

NORTH CAROLINA  
GUILFORD COUNTY

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

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

T R A N S C R I P T

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

A P P E A R A N C E S

Richard E. Panosh  
Assistant District Attorney  
Eighteenth Judicial District  
P.O. Box 2378  
Greensboro, North Carolina 27402  
on behalf of the State

HATFIELD & HATFIELD  
John B. Hatfield, Jr.  
Attorney at Law  
219 West Washington Street  
Greensboro, North Carolina 27401  
W. David Lloyd  
Attorney at Law  
101 South Elm Street  
Greensboro, North Carolina 27401  
on behalf of the Defendant

Reported by Marsha M. Garlick, RPR  
Official Superior Court Reporter  
Eighteenth Judicial District  
Greensboro, North Carolina 27402

1                    TUESDAY, AUGUST 11, 1998

2                    (Court convened at 9:33 a.m. The defendant was not present.  
3                    The jury was not present.)

4                    THE COURT: Mr. Blakley, if you'll come back up to  
5                    the witness stand, please, sir. You're still under oath.  
6                    (The witness Reuben Blakley returned to the witness stand.)  
7                    (The defendant entered the courtroom at 9:35 a.m.)

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

10                   MR. PANOSH: No, Your Honor.

11                   MR. HATFIELD: No, Your Honor.

12                   (The jury entered the courtroom at 9:36 a.m.)

13                   THE COURT: I'm very pleased to have the jury  
14                   panel back this morning. I hope each of you had a nice  
15                   evening and feeling okay. Anyone on the jury panel  
16                   experiencing any problems today that I should know about, if  
17                   you'll raise your hand, I'll be glad to talk with you about  
18                   it.

19                   (Juror Number 12, Mr. Majors, raised his hand.)

20                   THE COURT: Yes, sir?

21                   MR. MAJORS: I'm not having a problem, but us as a  
22                   group have a problem.

23                   THE COURT: Yes, sir.

24                   MR. MAJORS: Yesterday, when the witness was on  
25                   the stand, people were going in and out that door

1 constantly, and it seemed like it distracted us. We  
2 couldn't hear good.

3 THE COURT: Well, that's always a problem in any  
4 courtroom. Used to be the judge locked the doors, but you  
5 can't do that anymore. And I guess your kidneys are not  
6 quite as strong as it used to be.

7 (Laughter.)

8 THE COURT: Blame it on the fire marshal. But  
9 anyway, that's a real problem. I'll try to --

10 Officers, if you'll kindly watch the doors and see  
11 if it gets to be a problem, step back there and tell them to  
12 wait.

13 We'll try to take a break -- those of you in the  
14 audience, we'll try to take breaks, to give you a chance to  
15 refresh yourselves from time to time, but I would ask that  
16 you not move in and out of the courtroom while the witness  
17 is testifying. Wait until the witness has finished his  
18 testimony or the attorneys -- it switches attorneys to  
19 cross-examine the witnesses, and then kindly step out, if  
20 you need to. We'll try the best we can. If it gets to be a  
21 problem, we'll take some more drastic steps.

22 Anything else?

23 You may continue with your examination of the  
24 witness, Mr. Panosh.

25 MR. PANOSH: Thank you.

1 REUBEN BLAKLEY, having been previously duly sworn, testified  
2 as follows during CONTINUED DIRECT EXAMINATION by MR.

3 PANOSH:

4 Q Mr. Blakley, before we broke yesterday, you were  
5 describing a conversation you had with your sister,  
6 Patricia, on or about the 28th of September. Would you tell  
7 the ladies and gentlemen of the jury about that, please.

8 A Yes. It was a Thursday, September 28th, and we was on  
9 the way back from Pizza Hut, from lunch, and she was  
10 expressing some concerns about life insurance that Ted had  
11 taken out on her -- or tried to take out on her. And I  
12 asked her about that, and she didn't want to talk about it  
13 much. I could tell it was kind of a tense subject with her.  
14 But she did say that Ted had apologized and said he wouldn't  
15 -- said he wouldn't -- decided that he would not do it or  
16 just apologized to her, said he was sorry.

17 Q Did she give you specifics of the life insurance that  
18 she was referring to?

19 MR. HATFIELD: Objection, Your Honor. This  
20 testimony was given yesterday afternoon in its entirety.

21 THE COURT: Overruled.

22 A No, she didn't. She just expressed life insurance to  
23 me.

24 Q And who was the person the life insurance was being  
25 taken out on?

1 MR. HATFIELD: Objection.

2 THE COURT: Overruled.

3 A Herself, Patricia.

4 MR. PANOSH: May I approach the witness?

5 THE COURT: You may.

6 Q I'll show you now what's been marked for identification  
7 as State's Exhibit Number 3. Would you look at that.

8 Yesterday, you indicated that you made certain calls to  
9 Patricia's pager?

10 A Yes, sir.

11 Q And drawing your attention to Exhibit 3, do you  
12 recognize the telephone numbers on there?

13 MR. HATFIELD: Objection. That's not a telephone  
14 record. That's just a memo that was made by the sheriff's  
15 office. It's hearsay.

16 THE COURT: Overruled. He may identify what the  
17 document is.

18 MR. HATFIELD: But Your Honor, it doesn't -- it's  
19 just a list Mr. Panosh made.

20 THE COURT: Continue.

21 Overruled at this point.

22 Q Do you recognize any of the numbers on there?

23 A Yes, I do. I recognize all of them.

24 Q Okay. And would you identify the numbers for the  
25 ladies and gentlemen of the jury, please.

1 A The first number, 314-3303, that says 8:31 p.m. That  
2 is my phone number.

3 MR. HATFIELD: Objection. This is pure hearsay.  
4 This is not a telephone number (sic), Your Honor. I ask Your  
5 Honor to take a look at it, before you let him read from it.

6 THE COURT: Overruled.

7 A That is my cellular phone number at the time. The next  
8 number, 674-6426, at 8:21, that is my home phone number.  
9 271-1300 --

10 MR. HATFIELD: Objection.

11 THE COURT: Overruled.

12 MR. HATFIELD: It's not one of his numbers.

13 THE COURT: Overruled.

14 A -- is Ted's pager number. And then the next number is  
15 all 7's, and that's numbers that Ted and Patricia used to  
16 use, to notify each other. 674-6426 would be my phone  
17 number again. And the last number, 294-0789, was a business  
18 number at Lyles.

