uh-huh. Now --

A So if he wanted -- if that was a day that he needed to see, to verify that I was at work, they could have went to their computer, pull it up, to show that I was at work.

Q So the company would have had those records --

A Yes, sir.

Q -- is that what you're saying?

A Yes.

Q And it was perfectly all right -- Well, did Detective Church ask you about that?

A No, sir.

Q Now, you indicated that on October the 9th, you got home about 1:15; is that right?

A Yes, sir.

Q And you told Mr. -- Well, what did you do?

A What you mean?

Q After you got home.

A I got home, I took me a shower, changed clothes, went

in the kitchen and started cooking.

Q All right. And I believe you indicated to Mr. Panosh that you started cooking supper on that day; is that right?

A Yes, sir, I did.

Q What time would that have been, about 2:30 or so?

A Yes, sir.

Q All right. What did you have?

A Fried chicken, Rice-a-Roni, and I think with some corn on the cob.

Q So you had your supper meal, your evening meal, at what time, 3:00, 3:30?

A I cooked, but my boys don't usually come in and eat until about 5:00, 5:30, something like that.

Q And did you say -- did you just say that you were having corn on the cob; is that right?

A Uh-huh.

Q All right. And this was in October, October the 9th?

A I eat corn on the cob many times, because I love corn.

Q Now, you told Mr. Panosh that later on in the evening, at around 7:00 or 7:30, Rodney Woodberry went to someplace to fill out a job application; is that right?

A Carolina Temporaries.

Q And I believe you indicated that your sister and her boyfriend --

A Yeah.

Q -- took him; is that right?

A Yes, sir.

Q Did you tell Detective Church about that?

A Yes, sir, I did.

Q Did you tell him what your sister's name was?

A Yes, sir. I told him Barbara, but I didn't say no last name.

Q Did he ask you about her last name?

A No, sir.

Q What about the boyfriend, did you tell Detective Church what the boyfriend's name was?

A I said Jerry, but I didn't say no last name.

Q He didn't ask you about any last name, did he?

A No, sir.

Q Now, as far as how you knew Laura Shepard, that was basically through Rodney; is that right?

A Yes.

Q All right. Now, when you first -- I believe you indicated that there was some sort of cookout, that's when you first met Laura Shepard; is that right?

A I had heard of her. I think -- yeah, I think that was the first -- after they -- I first had seen her. But I heard her name several times before then.

Q And had you and Rodney been out at that time?

A No, sir.

Q Or had y'all dated at that time?

A No, sir, we wasn't.

Q Started dating after that?

A Yes, sir.

Q All right. So it was after that, that you took Laura Shepard's boyfriend away from her, isn't it?

A If that's what you can call it, I guess, yeah.

Q Well, is that what you'd call it, Ms. Jeffers?

A I won't say actually took -- I mean, he had the choice to be with her or me.

Q All right.

A And I guess he just chose -- decided what he want to do.

Q And he chose you, didn't he?

A Yeah.

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

THE COURT: Step down, ma'am. You may step down.

Watch your step.

Let me see the attorneys up here at the bench about an administrative matter, please.

(The witness left the witness stand.)

(All three counsel conferred with the Court at the bench.)

THE COURT: Okay. We'll take our afternoon recess. It'll be a 15-minute recess. Members of the jury, please remember the Court's instructions and the jury

responsibility sheet.

(The jury left the courtroom at 3:13 p.m.)

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

(A recess was taken at 3:14 p.m.)

(Court reconvened at 3:33 p.m. The defendant was not present. The jury was not present.)

(The defendant entered the courtroom at 3:34 p.m.)

(The jury entered the courtroom at 3:34 p.m.)

THE COURT: Okay. The State call its next witness, please.

MR. PANOSH: Special Agent Pendergrass, please.
HAROLD G. PENDERGRASS, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Sir, you're Special Agent Pendergrass of the State Bureau of Investigation; is that correct?

A Yes, sir.

Q Do you see State's Exhibit 152 in front of you, that of Jeffrey Clark?

MR. PANOSH: May I approach?

THE COURT: Yes, sir.

(Mr. Panosh handed the exhibit to the witness.)

A Yes, sir.

Q Do you recognize 152?

A Yes, sir.

Q How do you recognize it, sir?

A I was present on the date that this interview was conducted with Mr. Clark at the High Point Jail facility there in the CID division, on an interview room.

Q And before you testified this afternoon, did you have an occasion to read that?

A Yes, sir.

Q And does it -- is it accurate, based upon your recollection of those events?

A Yes, sir.

Q Is there anything in there that is not accurate?

A No, sir.

Q Were you present for the signing of that document?

A Yes, sir.

Q And do you recall whether or not Mr. Clark signed each and every page?

A Yes, sir, he did.

Q Were you present when certain corrections were made?

A Yes, sir.

Q Would you tell the ladies and gentlemen of the jury of the method that was used to make those corrections.

A The corrections were made by Mr. Clark, by initialing each and every correction that he pointed out to Detective Church, during that interview -- or after the interview was completed, and the paperwork was presented to him for his

review.

Q How did he identify the item or items he wanted to correct?

A He read the statement.

Q And when he found an item he wanted to correct, what, if anything, happened?

A He pointed it out to Detective Church and stated that this -- those particular corrections were incorrect and that those needed to be corrected, and it was noted by his initials.

Q Was he cooperative on that day?

A Yes, sir, he was, fully.

Q Drawing your attention specifically to the last page, would you review that quickly.

(Time was allowed for the witness.)

A Yes, sir.

Q Did you or Detective Church in your presence make any promises to Clark, in order to induce him to write that statement?

A Absolutely not.

Q Does that last page specifically contain that language?

A Yes, sir.

Q What does it say?

A States that "Detective Church and Agent Pendergrass have made it very clear to me that no promise, no deal or

anything related to my charges could be made by either of them. This statement that I have given is absolutely the truth. And I'm willing to take any tests to prove my truthfulness. Detective Church or Agent Pendergrass has not asked me to contact, talk to or do anything in their behalf related to Ted or Ronnie Kimble, prior to this statement or any other statement."

Q And were you present when that particular page was signed?

A Yes, sir.

MR. PANOSH: We'd move for the introduction of 152, please.

MR. HATFIELD: Objection.

MR. LLOYD: Objection, Your Honor.

MR. HATFIELD: Like to be heard.

THE COURT: Overruled. The Court'll allow the introduction.

Q In the course of your duties, did you also -- were you also present when Mr. Woodberry was interviewed, on various occasions?

A Yes, sir.

Q Would you describe Mr. Woodberry's demeanor.

A On each and every occasion, Mr. Woodberry cooperated fully with myself and Detective Church during the investigation of the homicide of Patricia Kimble.

Q Can you detail that cooperation?

A Yes, sir. Mr. Woodberry was approached on more than one occasion to meet with us for interview purposes. On one occasion, he met myself and Detective Church at the SBI Greensboro office, where he gave us a statement. Following that statement, he agreed to make a recorded telephone conversation. He consensually agreed to record -- to have a recorded conversation with Ted Kimble made on that occasion. On any additional times that we met with Mr. Woodberry, he cooperated fully and met with us anytime we requested that he do that.

Q And in the course of those interviews, did he tell you his specific location on October the 9th of 1995?

A Yes, sir.

Q And in the course of corroborating that, did you interview Ms. Jeffers, the lady who just spoke -- who just testified?

A Myself and Detective Church met with Ms. Jeffers on two separate occasions, once at -- once at the Graham Police Department, and a subsequent occasion at her residence in Burlington.

Q Now, when you met with her at the Graham Police Department, where did you pick her up? How did you come in contact with her?

A We telephoned her place of employment, the McDonald's

there in Graham.

Q And you said the second one was where?

A At her residence in Graham, or Burlington.