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

21 THE COURT: Mr. Lloyd?

22 MR. HATFIELD: I'm going to handle this one.

23 THE COURT: Mr. Hatfield?

24 MR. HATFIELD: May I approach the witness --

25 THE COURT: Yes, you may.

1 MR. HATFIELD: -- and look at this exhibit?

2 (The witness handed the exhibit to Mr. Hatfield.)

3 CROSS-EXAMINATION by MR. HATFIELD:

4 Q Do you know who typed this exhibit up?

5 A I have no clue.

6 Q Does it look like a telephone record to you?

7 A I've never seen a telephone record.

8 Q Do you know Ted's business number --

9 A Yes, sir.

10 Q -- by heart?

11 A Yes, sir.

12 Q You do?

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

14 Q You read this in the reverse order of the times, didn't  
15 you? At least, that's how it appears on the document.

16 A I read it as it was stated there.

17 Q Right. So the first indication on the beeper was 8:31  
18 p.m., that would have been the last, in actuality the last  
19 entry, wouldn't it?

20 A Sure.

21 Q Okay. So the last entry was your call attempt to  
22 communicate with Patricia?

23 A Yes, sir.

24 Q And that happened at 8:31 p.m.?

25 A Yes, sir.

1 Q And you had already tried to beep her 10 minutes before  
2 that, at 8:21 p.m., from your house; isn't that right?

3 A Yes, sir.

4 Q So the next number down the line is 674-6426. Is that  
5 your home number?

6 A Yes.

7 Q Then do you recall that at 8:11 p.m., her beeper  
8 indicated Ted's pager number?

9 A Yes, sir.

10 Q And then, apparently, at 8:11, the same time, the  
11 777777 friendship sign was put into her beeper; is that  
12 correct?

13 A Yes, sir.

14 Q And was that something that they did in order not to  
15 incur a toll call for a quick communication?

16 A Yeah, at times.

17 Q Okay. And then, at 9:09 a.m. -- it skips really almost  
18 12 hours -- 674-6426 appears; is that correct?

19 A Yes, sir.

20 Q That would be your mobile phone?

21 A That would be my home phone.

22 Q Oh. It is your home phone?

23 A Yes.

24 Q That's right. And so, you called her at 9:00 o'clock  
25 that morning?



1 A I can't verify that morning. The pager does not have  
2 the date on it.

3 Q So, but it may -- well, based on the order that it  
4 appears on this document, whoever wrote this thing, it would  
5 have been before all those other calls that we just talked  
6 about, wouldn't it?

7 A Before, yes.

8 Q So you're saying that you can't say that it was at 9:09  
9 a.m. on October 9, 1995, it might have been 9:09 a.m. on  
10 October 8th?

11 A Correct.

12 Q So, do you remember why you were trying to beep your  
13 sister?

14 A I remember talking with her on Saturday, and I very  
15 well could have paged her that morning, to talk with her on  
16 Saturday. I do not remember specifically paging her to talk  
17 to her, but I did talk to her on Saturday.

18 Q So, actually, the 9:09 a.m. beep may go back literally  
19 48 hours to Saturday?

20 A Very well could.

21 Q Since most of these numbers appear on Monday night?

22 A Right.

23 Q And then there's another entry even earlier than the  
24 9:09 that you read to the jury, 11:44 a.m., and that's  
25 Lyles; is that right?

1 A Correct.

2 Q That would have been Ted Kimble's business telephone?

3 A Correct.

4 Q And since we don't know precisely what day your a.m.  
5 beep to her was, and we certainly don't know what -- when  
6 his was?

7 A That's correct.

8 Q So you recall talking to your sister on Saturday, which  
9 would have been October 7, 1995?

10 A Yes, sir.

11 Q Did you see her on that date?

12 A No, I didn't.

13 Q Do you remember what you and she talked about?

14 A No, I do not.

15 Q Do you recall that she was involved in a big joint yard  
16 sale project?

17 A At that time, I did not know that. I found out at a  
18 later point that that's what she was doing on Saturday.

19 Q Okay. So on the Saturday that these -- this memorandum  
20 indicates that you beeped her in the morning, you later  
21 found out that was the day that she had this yard sale?

22 A Yes.

23 Q Where was the location of the yard sale? Did you ever  
24 find out?

25 A It was at the Cinnamon Ridge Apartments.

1 Q Did Edna Kimble participate in that, Ted's mom?

2 A I'm not sure if -- I wasn't there, so --

3 Q Do you know anything about it at all?

4 A I remember my mom saying she went.

5 Q So your mom was there on Saturday, with Patricia, at  
6 Cinnamon Ridge, conducting -- helping out with the yard  
7 sale?

8 A Yes, sir.

9 Q This was a big event, though, wasn't it?

10 A I don't know. I wasn't involved.

11 Q I know it, but people told you about it in your family,  
12 didn't they?

13 A Briefly, maybe. It didn't seem to be a big event for  
14 me.

15 Q Did you hear about how much money Patricia made that  
16 day?

17 A No, I didn't.

18 Q Do you know whatever became of any money that she may  
19 have made that day?

20 MR. PANOSH: Objection. Speculation and hearsay.

21 MR. HATFIELD: It's not speculation.

22 THE COURT: Sustained.

23 MR. HATFIELD: It's a straightforward question.

24 THE COURT: If he knows. Overruled.

25 Q Do you know what may have become of any money that she

1 made that day?

2 A No, I do not.

3 Q Now, she's your only sister; is that correct?

4 A Correct.

5 Q Do you have any other siblings?

6 A No.

7 Q Who's older, you or Patricia?

8 A Patricia was.

9 Q How much older?

10 A Six years.

11 Q Did you know her very well during the last few years of  
12 her life?

13 A Yes, I did.

14 Q Did you see her often?

15 A I seen her at church, every Sunday, and I would stop by  
16 the apartments periodically during the week and speak with  
17 her.

18 Q Did you stop by her house out on Brandon Court?

19 A Not very often. Every now and then, we would have  
20 things there we would go see them, but not necessarily just  
21 to stop by.

22 Q Did you visit Ted and Patricia and have dinner or play  
23 board games or anything -- activities of that kind?

24 A On occasions, yes.

25 Q Was Ted a member of the same church that Patricia was?

1 A Yes.

2 Q This was your family church; is that correct?

3 A Family church seems kind of vague to me, but we were  
4 members for four or five years.

5 Q You and Patricia?

6 A Patricia was a member longer.

7 Q So, did she get you involved in that particular church?

8 A Yes, sir.

9 Q And she got Ted involved in it, too, didn't she?

10 A Yes, sir.

11 Q Now, in seeing Patricia on a regular basis, would it be  
12 fair to say that you talked to her at least once a week?

13 A Sure.

14 Q And did she tell you what her activities were?

15 A She was a very busy lady, as I was, so I couldn't --  
16 didn't have time to listen to all of her activities, but at  
17 times, she would tell me things that she may or may not do.

18 Q What is your occupation?

19 A Currently I'm a sorter at UPS in the evenings, and I go  
20 to school during the day.

21 Q What are you studying at school?

22 A Going to A&T, studying civil engineering.

23 Q Is that a degree program for a four-year engineering  
24 degree?

25 A Yes, sir.

1 Q How much more time do you have in school?

2 A I'm a second semester sophomore now, so I have about  
3 two and a half years, three years.

4 Q Well, with full-time work and full-time school, there  
5 really wasn't that much opportunity to socialize, was there?

6 A Not during the week, no.

7 Q Did you have occasion to use the motorboat that Ted and  
8 Patricia purchased?

9 A On occasions we did go with them, yes.

10 Q Did she seem to enjoy that boat?

11 A Yes, she did.

12 Q Do you remember when they acquired it?

13 A I remember the day, but I do not remember the date  
14 exactly.

15 Q Well, how long was it before October 9, 1995?

16 A I believe it would be the fall before then, before  
17 then.

18 Q So it would have been approximately a year --

19 A Yeah.

20 Q -- before the events?

21 A Yes.

22 Q Do you know how the boat was purchased, whether money  
23 was paid down or whether it was financed?

24 A No, I do not.

25 Q Did you hear any complaints from Patricia about the

1 cost of the boat?

2 A No, I did not.

3 Q Would it be fair to say that it was new when it was  
4 purchased?

5 A No, it was not.

6 Q Was it a nice boat, in good condition?

7 A Yes.

8 Q Do you have any idea what its market value was at the  
9 time it was bought?

10 A An idea? What kind of idea?

11 Q Well, do you know how much it was worth when they  
12 bought it?

13 A I would say under \$10,000.

14 Q Under \$10,000?

15 A Yeah.

16 Q But you don't know how it was paid for?

17 A No.

18 Q Could have been paid for in cash?

19 A Could have been.

20 Q Do you remember when Ted and Patricia bought a Jeep  
21 Cherokee?

22 A Yes.

23 Q When was that bought?

24 A I believe May, May of '95.

25 Q So in the very year that your sister met her

1 unfortunate end, she and her husband bought a Jeep Cherokee;  
2 is that right?

3 A Yes, sir.

4 Q Was that a new car when they bought it?

5 A Yes.

6 Q Do you know what the circumstances of that purchase  
7 were, whether it was a cash purchase or what?

8 A No, I do not.

9 Q Did she complain about the cost of the Jeep Cherokee to  
10 you?

11 A Yes, she did.

12 Q Did she say it cost too much?

13 A Yes. She was a little concerned that there were some  
14 extra options that Ted wanted on it, that she didn't, and  
15 they had a budget to work at, and it ended up a little bit  
16 higher than what they were looking for.

17 Q So she was in favor of the vehicle, but she didn't  
18 maybe want leather upholstery or something extra on it?

19 A I could say that, yes.

20 Q Did it have leather upholstery?

21 A No, it doesn't. No, it does not.

22 Q Do you know what those options were?

23 A CD player, sound system, mainly.

24 Q Well, both Ted and Patricia had a considerable  
25 collection of CDs, didn't they?



1 A I believe so, yeah.

2 Q And it pretty much ran the gamut of all types of music,  
3 from sacred and spiritual music, all the way to rock and  
4 roll, didn't it?

5 A Sure.

6 Q Do you think that both of them, based on your knowledge  
7 of their lifestyle, enjoyed their music?

8 A Probably Ted more than Patricia, but sure.

9 Q Do you recall your sister buying a timeshare apartment  
10 in Williamsburg, Virginia?

11 A No, I never knew that.

12 Q You never knew it?

13 A Not before her death, I did not.

14 Q But after her death, you found out that she had bought  
15 a timeshare in Williamsburg, didn't you?

16 A Sure.

17 Q Did you have a chance to look at any of the paperwork  
18 associated with that?

19 A No, I did not.

20 Q Do you know how it was paid for?

21 A No, I do not.

22 Q Would it refresh your memory if I told you that it was  
23 paid for by putting an equity account on her residence?

24 A I knew they had equity account, but what they bought  
25 with it, I did not know.

1 Q So your sister bought a two-week timeshare in  
2 Williamsburg and never even told you about it?

3 A Sure.

4 Q Did you -- were you aware that she and Ted had gone up  
5 to Williamsburg to visit the town?

6 A I do not recall. I --

7 Q Would it be fair to say that there were many weekends  
8 when Patricia and Ted went out of town?

9 A Sure.

10 Q And could you tell the jury what kinds of weekend trips  
11 they took?

12 A Various. They may -- like you say, may go to  
13 Williamsburg, to Busch Gardens, or just different places.

14 Q Did they go on church-related weekend activities, also?

15 A Sure.

16 Q What's the furthest away from home you can remember  
17 them traveling?

18 A I believe they'd been to Disneyworld, so --

19 Q That's down in Florida?

20 A Yes.

21 Q Or out in California?

22 A Orlando, Florida.

23 Q Orlando. Did you hear Patricia complain about the cost  
24 of travel and that sort of thing?

25 A No. That's something she enjoyed to do.

1 Q She enjoyed doing that?

2 A Yes.

3 Q Do you remember what mode of transportation they would  
4 take, whether it was airplanes or --

5 A Car.

6 Q -- trains? What?

7 A Car.

8 Q Generally a car, even when they went as far as Orlando?

9 A Yes.

10 Q Did Patricia express any fears to you of a joint death,  
11 where she and Ted would be killed at the same time?

12 A No.

13 Q Were you aware of any plans that she may have made  
14 concerning a will?

15 A No, I wasn't.

16 Q She didn't discuss that with you at all?

17 A No.

18 Q Did you know that Patricia owned land in another  
19 county?

20 A Yes, I --

21 Q Had you seen that land yourself?

22 A Not before -- not before her death, I do not believe.

23 Q After her death --

24 (A man came in the courtroom.)