Q And what, if any, information did she give you, if you recall?

A On the first occasion, she stated she was employed at McDonald's, and she had worked on October 9th that day, that following her completion of her scheduled time at work, she returned home and met with Rodney Woodberry.

Q Did she tell you at what time she returned home?

A Sometime after 1:00 o'clock.

Q And did she tell you how long that she was with Rodney Woodberry?

A For the remainder of the evening.

Q And to the best of -- at that point in your investigation, had you fixed the approximate time of death of Patricia Kimble?

A Sometime around 4:00 p.m. or thereafter.

Q Based upon your interview with Ms. Jeffers, were you satisfied that Mr. Woodberry was with her during the relevant -- during the time of her death --

MR. LLOYD: Well, objection.

MR. HATFIELD: Objection.

Q -- during Patricia Kimble's death?

THE COURT: Sustained.

MR. LLOYD: Move to strike.

THE COURT: Disregard that, members of the jury.

Q After your interview with Ms. Jeffers, did you feel any further follow-up was necessary --

MR. LLOYD: Well, objection, Your Honor.

Q -- in regard to the statements of Rodney Woodberry about his location on October the 9th of 1995?

THE COURT: Overruled.

A No, sir.

MR. PANOSH: No further questions. Thank you, sir.

CROSS-EXAMINATION by MR. HATFIELD:

Q Now, you just got through telling Mr. Panosh that at some point while you were interviewing these various witnesses, that you had determined the time of Patricia's death, didn't you? Did you just say you determined the time of Patricia's death?

A Through the course of our investigation, it was -- it was not totally determined, but we -- during the investigation, we felt like it may have been sometime around 4:00 o'clock or thereafter.

Q Or thereafter?

A Yes, sir.

Q And how much time does thereafter encompass?

A Well, it could be shortly thereafter or one hour

thereafter.

Q So, are you saying to the jury that you determined her death and it was sometime between 4:00 p.m. and 5:00 p.m.?

A I haven't personally determined the time. That would be left up to the medical examiner. I've not determined that --

Q But you just --

A -- made that determination.

Q You just were asked the question concerning whether or not, based upon your knowledge of the investigation, you've been able to determine the time of Patricia's death, and your answer to that was, yes, 4:00 p.m. or thereafter?

A Yes, sir, based upon my knowledge of the investigation.

Q And that was --

A That's all I can state, that it was based upon my knowledge of the investigation, around 4:00 or shortly thereafter.

Q Well, now, you said shortly thereafter.

A Well, shortly thereafter meaning one hour.

Q Could it be two hours?

A Could be.

Q Could be?

A Could be.

Q So it could have happened between 4:00 p.m. and 6:00 p.m.; is that your testimony?

A Could be.

Q Could it be three hours?

A I don't think it could be three hours, no.

Q But could it be three hours?

MR. PANOSH: We object. He's answered.

THE COURT: Sustained.

Q So it could be two hours, but you don't think it could be three hours; is that your testimony?

MR. PANOSH: Object. He's answered both those questions.

THE COURT: Sustained.

Q Did you satisfy yourself when you were dealing with Rodney Woodberry that he had told you everything he knew about Ted's efforts to hire a hit man?

A Are you asking me if we fully investigated that particular statement that he made?

Q Yes, sir.

A I think every effort was made to determine whether there -- we could corroborate that information, based on his statement, and --

Q Well, there's no one else that has testified in this case, and there's no one else whom you have interviewed who has ever said that Ted Kimble said to them that he was looking for a hit man, has there been?

A I think he made the statement to Rodney Woodberry, if

I'm not mistaken.

Q That's right. I believe you were questioned by Mr. Panosh in connection with your evaluation of the status of the Woodberry investigation, because you participated in some of the interviews, right?

A That's correct.

Q And you told Mr. Panosh that you were satisfied that Rodney Woodberry told you everything that he knew, right?

A Yes, sir.

Q And one of the things he told you was, that Ted Kimble told him he was looking for a hit man, right?

A He made that statement to Rodney Woodberry, yes.

Q Ted Kimble made the statement to Rodney Woodberry that he was looking for a hit man?

A I think he did.

Q Now, did you find out whether Rodney Woodberry was able to assist Ted in finding a hit man?

A None that I could determine, no.

Q Now, Rodney Woodberry could have been involved, without physically being present, if his involvement was to arrange a hit man, couldn't he?

A I suppose that's correct, but I don't -- based on my interpretation or dealings with Mr. Woodberry, I don't think he pursued the request by Mr. Kimble to find him a hit man, no.

Q But all you did was verify an alibi with a couple of women and kids, didn't you?

A Yes, sir, we spoke to some people that could verify his whereabouts on that occasion.

Q But, of course, those children could have gotten along just fine without Rodney Woodberry being present --

MR. PANOSH: We object.

Q -- because the other -- because a woman was present?

MR. PANOSH: We object, please.

THE COURT: Sustained.

Q It was not necessary for Rodney Woodberry to be there all afternoon, because someone else was there all afternoon; isn't that right?

A I think that what Ms. Jeffers testified to, that she left the children in -- with Mr. Woodberry, for purpose of taking care of them. Had she wanted someone else to take care of them, I think she would have arranged for that to occur. I don't know. She asked Mr. Woodberry, and I think he complied with her request.

Q Now, Mr. Woodberry wasn't always completely forthcoming in this series of interviews, was he?

A I think there was an occasion when he had met -- when he met with Detective Church or Mr. Panosh and subsequently told them that he had not been forthcoming with everything that he knew about this investigation, and provided that

information to them on those occasions, that I was not present.

Q Right. Mr. Woodberry's told Mr. Panosh he wasn't always truthful, hasn't he?

A I think he testified to that.

Q And he's told Mr. Church he wasn't always truthful?

A Yes, sir.

Q And he told the jury he wasn't always truthful?

A That's correct.

Q Now, in a statement prepared -- in a statement based upon a June 4, 1996 interview with Mr. Woodberry, didn't he say that he was sorry that he had not related something about a hit man previously on the 30th, when he'd given a statement?

A That was a June what date?

Q June 4, 1996, says that, "gave Agent Pendergrass and this writer a statement on May 30, 1996." So I'm sorry. The statement was on May 30th, but the run time must have been June 4th. Do you remember a May 30th statement?

A Yes, sir.

Q Then in the second page of the May 30th statement, it says, "But on the next day, during an interview at the SBI office --" that's your office, isn't it?

A That's correct.

Q "-- Rodney said that Ted had told him that he wished he

had a hit man, and Rodney said he had forgotten to tell me about it on Thursday, the 30th." What do you make of that?

MR. PANOSH: Objection.

Q Do you have any memory of it --

THE COURT: Overruled.

Q -- at your office?

A Is that my report there? I'm --

Q I think it's Mr. Church's report.

A Okay.

Q Could I show it to you?

A Oh, yes, sir.

(Mr. Hatfield showed a document to the witness.)

A Where was it?

Q I'm referring to the second page.

A Okay.

Q Right in here. (Indicated.)

(Time was allowed for the witness.)

A What was your question, Mr. Hatfield?

Q My question is, what do you make of the fact that in this statement, it is narrated that Rodney Woodberry related that Ted had asked him to help him find a hit man, but that Rodney was sorry he hadn't mentioned it in the interview of the 30th at the SBI office?

A And what do I make of that?

Q Yes, sir.

A Only thing I can say to that is that Mr. Woodberry failed to mention that on a prior interview, and that if --

Q So when you were asked on direct examination a few minutes ago, has he always told you the truth on every interview, the fact is, it's taken interview after interview after interview to pull anything out of him, hasn't it?

MR. PANOSH: Object.

THE COURT: Sustained -- overruled.

A Well, we've never had to pull everything out of him. I think that during the course of this investigation, and when we've asked him to meet with us and give us -- cooperate with us in giving those statements, he may have related new information each and every time. I've never had to sit there and pull it out of him. I mean --

Q Well, you thought that he had made some kind of deal with Rodney Woodberry, that would probably lead to the proof of murder, because you had Rodney Woodberry call him up and tape record the conversation and have Rodney Woodberry ask him a bunch of questions; isn't that right?

A We wanted to corroborate what he had told us, and certainly make that telephone call to Ted Kimble, to see if he'd make any admissions over the -- during the tape recording, to --

Q But of course, if Ted Kimble had in fact engaged Rodney Woodberry to help him find a hit man, there would have been

no way on earth that he would have discussed that with Rodney Woodberry over the telephone later on, would he?

A If I can recall that conversation, he stated he didn't like -- want to talk over the phone, and that basically, he wouldn't talk about it over the phone.

Q What happened here is, Rodney Woodberry indicated to you that Ted had asked him to help him find a hit man, and on this day, the last day of the trial, you still can't say whether Rodney Woodberry helped Ted find a hit man or not, can you?

A Based on my knowledge of the case, I don't think Rodney Woodberry engaged in assisting Ted Kimble find a hit man.

Q Well, then, why, based upon your investigation, did Ted Kimble make numerous attempts to reach Rodney Woodberry, through anybody that he could think of, including Laura Shepard, in the weeks and months after Patricia had died?

A I can't give an opinion as to why he attempted to contact Rodney that -- Woodberry so many times. I don't know why he tried to do that.

Q You knew from that pattern of conduct, which involved Ted's telephone records, indicating that he was attempting to reach Rodney Woodberry numerous times, and Rodney Woodberry's pattern of conduct in evading Ted, that something was going on between those two people, didn't you?

A Possibly, yes.

Q And you just don't know what it is?

A No, I don't -- I personally do not know what their relationship at that particular time was, to make a determination or give you an answer to that. I don't know what their entire relationship was, other than employee/employer.

Q Now, this tape recorded statement that -- where Ted didn't want to talk to Rodney, for not wanting to talk to somebody, it went on for quite some time, didn't it?

A I hadn't -- I haven't seen the final transcript, but it was a few minutes.

Q Are you telling me that you've never seen the transcript of the conversation you just told the jury you knew about, in which Rodney Woodberry was tape recorded calling Ted Kimble and trying to get some information out of Ted?

A I've listened to the tape, but I haven't seen the transcript. That was turned over to --

Q Well, you have listened to the tape?

A Yes, sir.

Q Do you remember Ted Kimble saying to Rodney Woodberry, "Well, let me tell you something. You know what the butthole detective did? He went around -- he went --"

MR. PANOSH: We object.

Q "He went and told people --"

THE COURT: Overruled.

Q "-- that he was convinced, and the family was convinced, that I paid you. That's what the detective, a lying detective, said." Do you remember Ted Kimble saying that?

A I think I recall something of that effect, yes.

Q So, what you found out when you had Rodney Woodberry talk to Ted is, is that Ted knew that the word was being circulated that he had paid Rodney Woodberry to kill his wife, right?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q That's what Ted knew, based upon the conversation that you listened to; isn't that right?

MR. PANOSH: Object.

THE COURT: Sustained.

Q You heard Ted say that in that conversation, didn't you, Mr. Pendergrass?

MR. PANOSH: Objection.

THE COURT: Overruled.

Q Didn't you hear him say that, sir?

A You'll have to ask me again, because I'm not sure and clear about what you're wanting me to testify to in that regard. I -- you've made several statements there, and I --

Q Well, I'm --

A -- lost track of your question.

Q I'm sorry. Mr. Kimble said, "Well, let me tell you something. Do you know what the buttholes -- the butthole detective did? He went around, he went and told people that he was convinced and that the family was convinced that I paid you. That's what the detective, a lying detective, said." Now, isn't that Ted Kimble, telling Rodney Woodberry that the detectives were circulating information, and in fact, that the Blakley family believed that information, that he had paid Rodney Woodberry?

A That's what Ted Kimble said over the tape. I don't know whether -- I know for a fact that Detective Church didn't go around spreading that information around. I think -- my estimation, in my opinion, that's what he was -- he was trying to relay to Rodney Woodberry. Why he was giving him that information, other than to slander Detective Church, that's all I can tell you.

Q Rodney Woodberry was a suspect, and he was so told by you and Mr. Church on a number of occasions, wasn't he?

A We approached Rodney Woodberry with information that we had, that was gathered during the investigation, and told him in an effort to clear him out of this investigation, we'd have to set down and talk with him. And he agreed on more than one occasion to do that, completely.

Q And he told you lie after lie after lie, in an effort

to clear himself, didn't he?

A Well, I'm not going to say that he told us -- everything he told us was a lie. I think he may have forgotten some things that he felt that was important later on, and then gave that information to Detective Church and myself and Mr. Panosh.

Q He sat down and made a bunch of false statements and wound up clearing himself, didn't he?

A Again, I don't think everything he said was a complete and false statement.

MR. HATFIELD: No further questions. Thank you.

THE COURT: Step down, sir.

(The witness left the witness stand.)

THE COURT: Next witness, please.

MR. PANOSH: Yes, sir.

Detective Church.

JAMES D. CHURCH, having been previously duly sworn, testified as follows during DIRECT EXAMINATION by MR.

PANOSH:

Q State your name, sir.

A Detective James Church.

Q Detective Church --

MR. PANOSH: May I approach the witness, Your Honor?

THE COURT: You may.

Q In the course of your duties, did you interview Mr. Jeffrey Clark on three occasions, Jeffrey Conluis Clark?

A Yes, sir, I did.

MR. LLOYD: Well, objection, Your Honor. Mr. Pendergrass has just been over this.

THE COURT: Sustained.

MR. PANOSH: Your Honor, he only did one. I'm going to do the other two, if it please the Court.

THE COURT: All right, sir.

Q Drawing your attention to State's Exhibits 150 and 151, and picking up 150, is that a statement that Jeffrey Clark gave you?

A Yes, sir.

Q And did he sign each page in your presence?

A Yes, sir, he did.

Q Did you allow him to make corrections?

A Yes, sir. We went over this statement word for word, and he was allowed to correct anything that was not right or add to anything in this statement that he chose to.

Q Have you reviewed State's Exhibit 150?

A Well, I know that it's the statement I took from him, yes, sir.

Q Okay. Have you reviewed it, have you gone through it?

A Yes, sir. Not right --

Q Is it accurate?

A -- now, but I know what it is.

Q Is it accurate?

A Yes, sir, it is.

MR. PANOSH: We'd seek to admit 150.

THE COURT: The Court'll --

MR. LLOYD: Object --

THE COURT: -- allow the introduction.

MR. LLOYD: -- Your Honor.

Q Looking at 151, what is that, sir?

A It is a second statement that I took from Jeffrey Conluis Clark on the 28th of October, 1997.

Q Again, did he sign each page?

A Yes, sir, he did.

Q Was he allowed to make corrections?

A Yes, sir, he was.

Q Is it accurate?

A Yes, sir.

MR. PANOSH: Seek to introduce 151.

MR. LLOYD: Object, Your Honor.

THE COURT: The basis of the objection?

MR. LLOYD: Grounds previously stated, Your Honor.

THE COURT: Overruled. The Court'll allow the introduction of 151.

Q Now, in the course of your interviews with Jeff Clark, did you promise him anything, in order to get him to give

you those statements?

A No, sir, never promised Jeffrey Clark one thing.

(Mr. Panosh showed an exhibit to Mr. Lloyd and Mr. Hatfield.)

Q In the course of your investigation, did you obtain the telephone bills for the cellular phone for Ted Kimble?

MR. HATFIELD: This isn't rebuttal.

THE COURT: Overruled.