25 THE COURT: Wait just a minute.

1 MR. HATFIELD: Yes, sir.

2 THE COURT: Can you not read, sir?

3 MAN: I'm sorry, Your Honor. I didn't see the  
4 sign.

5 THE COURT: Isn't there a sign on that door?

6 THE BAILIFF: Yes, sir, there is. There is.

7 THE COURT: There's a sign on there that says, "Do  
8 not come in when a witness is in the witness chair."

9 MAN: I apologize to the Court, Your Honor.

10 THE COURT: Well, I'm going to take some money off  
11 you, if you do it again. Now, step out and wait until the  
12 witness finishes.

13 (The man left the courtroom.)

14 THE COURT: We put a sign on the door out there,  
15 "Do not enter if a witness is in the witness box," and we've  
16 had five people walk in this courtroom. Either they can't  
17 read or they don't intend to honor it, one way or the other.

18 Put a contempt citation on the bottom of it. See  
19 if they understand that.

20 I apologize, but I'm trying to, you know, keep it  
21 as quiet as I can. I know you expressed a problem with  
22 people moving and going.

23 Try that and see if that works. If it doesn't,  
24 we'll put yellow tape across it.

25 Proceed.

1 MR. HATFIELD: Thank you, Your Honor.

2 Q So, most of the travel that they engaged in was by in  
3 the Jeep Cherokee, basically?

4 A They did take the Subaru on occasions, I believe.

5 Q Now, was the Subaru your sister's car, primarily?

6 A Yes, sir.

7 Q Is that the car that you found at her house on October  
8 9th, when you went over there in the evening?

9 A Yes, sir.

10 Q You stated on the witness stand a minute ago that at  
11 8:21, you paged your sister from your house. Was that right  
12 after you had talked to Ted?

13 A Yes, sir.

14 Q Did you expect to receive a call from Ted?

15 A No, I didn't. The first time I had ever received a  
16 call from Ted to look for Patricia.

17 Q Well, if you had never received a call from Ted before,  
18 how could you possibly know his phone number by heart?

19 A I don't think you need to know a phone number to  
20 receive a call.

21 Q Well, why would you know his phone number, if you  
22 didn't talk to him?

23 MR. PANOSH: Object to him arguing with the  
24 witness, please.

25 THE COURT: Overruled.

1 Q Why would you know his phone number by heart, if you  
2 didn't regularly talk to him?

3 A I have called Lyles. I didn't say I didn't talk with  
4 Ted. I said that he didn't call me and ask for Patricia,  
5 ask for me to look --

6 Q So you knew his number by heart because of various  
7 times when you had to call the business to speak to him?

8 A Sure.

9 Q What was your usual purpose in calling his business?

10 A I did buy things there every now and then, or I'd --  
11 looking for Patricia or -- it's pretty -- I wouldn't say I  
12 called every day. I probably called once or twice a week or  
13 every other week or something.

14 Q How often did you buy things from Ted?

15 A Just depends how often I was building something.

16 Q Building stuff around your house?

17 A Sure.

18 Q I assume you own your home?

19 A Sure.

20 Q So you bought building materials to use on your  
21 property?

22 A Yes, sir.

23 Q On the day that Ted called you, at approximately 8:10  
24 p.m., did he tell you where he was calling from?

25 A Yes, sir.

1 Q Where did he say he was calling from?

2 A Said he was calling from Precision Fabrics in the --

3 Q Were you aware --

4 A -- break room.

5 Q Did you know what he meant, when he said Precision  
6 Fabrics?

7 A Yeah. I knew he had a second-shift job.

8 Q And when had he taken that job?

9 A Approximately a week or two weeks before Patricia was  
10 killed.

11 Q Did you think there was anything unusual about his  
12 taking a laborer's job in the evening, when he worked all  
13 day long at a business that he owned?

14 A Sure.

15 Q Did you ask him about that?

16 A No, I never talked with him about that.

17 Q Was this the first time that he had called you since he  
18 took the job at Precision Fabrics?

19 A Sure. Yeah. I believe it was.

20 Q The church that you and Patricia belonged to in fact  
21 had an activity going on on Monday, October 9, 1995, didn't  
22 it?

23 A There was a Bible study going on, yes.

24 Q Were you -- was that a regularly scheduled class at the  
25 school -- at the church?

1 A I believe there was a study called "Experiencing God"  
2 that she was involved in, and that was just beginning to  
3 start up on Monday nights.

4 Q Was she the teacher?

5 A She has been the teacher of that program before. I'm  
6 not sure if she had planned to be that time or not.

7 Q Do you happen to know -- I know it's been a long time,  
8 but do you know why she was in attendance on that particular  
9 evening, or why she planned to be in attendance?

10 A She was either taking the course or teaching the  
11 course, one of the two.

12 Q Had she discussed that with you?

13 A Yes, she had.

14 Q Well, before Ted called you on the evening of October  
15 9, 1995, did you know that your sister was probably at the  
16 Bible class at her regular church?

17 A I did know that she was supposed to be there, and Ted  
18 also said that she was supposed to be there.

19 Q But separating the information that you had when you  
20 received the call from Ted, from anything Ted said to you,  
21 what did you know of your own knowledge? Did you know she  
22 was supposed to be there?

23 A Yes, sir.

24 Q How did you know that?

25 A I -- it was common knowledge in the church that several



1 people were taking the "Experiencing God," and I knew she  
2 was involved in that.

3 Q So it couldn't have been the first session of that  
4 class?

5 A I'm not sure.

6 Q But you -- even on Saturday, you didn't talk to her,  
7 you just tried to exchange beeps, so it was awhile before  
8 October 9th that you had had any actual conversation with  
9 her; isn't that right?

10 A Actually, I did talk to her on the 7th, which would be  
11 Saturday afternoon.

12 Q You did?

13 A Yes.

14 Q That was after the yard sale?

15 A I suppose so, yes. It's about --

16 Q Well, wasn't she pretty excited, and told you the  
17 results of the yard sale?

18 A I don't remember any conversation about the yard sale,  
19 no.

20 Q Well, I don't -- I know it's hard to remember times  
21 gone by, and especially when it's associated with tragedy,  
22 but a minute ago, when I asked you if you'd talk to her on  
23 Saturday, you couldn't recall. Is it now your recollection  
24 that you talked to her Saturday afternoon?

25 MR. PANOSH: We object. He didn't testify to

1 that.

2 THE COURT: Members of the jury, take your own  
3 recollection of the evidence.

4 Overruled.

5 Q You talked to her on Saturday afternoon?

6 A Yes, sir.

7 Q Who initiated that call?

8 A I believe she called me.

9 Q Do you know why?

10 A I'm thinking probably because I had paged her, and she  
11 called back responding to my page earlier that morning.

12 Q Do you think she -- Well, strike that. Trying your  
13 best to remember that Saturday afternoon call, do you think  
14 she mentioned going to church on Monday evening?