A Yes, sir, I did. The cellular telephone?

Q Yes.

A Yes, sir, I did.

MR. HATFIELD: Your Honor, this is brand new material.

THE COURT: Overruled.

(Mr. Panosh conferred with Mr. Hatfield and Mr. Lloyd.)

MR. HATFIELD: Your Honor, I do not believe that it is proper to introduce material --

THE COURT: Approach the bench.

(The following proceedings were had by the Court and all three counsel at the bench, out of the hearing of the jury.)

(Mr. Hatfield handed an exhibit to the Court.)

THE COURT: All right. Mr. Panosh, what is Exhibit 159 -- or 149? Excuse me.

MR. PANOSH: Your Honor, on cross-examination, the defendant, he admitted to making certain telephone calls to

(sic) the base on October the 30th of 1995. He went over State's Exhibit 145, which has not yet been introduced, and identified the phone numbers that he could identify. He eventually indicated that he did in fact talk to Theodore Kimble on those dates.

MR. HATFIELD: No, he did not say that.

MR. PANOSH: Well, my recollection is that he said that.

MR. HATFIELD: He said he talked to his father.

THE COURT: Yeah.

MR. PANOSH: Your Honor, my recollection is, he specifically said his father on one occasion, but he said in the evening, it was Ted.

MR. HATFIELD: He said he talked to his father most of the time.

THE COURT: Well, the jury can take their own recollection. These doesn't say who he talked to.

MR. PANOSH: That's right. But they're from Ted's phone on that particular date, and they go to corroborate that information.

MR. HATFIELD: Should have introduced --

MR. PANOSH: This is October 30th.

MR. HATFIELD: -- them when he was putting on his case. This is rebuttal.

THE COURT: Any other objection? Is that the

basis of your objection?

MR. HATFIELD: No, I also have another objection.

(The Court handed the exhibit to Mr. Panosh.)

MR. HATFIELD: They are misleading and they ought to be excluded under 403, because they do not -- because those phones are accessible to a number of people. They have -- this has no probative value. As Ronnie said himself when he was being questioned, he received calls from his dad, his dad worked up there a great deal. We've heard -- almost every witness who knows anything about Lyles has said that Ron Kimble, Sr. was up there.

THE COURT: I think the State's entitled to show that certain phone calls were made, that've already been identified by the witness.

MR. HATFIELD: Well, let's see. He hasn't ever showed us that other thing, either.

MR. PANOSH: This? (Indicated.)

MR. HATFIELD: Yeah.

MR. PANOSH: That's what he filled out on the stand.

THE COURT: What's the exhibit number on that, for the record? What's the exhibit number on the --

MR. PANOSH: 145.

MR. LLOYD: The other thing is, Your Honor, we've never gotten copies of these records, as far as I know. And

Mr. Panosh has given us a whole lot of material.

THE COURT: Has it been provided to the defense team?

MR. PANOSH: I told them of their existence. I told them they were in a box in my office. I invited them on multiple occasions to come and review them. And to my knowledge, they haven't been reviewed.

THE COURT: The objection's overruled.

Proceed. Let's move along.

(Proceedings continued in open court.)

(Mr. Panosh handed an exhibit to the witness.)

Q Drawing your attention to State's Exhibit 149, are those the telephone records of Theodore Kimble's business cellular phone?

A Yes, to Lyles.

Q In the course of your investigation, did you obtain those records?

A Yes, I did.

Q And do they show certain telephone calls for the period of time October --

MR. HATFIELD: Objection. They speak for themselves. He doesn't know anything about what they show.

THE COURT: Overruled.

Q Do they cover the period of time October the 30th of 1995?

A Yes, they do.

MR. PANOSH: Seek to introduce that, 149.

MR. LLOYD: Object for the record, Your Honor.

THE COURT: Objection overruled. The Court'll allow the introduction of State's Exhibit 149.

MR. PANOSH: Your Honor, not through this witness, but since it's our time to present evidence, we'd seek to introduce 145, which is the piece of paper that's --

MR. HATFIELD: What's on the second page?

(Mr. Panosh indicated.)

MR. HATFIELD: Okay.

MR. PANOSH: -- that Ronnie Kimble filled out while he was testifying.

THE COURT: The Court'll allow the introduction of State's Exhibit 145.

Further questions, sir?

MR. PANOSH: Yes, sir.

(Time was allowed for Mr. Panosh.)

MR. PANOSH: No further at this time. Thank you.

MR. HATFIELD: No questions.

THE COURT: Step down, sir.

Next witness, please.

(The witness left the witness stand.)

THE COURT: Stand and stretch, if you'd like, members of the jury.

MR. PANOSH: May we approach?

THE COURT: Yes, sir.

MR. PANOSH: This is a scheduling matter.

(All three counsel conferred with the Court at the bench.)

MR. PANOSH: Sarah Haith, please.

SARAH ANN HAITH, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name for the ladies and gentlemen of the jury and the Court, please.

A My name is Sarah Ann Haith.

Q And Ms. Haith, where do you work?

A Gospel Tabernacle United Holiness Church day-care.

Q And what city is that?

A Burlington.

Q Now, going back to October the 9th of 1995, do you remember where you were living?

A Yes.

Q Where were you living, ma'am?

A 713 Oakley Street in Graham.

Q And do you remember being neighbors with Ms. Jeffers?

A Yes, sir.

Q And where did Ms. Jeffers live in relationship to your -- was it an apartment?

A Yes, sir.

Q -- in relationship to your apartment?

A The first apartment before you get to the 713. I think it was 711.

Q Okay. And were you and she acquainted?

A Yes.

Q And did there come a time when you met Rodney Woodberry through her?

A Yes, sir.

Q And was Rodney Woodberry living with her?

A Yes, sir.

Q And drawing your attention to that day, October the 9th of 1995, do you remember where Rodney was?

A He was at Beverly's house.

Q And what do you recall of that?

A When?

Q What do you recall about him being at Beverly's house?

A I met him -- I was putting my son on the bus that morning, and he was putting her children on the bus, and he was standing on the porch.

Q And how long -- did there come a time when he came to your apartment?

A To use the phone.

Q Okay. How frequently did he come there?

A Maybe three or four times a day.

Q And what was he calling about?

A A job.

Q Did there come a time when Ms. Jeffers came back?

A Yes.

Q And when was that?

A After she got off work.

Q What time was that?

A Around 1:30 or 2:00.

Q And at 1:30 to 2:00, did you also come in contact with Rodney Woodberry on that day?

A Yes.

Q Where was he?

A Standing on his -- on the front porch. I was getting my son off the school bus.

Q What time did they come home?

A My son usually arrives home between 3:30 and 4:00.

Q And where did you see him?

A He was standing on his front porch.

Q Now, the children that you referred to as being Ms. Jeffers' children, how old were they?

A Probably seven and eight. I'm not for sure.

Q And you say they were getting on the bus, too?

A That morning.

Q What time did they come home, if you know?

A Usually their bus -- they're usually home by 3:00.

Q About how many times do you think Mr. Woodberry used the telephone on that particular occasion?

A About three or four times.

Q Do you remember where he went in that evening?

A I had a conversation with him. He said he had to go to

--

MR. HATFIELD: Objection.

A -- Carolina Temporaries.

THE COURT: Sustained.

Q You had a conversation with who?

A Rodney Woodberry.

Q Was that on that day, October the 9th --

A Yes, sir.

Q -- of 1995? And what did he tell you where he had to go?

A He had to go to an interview at Carolina Temporaries about a job.

Q Now, did there come a time when you learned of the death of Patricia Kimble?

A Saw it on the news.

Q And when did you see it on the news?

A That afternoon.

Q Was that the following day?

A Yes.

Q And thereafter, did you speak to Ms. Jeffers and Mr. Woodberry about their locations on that particular day?

A About their what?

Q About where they were on that day?

A No.

Q Did there come a time when you talked to officers of the Greensboro Police -- I mean the Guilford County Sheriff's Department?

A Yes.

Q When was that?

A Monday or Tuesday night, one of the two.

Q Of this week?

A Yes.

MR. PANOSH: No further questions. Thank you.

CROSS-EXAMINATION by MR. LLOYD:

Q Ms. Haith --

A Yes, sir.

Q -- is it your testimony that the first time that you talked to any law-enforcement officials was on Monday or Tuesday of this week?

A Yes, sir.

Q And is it your testimony before this jury that you now have an independent recollection of the events of October 9, 1995?

A They told -- he asked me questions about that day, where was Rodney at and, you know, where was I at. And which, my grandmother lives next door to them, and I was staying with her. And I remember that day, once he told me

what this case was about. I've seen it on the news.

Q But my question -- so the answer to my question is that you do have an independent recollection of what happened on October 9, 1995?

A Yes.

Q Mr. Panosh asked you earlier if you had ever talked to Rodney Woodberry or Beverly about their whereabouts before you talked to the investigators on Monday or Tuesday night of this week, and you said that you had not; is that true?

A No, I haven't.

Q All right. So your testimony is that you simply remembered in detail where Rodney Woodberry was on October the 9th of 1995, of your own independent recollection, on Tuesday of this week; is that right?

A Yes, sir.

Q And you independently remembered that on that day, on October 9, 1995, he used the phone three or four times; is that right?

A Yes, sir.

Q And you independently remembered that he had an interview with Carolina Temporary Service; is that right?

A Uh-huh.

Q And you independently remembered that you saw him standing on the porch at 3:30 or 4:00 p.m.; is that right?

A No, I didn't say that. I said that he usually gets the

boys off the bus around 3:00. My son usually comes home between 3:30 and 4:00.

Q All right. So let me get this straight, Ms. Haith. Is your testimony now before this jury that you don't remember or don't have an independent recollection of seeing Rodney Woodberry at 3:30 or 4:00 p.m. on the day of October 9, 1995?

A I didn't see him that afternoon around 3:30 or 4:00. I went to get my son off the bus. I don't know if he was at home then or not, but he usually gets the boys off the bus at 3:00.

Q Okay. So you don't know where he was in the afternoon hours; is that what you're telling the jury?

A Yes, sir.

Q All right. Did you say "yes, sir"?

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

Q All right. So is it your testimony now before this jury, Mrs. Haith, that you don't have any independent recollection of seeing Rodney Woodberry on October 9, 1995, nearly three years ago, in the afternoon?

A I didn't see him that afternoon.

Q All right.

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

REDIRECT EXAMINATION by MR. PANOSH:

Q When was it that he was using the phone at your

apartment?

A That morning.

Q What time did he say he had the interview?

A He said that it was around 6:00 or 7:00.

MR. PANOSH: No further.

THE COURT: Step down, ma'am.

(The witness left the witness stand.)

THE COURT: Next witness, please.

MR. PANOSH: Anne Mauney, please.

ANNE MAUNEY, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, please.

A My name is Anne Mauney.

Q And your occupation, please?

A I'm an investigator for the State of North Carolina Department of Insurance.

Q In the course of your duties, did there come a time when you interviewed Patrick Pardee in reference to this case?

A Yes, it did.

Q And specifically, did there come a time when he told you what Theodore Kimble had told him about the death of Patricia Kimble?

A Yes, sir.

MR. LLOYD: Well, objection, Your Honor. We have

been over this and we have been over this. It is now rebuttal. And I don't see how this relates to anything that came up in our case, Your Honor.

THE COURT: What's the purpose of this witness, Mr. Panosh?

MR. PANOSH: It is one specific question about how the killer was identified, in rebuttal to the defense' evidence.

THE COURT: Overruled.

Q Did there come a time when he told you what Theodore Kimble had told him about the death of Patricia Kimble?

A Yes, sir.

Q What did he say?

MR. LLOYD: Well, objection, Your Honor. Ask to be heard at the bench.

THE COURT: Approach the bench.

(The following proceedings were had by the Court and all three counsel at the bench, out of the hearing of the jury.)

THE COURT: Yes, sir. What's the objection?

MR. LLOYD: Well, my very strong suspicion, Your Honor, is, this is not going to corroborate anything Patrick Pardee said.

THE COURT: Well, what is he going to say?

MR. PANOSH: Your Honor, they have attempted to say that there's a mistake here, that Ted was saying Ronnie,

referring to Rodney. This witness will say that Pardee specifically told her that Theodore Kimble identified the killer as his brother, Ronnie. So there was no possibility of a mistake between Rodney and Ronnie. That's the only purpose.

MR. LLOYD: Judge, when I asked the witness Laura Shepard referred to Rodney Woodberry as Ronnie. And that's her, you know, nickname for him. That's the only -- doesn't have anything to do with Patrick Pardee's testimony. We're not trying to --

THE COURT: Let me see what he testified to.

MR. LLOYD: -- cloud the issue. This is merely an attempt to get in something that Pardee said that was not covered in Pardee's direct testimony, and that's highly improper, Your Honor.

THE COURT: When did he testify, Pardee?

MR. LLOYD: He testified -- Pardee and Nicholes would have been right at this -- Monday of the second week; is that right? I mean, the second week of testimony. Or maybe right at the end of the first week. I don't know.

MR. PANOSH: I can find it in my notes.

MR. LLOYD: Well, I can find it. I took detailed notes.

(Time was allowed.)

MR. LLOYD: Okay. I've got my notes.

THE COURT: He said his brother, Ronnie, did it, said he observed --

MR. LLOYD: Yeah, his brother, Ronnie. And there's no mistake in that, Your Honor.

MR. PANOSH: This is rebuttal evidence, because it's clear from there, what they're trying to do is, interject there's a confusion between Ronnie and Rodney.

MR. LLOYD: Your Honor --

MR. PANOSH: And I think it's appropriate just for that limited purpose, to say --

THE COURT: If that's all you're going to do --

MR. PANOSH: That's it.

THE COURT: -- I'll allow it.

MR. LLOYD: Well, I'll state on the record, I'm not going to argue that in closing.

THE COURT: All right. Proceed. I think he's entitled to put that in, if that's the purpose of it. That's all?

MR. PANOSH: That's all.

MR. LLOYD: Judge, but is she going to say the same thing?

THE COURT: No, I hope not.

MR. PANOSH: I'll tell you exactly what she's going to say.

MR. LLOYD: What's she going to say?

1 (Mr. Panosh picked up documents from counsel table and
2 returned to the bench.)

3 MR. PANOSH: Ted said his brother, Ronnie, had
4 taken care of the murder because he, Ted, didn't want to be
5 married anymore.

6 THE COURT: If that's the extent, you may ask
7 that.

8 Objection overruled.

9 MR. LLOYD: All right.

10 (Proceedings continued in open court.)

11 Q Specifically, what did Theodore Kimble -- excuse me.
12 Specifically, what did Patrick Pardee say that Theodore
13 Kimble had told him about the death of Patricia Kimble?

14 A He mentioned first "In early 1997, Ted told me about
15 Patricia's death. Ted said he and Ronnie had planned the
16 murder, and that was why he, Ted, went to work at Precision
17 Fabrics --"

18 MR. LLOYD: Well, objection, Your Honor.

19 THE COURT: Sustained.

20 MR. LLOYD: This is not what we discussed at the
21 bench.

22 THE COURT: Sustained.

23 MR. LLOYD: Move to strike.

24 THE COURT: Disregard that, members of the jury.

25 MR. PANOSH: May I approach the witness?

THE COURT: You may.

A I'm sorry. I thought you asked what he'd said about the murder.

(Mr. Panosh approached the witness stand and indicated on a document.)