15 A She very well could have. I do not remember that.

16 Q Now, what were you doing around 8:00 p.m. on October  
17 9th? I assume you were home with your wife?

18 A Yes, I was. I had just gotten home about 7:30. I'd  
19 been working all day in Raleigh with my dad, and I had just  
20 gotten home, taken a shower, and I was sitting down, I  
21 believe, eating a sandwich, when Ted called.

22 Q Was that sandwich going to basically be your supper  
23 that evening?

24 A Yes. I had to get ready and go to work that night at  
25 UPS.

1 Q What time were you going to have to go to work?

2 A 10:15, 10:30.

3 Q Did you pick up the phone yourself when Ted called?

4 A No, I didn't.

5 Q Your wife answered the telephone?

6 A Yes, sir.

7 Q Did she have any discussion with Ted?

8 A That would have to be her testimony. I'm not sure  
9 exactly what her words were.

10 Q Did you hear her answer the -- did you hear the phone  
11 ring?

12 A I heard the phone ring.

13 Q Did you hear her answer?

14 A No, I didn't. She had to go back in another room to  
15 pick it up. So I stayed in the living room.

16 Q So when she told you that the call was for you, did she  
17 tell you who was on the line?

18 A I do not recall.

19 Q Did she -- was there any urgency in her voice when she  
20 spoke to you?

21 A I do not remember.

22 Q In any event, did you have to get up and walk to the  
23 phone, she didn't have one of these walk-around phones?

24 A She handed it to me. It was a cordless phone.

25 Q All right. And so, what was the first thing you heard

1 on the telephone call? Did you say, "Hello" or something  
2 like that?

3 A Yes.

4 Q Then what did you hear?

5 A Ted asked me if I had seen Patricia or knew where  
6 Patricia was.

7 Q And what did you tell him?

8 A I said, "No." I asked him if she was not at church,  
9 and he said, "Well, I don't know. I want you to call the  
10 church, because I do not have the phone number for the  
11 church. I want you to call and see if she was there."

12 Q But based on your knowledge, it would have been highly  
13 likely that she'd be at the church, wouldn't it?

14 A Sure.

15 Q Did you know the number of the church by heart?

16 A No, I did not.

17 Q You've been a member of the church for several years.  
18 I guess you just don't have to call it?

19 A Not much.

20 Q Did Ted ask you for the church number or ask you to  
21 call?

22 A He asked me to call.

23 Q Did you do that?

24 A Yes, I did.

25 Q And what did you find out when you called the church?

1 A It rang. No one picked up. The answering machine  
2 picked up. And the answering machine was not going to help  
3 me any, so I just hung up, and then I tried to call her  
4 house and paged her.

5 Q So, right after you called the church, you made the two  
6 calls that are summarized on this memorandum; is that right?  
7 In other words, you made the 8:21 p.m. call to her pager.  
8 Did you make any other calls, try to --

9 A I made a call to her house.

10 Q What's the number at her house?

11 A At that time, it was 674-1148.

12 Q And did you let it ring more than four times?

13 A I'm sure I did, because it rang and rang and the  
14 answering machine never picked up.

15 Q The answering machine never picked up?

16 A No, sir.

17 Q Subsequently, did you take a look at the answering  
18 machine, to determine whether it was turned on or not?

19 A Which answering machine?

20 Q Her answering machine at her house.

21 A I did not go in the house. I let the firemen handle  
22 that.

23 Q So you don't know whether her answering machine was on  
24 or off, or whether the phone had been damaged or whatever,  
25 do you?

1 A No, sir.

2 Q Now, a telephone line can ring even if there's no phone  
3 attached, can't it?

4 A I do not know.

5 Q So after you called -- well, you weren't surprised when  
6 you called Patricia's home number and got no answer, because  
7 you fully expected she'd be at church, didn't you?

8 A I was a little concerned at that point, because I knew  
9 the answering machine was usually on. I was a little  
10 concerned, yes.

11 Q Well, how long would the class that she attended at the  
12 church have lasted under normal circumstances?

13 A I would say it started at 7:00, probably get out around  
14 8:30.

15 Q So if she'd gone to the class as she had told you she  
16 was going to do, then there would have been no way she'd be  
17 home, would there?

18 A Shouldn't have been, right.

19 Q Well, then, if you called her home and got no answer,  
20 why would there have been any concern?

21 A Because the answering machine didn't pick up, and there  
22 was concern in Ted's voice.

23 Q There was concern in Ted's voice?

24 A Yes.

25 Q Now, were you concerned when there was no answer at the

1 church?

2 A The answering machine picked up at the church, and  
3 that's fairly normal for the office, no one to be in the  
4 office to answer the phone.

5 Q So, based upon calling Patricia, when you knew she  
6 wouldn't be home if she was doing what she told you she was  
7 going to do, and calling the church and simply getting its  
8 answering machine, which is what you would have expected at  
9 that hour, you became so concerned then, that you decided to  
10 get in your vehicle and drive over to Patricia's house?

11 A That concern stems from what Ted told me to do. Ted  
12 told me -- I asked him if I did not get an answer at the  
13 church, what did he want me to do, and he told me to go to  
14 the house and check on her.

15 Q Well, didn't you think that was just ridiculous?

16 A Yeah, it seemed very strange to me.

17 Q And you'd been working all day down in Raleigh, you're  
18 -- barely time to eat a quick sandwich, you got to go right  
19 back to work, and Ted wants you to get in the car and go  
20 over to Patricia's house, because of what?

21 A That was my concern. I didn't know.

22 Q And you asked your wife to go with you?

23 A At first, I was going to go by myself, and then she  
24 offered to go with me, so I obliged, and we rode together.

25 Q You and she don't have any children?

1 A No.

2 Q Nothing else to do?

3 MR. PANOSH: We object, please.

4 THE COURT: Sustained.

5 Q Well, literally, you might as well go together, she  
6 didn't have any responsibilities at the house, if you were  
7 going to go out in the car for a few minutes; isn't that  
8 right, Mr. Blakley?

9 A Sure. She could be cleaning the house. Actually, it  
10 was time for me to go to bed, so I'd have been glad to stay  
11 at home and take a nap before I had to go to work.

12 Q So, wanting to have a nap, and your wife having plenty  
13 to do around the house, you change all of that and jump in  
14 the car and drive five miles, from Randleman down in  
15 Randolph County, over to Pleasant Garden in Guilford County.  
16 I don't see why you felt the need to do that.

17 MR. PANOSH: Object to the form of the question.

18 THE COURT: Do not answer that.

19 Q I would like to know why you felt the need to do that.

20 A I felt the need totally from Ted's persistence, and me  
21 going to the house and checking out where Patricia was.

22 Q But when you told us about Ted's call to you, you did  
23 not describe any persistence.

24 MR. PANOSH: Objection.

25 Q You said --



1 THE COURT: Sustained.

2 Q When you told us about Ted's call to you, you said it  
3 was -- he just told you that he tried to reach Patricia and  
4 she wasn't at home, which is not surprising.

5 MR. PANOSH: We object. That's not a question.

6 THE COURT: Sustained.

7 Q You will agree with me that, based on your knowledge of  
8 her plans, she was to be at the church from approximately  
9 6:30 or a little thereafter, until approximately 8:30 or a  
10 little thereafter; isn't that about right?

11 A Sure.

12 Q And you knew that from your communications with her on  
13 Saturday afternoon --

14 A Yes.

15 Q -- among other things --

16 A Yes.

17 Q -- didn't you?

18 A Yes.

19 Q So when you got the call from Ted, there was no reason  
20 for you to think that she would be at home?

21 A As well there shouldn't have been a reason for Ted to  
22 think she would have been at home.

23 Q So there would have been no reason to try to reach her  
24 at home?

25 A Shouldn't have been.

1 Q This is a young woman, six or seven years older than  
2 you; is that right?

3 A Six.

4 Q Very industrious young woman?

5 A Yes, sir.

6 Q Worked all her mature life?

7 A Yes, she did.

8 Q I don't see --

9 MR. PANOSH: We object.

10 THE COURT: Sustained.

11 Q -- what your -- I would like you to tell us what it  
12 was that made a busy man like yourself feel this urgency to  
13 go and get in the car and check her house, when you had no  
14 reason to think she'd be there.

15 A The urgency and concern from Ted just transferred to  
16 me, and I -- and I was concerned why he was concerned, so I  
17 didn't -- the house is five or six miles down the road, so I  
18 figured it would take 10 minutes there, 10 minutes back, and  
19 at the most, I mean, I wouldn't lose 20 minutes of sleep if  
20 there was nothing wrong, so why not check the situation out  
21 and be for sure?

22 Q Did you tell Ted that, you know, there's no reason to  
23 expect her to be at home, because she's at the church?

24 A No, I didn't. I don't recall saying that.

25 Q Well, wouldn't that have been the logical thing to tell

1 him?

2 MR. PANOSH: We object.

3 THE COURT: Sustained.

4 MR. HATFIELD: I'd like to know what grounds that  
5 question is objectionable on, just since it's the beginning  
6 of a long --

7 THE COURT: You don't need to say that. I've  
8 sustained the objection. Move along.

9 Q You beeped Patricia again at 8:31 p.m., when you were  
10 in your motor vehicle at that time?

11 A I paged her from the house, with that number, because I  
12 knew we were getting in the car and going over there, so I  
13 went ahead and put my mobile number in.

14 Q So in the memo here, marked State's 3, where it says  
15 "8:31 p.m., cellular phone, brother Reuben," you actually  
16 did that from your driveway?

17 A Actually did that from inside my house.

18 Q So it's like a pocket phone, it's not a -- not  
19 connected to the telephone -- to the car?

20 A Actually, it's a cordless phone in the house that I  
21 paged her and put the mobile number in the pager.

22 Q Okay. So, both these calls are made from the same  
23 telephone instrument, you just put different numbers into  
24 her --

25 A Correct.

1 Q -- pager, because you knew were you going to be in the  
2 car?

3 A Correct.

4 Q Okay. Then, since that was at 8:31, then you and your  
5 wife walked out to your car and got in your car and started  
6 it up and started heading for Patricia's house?

7 A Correct.

8 Q And it's about five miles away?

9 A Correct.

10 Q So would it be fair to say that you got to Patricia's  
11 house around 10 or 12 minutes after that was entered in her  
12 beeper?

13 A That -- yes.

14 Q Do you have any other means of knowing what time it was  
15 then, such as a wristwatch?

16 A I had a clock on the radio in the truck.

17 Q Do those clocks, those other timepieces that you could  
18 see, do they bear out -- back up these numbers? What I'm  
19 asking you is, do you have an independent knowledge of what  
20 time it was when you headed out to her house?

21 A I remember -- I remember it being around 8:15 when Ted  
22 called, and I remember it being about 8:30 when we left,  
23 because the show we were watching on TV was going off. And  
24 I remember seeing my clock in the truck saying 8:42 when I  
25 was trying to call 911. Other than that, that's --

1 Q When you -- did you -- you would have had to proceed  
2 toward her house on Highway 22; is that right?

3 A Do you want directions from my house to her house or --

4 Q Well, what was the last road you were on before you  
5 turned into the cul-de-sac where she lived?

6 A It would be 22.

7 Q When you were coming close to the turn into her cul-de-  
8 sac, did you see any other vehicles of any kind?

9 A No, I did not.

10 Q It was October, and so it must have been reasonably  
11 cool out; is that right?

12 A I do remember having shorts on to go to work, and I got  
13 cold standing outside, so I would say cool.

14 Q Did you have your window down or partially down in the  
15 vehicle?

16 A I do not remember.

17 Q Did you smell any smoke as you drove up?

18 A I did -- I started to smell the hint of smoke as I was  
19 driving up the driveway into her house, yes.

20 Q Now, did you make a left into her little street?

21 A Yes.

22 Q And then, how far is it from where you make the left  
23 off 22 to the beginning of her driveway?

24 A Maybe less than a -- less than a tenth of a mile. I  
25 mean, it's just maybe a city block length.

1 Q Maybe 100 yards?

2 A Yeah.

3 Q Now, at that time, her house was the only house on that  
4 cul-de-sac?

5 A Yes, sir.

6 Q And it's literally a round, circular, paved area, isn't  
7 it?

8 A At the end of the cul-de-sac, yes.

9 Q And it's quite large for just having one house on it?

10 A Never thought of it that way.

11 Q How long is her driveway from the paved part of the  
12 cul-de-sac up to the carport?

13 A 50, 60 yards maybe.

14 Q So it's a fairly long driveway?

15 A Fairly, yes.

16 Q In October, were the leaves still on the trees?

17 A I do not remember.

18 Q Did you think that there was a fire in her house as you  
19 drove up the driveway and smelled the smoke, or did you  
20 think it was leaves burning?