THE COURT: Rephrase your question, sir.

Q Specifically, what did Patrick Pardee say that Theodore Kimble told him about the death of Patricia?

A Ted said his brother, Ronnie, had taken care of the murder, because he, Ted, didn't want to be married anymore. Mr. Pardee also stated that --

MR. LLOYD: Objection, Your Honor.

THE COURT: Sustained.

MR. PANOSH: No further on this witness.

Thank you.

MR. LLOYD: No questions, Your Honor.

THE COURT: You may step down, ma'am.

(The witness left the witness stand.)

THE COURT: Next witness, please.

MR. PANOSH: Your Honor, as we've indicated at the bench, the next witness is Peggy Millen. She's not available, due to a doctor's appointment. She'll be here first thing in the morning.

We would seek to introduce into evidence at this time State's Exhibit 138, the paperback book entitled Bible

Lists; 139-A through C, the photographs contained therein.

MR. LLOYD: Object.

THE COURT: Overruled.

MR. PANOSH: 140-A and B, the Marine Corps enlistment medical questionnaire that was referred to; 140-J, health records; 140-P, health records from 7/26/95; 140-R, report on the sleep test, two pages; 148-A and B, the photographs of Ted Kimble's wedding and the celebration of marriage ceremony announcement; 146-A through C, the extradition papers.

MR. LLOYD: Your Honor, to preserve our objection for the record, we would also object to the book. I believe it's indicated. I've forgotten what the -- I'll tell you what it is.

(Mr. Lloyd approached the exhibit table.)

MR. LLOYD: 138, Your Honor.

THE COURT: The Court'll allow the introduction of those exhibits specified by the State.

MR. PANOSH: There's an exhibit that we just received, that I can either move for its introduction now, or allow counsel an opportunity to view it. It's rather extensive.

MR. LLOYD: Well, we would like to have a chance to review it.

THE COURT: The Court'll allow its review.

Anything else, sir?

MR. PANOSH: Not in the nature of evidence.

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

MR. PANOSH: We do ask again that at the appropriate time, the jury be allowed to review the exhibits.

THE COURT: The witness that'll be testifying tomorrow, are they a short or long witness? Do you have any idea, sir?

MR. PANOSH: Direct examination, 10 to 15 minutes.

THE COURT: Members of the jury, we'll take our evening recess. You'll need to be back in the morning by 9:30. Please report to the jury room. Please remember the Court's other instructions.

Ms. Sidwell, the Court will certainly take care of you, get you to Chapel -- I mean to Raleigh by 3:00 o'clock. And I think we'll probably adjourn sometime after the -- before lunchtime for the weekend.

JUROR NUMBER 9, MS. SIDWELL: I appreciate it.

THE COURT: Any other matters before the recess?

MR. HATFIELD: Your Honor, we would like to know whether this single witness that's disrupting everybody's life is truly relevant to this case. We'd like to have the Court determine. We deliberately curtailed our evidence this afternoon --

MR. PANOSH: Your Honor, if we could be heard at the bench or in the absence of the jury, I think it's appropriate.

THE COURT: All right. Members of the jury, step in the jury room a moment, please.

(The jury left the courtroom at 4:29 p.m.)

THE COURT: All right, sir. Who is the next witness, Mr. Panosh?

MR. PANOSH: Peggy Millen is the mother of Rodney Woodberry. You've already heard testimony that Theodore Kimble went to that location, in an attempt to locate him before the death of Patricia Kimble and after the death of Patricia Kimble. She would give the details of that. She would also be in a position to testify as to the credibility of Laura Shepard, who is one of the defense' main witnesses. And that's based upon a substantial relationship with her.

THE COURT: Gentlemen, do you wish to be heard?

MR. HATFIELD: Yes. Your Honor, all day long, and a good deal of yesterday, when you've asked us to forecast the number of witnesses, Mr. Panosh has said he had about three rebuttal witnesses. He's now brought I don't even know how many. I would have to look at the notes, to see.

THE COURT: Seven.

MR. HATFIELD: Six or seven. Your Honor, the Woodberry matter is a side show. And I said at the bench

before the lunch break that I would be glad to have a woman who had a doctor's appointment be taken out of order. And during the lunch break, we resolved that in the interest of time, we would do everything possible to curtail witnesses. And among other things, we sent Dr. Wilmington back to Lynchburg, Virginia, because we just decided that his evidence would probably be cumulative. So once again, we have tried to be statesmanlike and professional, and it's just not working out that way. And I don't see the reason to convene this court, in order to have one more lady from Alamance County come over here and try to rehabilitate Rodney Woodberry.

And Your Honor, I also don't think that it is in any way apt to describe Laura Shepard as one of our principal witnesses. We would not have even known what Laura Shepard's testimony was, had it not been for police investigations that were turned over to us. We thought it was relevant.

I just don't see the reason for inconveniencing, not just myself, but the jury and everybody else. I really feel we sat down and said, let's do something to get this case put to bed, and it hadn't done us a lick of good. I wish I had Dr. Wilmington here now, so we could also be listening to a repeat of Jerry Falwell.

THE COURT: Well, the Court's -- the State has

their obligations to meet, and I can't tell them how to try their case. I know it's been a long case. We've already got 77 witnesses and 175 exhibits into evidence.

MR. HATFIELD: We have taken less than 40 percent of the time that they took. And you know, we ought to get some credit for that.

THE COURT: Mr. Panosh, do you wish to call a witness that the earliest she can be here is in the morning at 9:30?

MR. PANOSH: Your Honor, that's correct. Over the lunch, I sent Detective Church to try and get her here at 2:00 o'clock, and she was in substantial discomfort and was on her way to the doctor's office. And she --

THE COURT: Is she going to be any better in the morning?

MR. PANOSH: Well, I've been here all day, so I can't update Your Honor, but she said to Detective Church she would be here at 9:30.

THE COURT: Why don't you have her call in?

MR. HATFIELD: Why don't we just have her Monday morning?

THE COURT: Well, we've got -- first we've got a lot of things to do. We have -- the jury's going to take some time to look at these exhibits. That's all got to be done within a time frame. And then we have the instruction

conference. That'll take some time. The arguments, I want to get those started first thing Monday morning, if at all possible, so that the arguments can be held together, and the jury have a chance to weigh the different arguments presented to them. And I assume you're going to have, what, four arguments?

MR. PANOSH: Yes, sir.

THE COURT: The State going to have an opening and closing?

MR. PANOSH: There'll be four, yes, sir.

THE COURT: I assume you gentlemen are going to have intervening arguments. And so, we're talking about all Monday, probably, with the arguments.

MR. HATFIELD: It won't be that long.

THE COURT: Well, maybe we can get it to the jury Monday on this phase of it.

MR. HATFIELD: Your Honor, how long will the charge take?

THE COURT: The charge is not going to take long on the first phase. Just depends on how long the jury deliberates. I'd like to get -- we got good jurors that have been on time. We've got 15. We've been able to keep 15, because we've kindly kept them fresh. I continue to do that, and get them out of here as quick as we possibly can.

MR. PANOSH: All I can tell Your Honor is that I

did the State's rebuttal in under three hours, and hadn't -- had it not been for the fact that she had a doctor's appointment, I would have done it in three hours. And I apologize for any inconvenience, but there was no way I could go around that.

THE COURT: Is there any way you can make the flight tomorrow at lunchtime?

MR. HATFIELD: Yes, sir, I can.

THE COURT: All right.

MR. HATFIELD: If we can leave at 11:15.

THE COURT: I'll have you on that plane at 11:15

--
MR. HATFIELD: All right.

THE COURT: -- or whatever it takes.

MR. HATFIELD: Thanks.

THE COURT: The jury can go until 9:30 in the morning.

Any other matters before we recess?

We'll recess until 9:30 tomorrow morning.

(A recess was taken at 4:34 p.m. until 9:30 a.m. Friday, August 28, 1998.)

* * * * *

FRIDAY, AUGUST 28, 1998

(Court convened at 9:36 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. PANOSH: Your Honor, about 10:00 o'clock last night, Detective Church called Ms. Millen and was told to check back this morning. This morning he called back, and she was to be hospitalized, so she will not be available.

I have gone over the evidence log with the clerk, and I'm in agreement, except for State's Exhibit Number 147. That was not admitted, probably due to an oversight on my part. That's the statement of Rodney Woodberry. And if you'll recall, he identified two statements. One was admitted for the defense, and the State had him identify a statement on cross-examination. But it wasn't admitted until -- wouldn't have been able to admit it until this time of the trial. We'd move for the admission of 147.

MR. LLOYD: Well, Your Honor, if I could just take a look at it.

THE COURT: Let him see the statement.

MR. PANOSH: Here's a copy.

(Mr. Panosh handed a document to Mr. Lloyd, and time was allowed for Mr. Lloyd and Mr. Hatfield.)

MR. LLOYD: Well, Judge, I will object on the

grounds that I've objected earlier.

(Mr. Lloyd handed the document to Mr. Panosh.)

THE COURT: Let me see the statement, Mr. Panosh. I can't remember whether I've got it written down or not.

(Mr. Panosh handed the document to the Court.)

MR. LLOYD: Just contains a great deal of information that's simply not corroborative. What we're really asking the jury to do is, to take that statement as evidence, rather than their recollection of this witness's testimony.

(Time was allowed for the Court.)

THE COURT: All right. The Court's going to sustain the objection, and not admit 147. I think he's testified to most of that.

MR. PANOSH: Your Honor, my recollection is that he was asked about it on direct, and he was asked to read pieces of it into the record. And the State then on cross-examination identified it. And I think if he was asked about specific pieces, then the entire document should go in. Your Honor has allowed their defense exhibit from the same witness.

THE COURT: It's talking about a motorcycle ride that he offered him, and all that, but nothing like that ever came into evidence.

MR. LLOYD: Judge, and just to set the record

straight, I didn't ask him questions about that statement. I asked him if in fact he made a statement to Mr. Panosh and he -- and that's the only thing I asked him.

THE COURT: The Court's not going to allow its admission. Denied.

Here. Do you want this back, Mr. Panosh?

MR. PANOSH: Yes. Thank you.

(The Court handed the document to Mr. Panosh.)

MR. PANOSH: Your Honor, other than asking the jury to review the State's evidence, that'd be the State's evidence on rebuttal.

MR. HATFIELD: We have one witness.

THE COURT: One rebuttal?

MR. HATFIELD: Yes, sir.

THE COURT: Bring them back.

(The jury entered the courtroom at 9:40 a.m.)

THE COURT: I'm very pleased to have the jury panel back. I hope everyone had a nice evening and feeling okay. Anyone on the panel experiencing any problems today? I know about your conflict, Ms. Sidwell, and we're going to get you out of here. Anyone else have any conflicts this morning or any problems?

The State at this time, any additional rebuttal evidence?

MR. PANOSH: No, Your Honor.

THE COURT: Any rebuttal evidence for the defendant?

MR. HATFIELD: Yes, sir. One witness.

Melanie Oxendine, please.

THE COURT: Come around, please, ma'am.

MELANIE WILLIAMS OXENDINE, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. HATFIELD:

Q Will you state your name, please.

A Melanie Williams Oxendine.

Q Where do you live, ma'am?

A 6401 Nazarene Church Road, Pleasant Garden.

Q Now, I see you have some papers up here. You didn't bring those with you to testify, did you?

A No.

Q Would you just close those --

A Yeah.

Q -- and put them aside. Ms. Oxendine, where do you work?

A Chili's restaurant.

Q How long have you worked there?

A Five years.

Q Do you know Ted Kimble?

A Yes, I do.

Q Do you know Patrick Pardee?

A Yes, I do.

Q Would you briefly tell the jury how it is that you know Ted Kimble.

A I've known Ted Kimble for 14 years.

Q And in the early days of your acquaintanceship with him, tell the jury what happened.

A When I was younger, do you mean?

Q Yes, ma'am.

MR. PANOSH: We'd object. It's not surrebuttal.

MR. HATFIELD: Just want to show the connection.

I'm getting right to Patrick Pardee. It's --

THE COURT: Overruled.

A We dated from, I was 12 to 15.

Q Nothing serious?

A No.

Q Just a childhood friendship?

A Yes.

Q What church are you a member of?

A Monnett Road Baptist Church.

Q Now, throughout the subsequent years, did you remain an acquaintance of Ted Kimble's?

A Acquaintance, yes.

Q That's all?

A That's all.

Q Now, did there come a time that you became aware that Ted Kimble had married a woman named Patricia? Did you know

anything about that marriage?

A I know they got married, yeah.

Q Did you know her?

A No.

Q Did you hear about the death of Ted's wife?

A Yeah.

Q And at any time after her death and prior to his arrest in April of 1997, did Ted Kimble discuss anything with you about his wife's death?

A No.

Q Shortly before he was arrested in April of 1997, did you have some encounters with Ted Kimble?

A Yes.

Q Will you briefly tell the jury what that was.

A Him and Patrick Pardee come and saw me on December 24, 1996. They were out Christmas shopping. They wanted to buy some gift certificates. That's when I met Patrick Pardee.

Q Now, you remember it was the 24th, because you sold them gift certificates --

A It was Christmas Eve.

Q -- to give to their friends? And these were gift certificates for your place of employment?

A Correct.

Q And that is Chili's?

A Correct.

Q Now, after that, did you get to know Patrick Pardee?

A Yes. He come in several times with business acquaintances, and he come in with Ted Kimble a lot to eat.

Q Did you go out with Ted on a casual basis shortly before he was arrested?

A Twice.

Q Okay. Tell the jury about that, please.

A Once we went with Patrick Pardee to the lake for the day. We come back. And one time he took me to dinner with my daughter.

Q Was there any romantic involvement?

A No, not -- no.

Q Now, after Ted was arrested in April of 1997, did you speak to Patrick Pardee?

A Yes.

Q Tell the jury the circumstances of that, please.

A It was two days after Ted got arrested, he come into Chili's. He was pale. He come up to the bar, and I said, "How are you?" He said, "I'm not doing too good." He said, "I feel like I've lost 10 pounds within a week." I said, "Well, what's wrong?" And he said, "Well, I was in Charlotte, and two investigators come and woke me up 3:00 or 3:30 in the middle of the night, to take me back to Greensboro, because they wanted to investigate and ask me questions." And he said, "They wanted to know everything I

knew about Ted and this homicide. I told them that I didn't know anything, that if I knew anything, I would have not have hung around him, I wouldn't have went to Gatlinburg with him, I wouldn't have been his friend for the last year and a half."

Q So in essence, Patrick Pardee told you that he knew nothing of any involvement that Ted may have had in the death of Patricia; is that right?

A Exactly.

Q Did he say anything more about that?

A He said that he had a career to get into, and that this kind of stuff upset that, that he needed to go on. He said -- what else did he say? That's about it.

Q Did he tell you anything about what he was being investigated for?

A He was being investigated for the breaking and entering.

Q Now, prior to his telling you that, had you had any idea that he was involved in activity like that?

A No.

Q And what did you say to him about that?

A I said, "How could you do something so stupid like that?"

Q Did he give you any explanation?

A He said -- he raised his hand and said, "I'm not saying

anything to incriminate myself."

MR. HATFIELD: Thank you.

No further questions.

CROSS-EXAMINATION by MR. PANOSH:

Q Now, in addition to dating Theodore Kimble those last few weeks before he was arrested, did you have any further contact?

A Now, do you mean?