21 A I thought it was -- I was thinking that something was  
22 on fire. I do not recall remembering what, until I felt of  
23 the door in the garage and realizing that the door was hot.

24 Q You stated yesterday that her car was parked to the  
25 left. Could you be more specific about that?

1 A The driveway comes up kind of right to the center of  
2 the garage, and there's a two-car garage. And she would be  
3 parked on the left, like going into the left side of the  
4 garage.

5 Q Was the -- at that time, there were no garage doors; is  
6 that correct?

7 A Correct.

8 Q Was there anything in the right section of the garage?

9 A No, sir.

10 Q Would it have been -- was there enough space in the  
11 right section for a person to park an automobile?

12 A Sure.

13 Q Wasn't a riding mower or anything there, blocking the  
14 way?

15 A Not in the right section, no.

16 Q Do you remember where she customarily put her vehicle?

17 A Yes. She would usually park the Jeep -- they usually  
18 parked the Jeep up underneath the garage on the right, and  
19 then they would -- she would usually park the Subaru kind of  
20 right behind the Jeep.

21 Q So --

22 A But it would not be in the garage.

23 Q So normally, the right section of the carport was  
24 reserved for the Jeep?

25 A Correct.

1 Q So her pulling her car up to the left would have been  
2 quite logical, because it would have left room for the Jeep  
3 to come in and take the covered parking place closest to the  
4 door to the kitchen; isn't that right?

5 A Logical, I'm not sure. If there was no one else there,  
6 she was not expecting Ted home, I don't see why it would not  
7 be logical for her to park closer to the door.

8 Q What was his shift at the time? Was it a full eight-  
9 hour shift?

10 A I am not sure about that. I do not know.

11 Q Did you have information that he would be out all night  
12 at this job, or would he just be out until midnight or 1:00  
13 a.m.?

14 A My impression was that he got off around midnight.

15 Q So if he got off at midnight and came home in the Jeep  
16 Cherokee, just park it right in the normal space on the  
17 right side of the garage and go on in the kitchen door,  
18 wouldn't he?

19 A He could, yes.

20 Q So where she put her vehicle on October 9th, when you  
21 found it, was where it would have normally been under most  
22 circumstances; isn't that right?

23 A Possibly so.

24 Q Now, you did not immediately approach the vehicle, when  
25 you got out of your vehicle, did you?



1 A No, I didn't.

2 Q What you did was, immediately go and try the door into  
3 the kitchen?

4 A I felt of it, to see if it was hot. At that time, I  
5 seen smoke and smelled smoke in the garage pretty heavily,  
6 so I just felt of the door, to see if it was hot. I did not  
7 try to open the door.

8 Q So even before you touched the door, you had  
9 apprehension that there might be some real trouble inside?

10 A Sure.

11 Q Was it customary for the Kimbles to use the side door,  
12 rather than the front door of the house?

13 A Yes, sir.

14 Q You don't know of your own knowledge whether that door  
15 was locked at that time or not, do you?

16 A I did not try the door. I do not.

17 Q Now, you must have been extremely concerned when you  
18 felt the heat?

19 A I was, yes.

20 Q And so, what was the next thing you did?

21 A My wife was getting out of the truck at that point, and  
22 I asked her to go check the front door, to see if it was  
23 hot, as well.

24 Q Why did you not immediately dial 911?

25 A I did on the way to the truck. My wife was checking

1 the front door, and I was on the way to the truck, to dial  
2 911.

3 Q Weren't you afraid that something would happen to your  
4 wife, if she touched that door?

5 A No.

6 Q Were you familiar with the fact that your wife's -- or  
7 your sister's house had been broken into by intruders on at  
8 least two prior occasions?

9 A Yes, I was.

10 Q Did it occur to you on this occasion that the fire may  
11 have been caused by intruders?

12 MR. PANOSH: We object, please.

13 THE COURT: Sustained.

14 Q Why did you allow your wife to go up to the front door,  
15 when you knew that this particular house had been broken  
16 into on prior occasions, and you didn't know what was going  
17 on?

18 A I knew that the house was on fire. I wasn't -- I  
19 wasn't concerned about an intruder coming and getting her.

20 Q What telephone did you use to dial 911?

21 A My mobile phone in my truck.

22 Q At that point in time when you dialed 911, had you  
23 approached Patricia's vehicle?

24 A No, I hadn't.

25 Q All right. Now, after dialing 911, you asked your wife

1 to do something?

2 A Yes.

3 Q What was that?

4 A I asked her to -- I tried to dial my father's number,  
5 and I barely had enough strength to go through 911, and the  
6 phone wouldn't pick up real well. And I couldn't get  
7 through to my dad, so I asked her to go to my dad's house  
8 and pick him up or tell him what was going on.

9 Q So basically the battery was running down on the power  
10 supply and the phone was running down at that point?

11 A No. It was just the signal strength. Battery would be  
12 my truck battery. It was fine.

13 Q That's a cellular system?

14 A Yes.

15 Q You were just pretty far from a --

16 A Yes.

17 Q So you had to ask your wife to go to your dad's house.  
18 Did you know that he was home?

19 A I felt pretty sure he was home and maybe in the bed,  
20 because he gets up real early and goes to Raleigh every day.  
21 And so -- and I had just left his house approximately an  
22 hour before then, so I was --

23 Q And he was there then?

24 A Yes. Yeah.

25 Q Now, when your wife -- did your wife immediately pull

1 out of the driveway in your and her car?

2 A In my truck, yes. She got in the driver's seat and  
3 backed down the driveway and headed toward my father's.

4 Q So there you are standing all alone in the dark?

5 A Waiting for the fire department, yes, sir.

6 Q Now, at that point in time, you had not approached  
7 Patricia's vehicle?

8 A Not yet, no.

9 Q And what did you do next?

10 A I walked around the house, trying to find some evidence  
11 maybe what was going on. I looked under the crawl space and  
12 seen fire up underneath the house. And I walked around the  
13 house, and I probably made one round around the house and  
14 Mr. Vickrey from the Pleasant Garden Fire Department was  
15 pulling in the driveway at that time.