Q Yes.

A I see him every week. I go with his parents to see him every week.

Q So, since April of 1997, you've been visiting him on a weekly basis; is that correct?

A Prior -- except for the two weeks after he was arrested, yes.

Q And that's strictly friendship?

A Friendship only.

Q At the time that Patrick made these statements that you've testified to, he was aware that you were seeing Ted?

A I wasn't seeing him. We went out twice. I wasn't dating him.

Q Was the two times that you went out with him just prior to your conversation with Patrick?

A Yes.

Q And when was the first time you reported this

information to law-enforcement officers?

A When was the first time -- say that again.

Q When was the first time you reported this information to law-enforcement officers?

A To law enforcement? All I talked to was lawyers.

Q Did there come a time when you determined that it was important enough to tell the police department or the sheriff's department about the information you had?

A I felt that he gave me the information I wanted to know. He said he knew nothing about it.

Q And did you report that to the officers?

A No. I didn't know he had anything to do with this case, until he showed up.

Q You were unaware that Patrick Pardee was involved in this case until this trial; is that what you indicated?

A Exactly.

MR. PANOSH: No further.

REDIRECT EXAMINATION by MR. HATFIELD:

Q Now, since your conversations with Patrick Pardee in April of 1997, have you continued to see him from time to time?

A Patrick Pardee?

Q Yes.

A No. He will not come in the restaurant anymore.

Q So he knows where -- you have been working there

continuously since long before any of these events took place?

A Correct.

Q And he met you in connection with your employment in the restaurant?

A Correct.

Q And since you had this one conversation with him, where he told you he knew nothing about Patricia's death, he just has steered clear of your restaurant?

MR. PANOSH: Objection. Leading his own witness.

THE COURT: Sustained.

Q Is it your testimony that you have not seen him again, after all --

A I have not seen him again or talked to him.

Q Now, you knew that Ted Kimble was charged with murder, didn't you?

A Yes, I did.

Q Did you have any idea that Patrick Pardee was a material witness for --

MR. PANOSH: Objection to --

Q -- the State --

MR. PANOSH: -- leading his own witness.

THE COURT: Sustained.

Q Did you know that Patrick Pardee was a potential witness?

A No.

Q Did Mr.'s Church and Pendergrass ever come to see you?

A No.

Q Did you have any idea before this trial proceeded that you had any evidence that might have a bearing on this case?

A No.

Q Well, now, you understand that Ted Kimble's not on trial?

MR. PANOSH: We object to leading, please.

THE COURT: Sustained.

Q Who's on trial here?

A Ronnie Kimble.

MR. PANOSH: Objection.

Q Is Ted Kimble on trial?

A No.

MR. HATFIELD: No further questions.

MR. PANOSH: No further.

THE COURT: You may step down.

MR. HATFIELD: That's all we have. Thank you very much.

THE COURT: Any evidence for the State?

MR. PANOSH: No, Your Honor.

(The witness left the witness stand.)

THE COURT: Members of the jury, this completes the evidence, and on Monday, it'll be your duty to decide

I N D E XDEFENDANT'S WITNESSES

RODNEY LAMONT WOODBERRY

Continued Cross-Examination by Mr. Panosh	PAGE 2442
Redirect Examination by Mr. Lloyd	PAGE 2452
Recross-Examination by Mr. Panosh	PAGE 2470
Further Redirect Examination by Mr. Lloyd	PAGE 2472

LAURA ANN SHEPARD

Direct Examination by Mr. Lloyd	PAGE 2472
Cross-Examination by Mr. Panosh	PAGE 2481
Redirect Examination by Mr. Lloyd	PAGE 2486

CHARLES ALLEN DUNN

Direct Examination by Mr. Hatfield	PAGE 2488
Cross-Examination by Mr. Panosh	PAGE 2497
Redirect Examination by Mr. Hatfield	PAGE 2502

JEFFREY CONLUIS CLARK

Direct Examination by Mr. Hatfield	PAGE 2504
Cross-Examination by Mr. Panosh	PAGE 2516
Redirect Examination by Mr. Hatfield	PAGE 2540

JAMES ALLEN DZIADASZEK, II

Direct Examination by Mr. Hatfield	PAGE 2550
Cross-Examination by Mr. Panosh	PAGE 2557

DEFENDANT RESTS	PAGE 2560
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I N D E X (CONT'D.)STATE'S REBUTTAL WITNESSES

EDMUND LOUIS SIWINSKI

Direct Examination by Mr. Panosh PAGE 2560

JOY HEDGECOCK DYER

Direct Examination by Mr. Panosh PAGE 2564

Cross-Examination by Mr. Hatfield PAGE 2573

BEVERLY MARIE JEFFERS

Direct Examination by Mr. Panosh PAGE 2607

Cross-Examination by Mr. Lloyd PAGE 2613

HAROLD G. PENDERGRASS

Direct Examination by Mr. Panosh PAGE 2621

Cross-Examination by Mr. Hatfield PAGE 2627

JAMES D. CHURCH

Direct Examination by Mr. Panosh PAGE 2639

SARAN ANN HAITH

Direct Examination by Mr. Panosh PAGE 2647

Cross-Examination by Mr. Lloyd PAGE 2651

Redirect Examination by Mr. Panosh PAGE 2653

ANNE MAUNEY

Direct Examination by Mr. Panosh PAGE 2654

STATE RESTS ON REBUTTAL PAGE 2669

I N D E X (CONT'D.)DEFENDANT'S REBUTTAL WITNESS

MELANIE WILLIAMS OXENDINE

Direct Examination by Mr. Hatfield PAGE 2670

Cross-Examination by Mr. Panosh PAGE 2675

Redirect Examination by Mr. Hatfield PAGE 2676

DEFENDANT RESTS ON REBUTTAL PAGE 2678

CHARGE CONFERENCE PAGE 2689

E X H I B I T S

<u>STATE'S EXHIBITS</u>	<u>IDENT.</u>	<u>INTRO.</u>
138. Book	2236	2660
139-A. Photograph	2236	2660
139-B. Photograph	2236	2660
139-C. Photograph	2236	2660
140-A. Medical Documents of Ronnie Kimble	2204	2660
140-B. Medical Documents of Ronnie Kimble	2204	2660
140-J. Health Record of Ronnie Kimble	2208	2660
140-P. Medical Record of Ronnie Kimble	2212	2660
140-R. Sleep Test Report	2214	2660
145. Pad of Paper with Phone Numbers	2273	2646
146-A. Extradition Papers	2309	2660
146-B. Extradition Papers	2309	2660
146-C. Extradition Papers	2309	2660
148-A. Photograph	2660	2660
148-B. Invitation	2660	2660
149. Telephone Records	2642	2646
150. Statement of Jeffrey Clark	2516	2641
151. Statement of Jeffrey Clark	2517	2641
152. Statement of Jeffrey Clark	2517	2624
 <u>DEFENDANT'S EXHIBITS</u>		
22. Interview of Laura Shepard	2487	----
23. Affidavit of Rodney Woodberry	2407	2488

NORTH CAROLINA
GUILFORD COUNTY

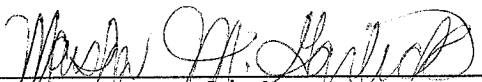
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 97 CrS 23654
FILE NO. 97 CrS 39580
FILE NO. 98 CrS 23485

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 272 pages constitutes the complete and accurate transcript of my stenograph notes of the proceedings in this matter on August 27, 1998, and August 28, 1998, at the August 3, 1998 Regular Criminal Session of Superior Court, Guilford County, North Carolina, and were transcribed by me personally.

This the 11th day of February, 1999.



Marsha M. Garlick, RPR
Official Superior Court Reporter

Transcript Ordered: September 8, 1998

Transcript Delivered: orig-del Feb-16, 1999