16 Q So it would have been literally no more than three  
17 minutes that he got there?

18 A Not very long at all.

19 Q At any point in time before Mr. Vickers (sic) came into  
20 the driveway, had you gone over to Patricia's vehicle?

21 A No, sir.

22 Q Now, after your wife pulled out, and before Mr. Vickers  
23 pulled in --

24 A It's Vickrey.

25 Q Vickrey. I'm sorry.

1 A Yeah.

2 Q You're right. After she pulled out and Mr. Vickrey  
3 pulled in, was it very quiet during that interlude?

4 A Yes, it was.

5 Q Could you hear the engine running in Patricia's Subaru?

6 A No, I couldn't.

7 Q Would you have been able to hear it, if it had been  
8 running?

9 A Sure I could.

10 Q So if it was still running at that point in time, you  
11 would have known, you would have heard it?

12 A I would think so, yes.

13 Q The fire wasn't making any noise, was it?

14 A No.

15 Q Now, Brandon Station is a Duke Power sub-- electrical  
16 substation, isn't it? That's what it really is?

17 A There's a switching station behind the --

18 Q With a huge mass of wires, with chain link fences,  
19 keeping people away; is that correct?

20 A Yes, sir.

21 Q And there are the usual bright utility lights keeping  
22 that thing lit all the time, aren't there, or at least  
23 during all -- during dark?

24 A I do not recall if there's lights around there or not.

25 Q So you don't recall any light coming from the location

1 of the substation --

2 A No.

3 Q -- switching station?

4 A It was very dark at the house.

5 Q Now, when the fireman came, did he ask you to move the  
6 vehicle, or when did that happen?

7 A Yes. He asked me -- he stated that the vehicle may be  
8 in the way of fire trucks coming in and out of the driveway,  
9 and it would be easier if the vehicle was moved.

10 Q Where were you going to move it?

11 A I were just -- I was going to back it down the driveway  
12 and park it -- park it on Brandon Station Court there and  
13 try to get it out of the way.

14 Q But when you got behind the wheel, you found the keys  
15 in the ignition, didn't you?

16 A Yes.

17 Q What did you do then?

18 A I tried to start the car, and it wouldn't -- it would  
19 not start.

20 Q Do you know whether the -- whether it was in fact in  
21 the on position?

22 A I just remember trying to start the car, and I couldn't  
23 get it started.

24 Q So it could have been in the on position?

25 MR. PANOSH: We object.

1 THE COURT: Sustained.

2 Q Isn't it a fact that you don't know whether it was in  
3 the on position or not?

4 A Sure.

5 Q So it's just as possible that it was on, and that  
6 somehow the motor had stopped, as that it was off --

7 MR. PANOSH: We object.

8 Q -- based on your knowledge; isn't that right?

9 MR. PANOSH: We object, please.

10 THE COURT: Sustained.

11 MR. HATFIELD: Your Honor, I'd just like this  
12 witness to answer the question.

13 THE COURT: Well, he's answered it, sir. He said  
14 he doesn't know.

15 Q Did the engine turn over at all when you tried to start  
16 it?

17 A I do not recall the engine turning over, no.

18 Q Did you hear the solenoid made a quick --

19 A No, I did not.

20 Q -- clicking sound? You know what I'm talking about?

21 A Yes.

22 Q So the battery was absolutely dead, or some other  
23 electrical problem?

24 A To my knowledge, yes.

25 Q The engine was not receiving any power?

- 1 A Correct.
- 2 Q Did you try the lights?
- 3 A Did I try the what?
- 4 Q The headlights.
- 5 A No, I do not remember trying the headlights.
- 6 Q Then you don't even know whether the headlights were on  
7 when you got in the vehicle, because it had no power; isn't  
8 that right?
- 9 A I do not remember the headlights being on, no.
- 10 Q Would it be fair to say that you do not know why the  
11 battery was dead, or this vehicle otherwise had no power?
- 12 A That's correct.
- 13 Q Based on the time that you were out there at your  
14 sister's house on October 9, 1995, did anyone succeed in  
15 moving that vehicle?
- 16 A No.
- 17 Q Did they try to put it in neutral and push it away?
- 18 A Not to my knowledge. After that, I had no more contact  
19 with it. I was more concerned about other matters at hand.
- 20 Q Well, you did say that you found her pocketbook in the  
21 car?
- 22 A Yes. It was sitting in the seat.
- 23 Q And the beeper was attached to the pocketbook?
- 24 A Yes, sir.
- 25 Q Could you see a display on the beeper?



1 A I do not remember looking. I just remember glancing  
2 and seeing the pocketbook and the beeper sitting in the  
3 passenger seat.

4 Q Did you attempt to bring up a display?

5 A No, I did not.

6 Q Did you look in her pocketbook?

7 A No, I did not.

8 Q So you have no idea whether her wallet or any money  
9 that she may have had or anything else was still there or  
10 not there or anything else?

11 A I do not.

12 Q Did you notice anything else inside the vehicle?

13 A I do not remember noticing anything else, no.

14 Q Did you feel the hood of the vehicle, to see if it had  
15 been recently operated?

16 A No, I did not.

17 Q Would it be fair to say that at that point in time, you  
18 simply weren't trying to figure out what time your sister  
19 had come home that day?

20 A That's fair to say, yes.

21 Q And you also didn't know what time she'd come home, did  
22 you?

23 A That's correct.

24 Q Now, you said that on September 28, 1995, you had a  
25 conversation with your sister and she mentioned insurance?

1 A Yes, sir.

2 Q And -- but she -- did she tell you that she already had  
3 some life insurance policies on her life?

4 A No, she did not.

5 Q Do you have any independent knowledge of that?

6 A No, I did not.

7 Q Can you -- prior to September 28, 1995, can you recall  
8 ever having a conversation with your sister about her  
9 insurance coverage?

10 A No, I do not.

11 Q Did she mention any problems she had collecting from  
12 homeowners policies when there were break-ins at her house?

13 A No, she did not.

14 Q When you heard about the latter break-in, do you know  
15 whether property was lost?

16 A The second break-in?

17 Q Yes.

18 A Yes, there was property stolen or missing, yes.

19 Q Do you know what that property was?

20 A I remember some. I remember some of the -- seemed like  
21 one of Ted's cameras or something was stolen. I do not  
22 remember specific, no.

23 Q Do you know who filed that claim?

24 A No, I do not.

25 (Four people entered the courtroom.)

1 THE COURT: Wait just a minute.

2 Take them out. Let them read the sign.

3 Those four that just came in, go back outside the  
4 door, read the sign, and stay out there until the witness is  
5 finished.

6 (The four people left the courtroom.)

7 THE COURT: Proceed. Additional questions, Mr.  
8 Hatfield?

9 MR. HATFIELD: Yes, sir.

10 Q She didn't indicate any difficulties in settling the  
11 claim the second time her house was broken into, at least  
12 none that had been communicated to you; is that correct?

13 A The day of the 28th?

14 Q No. At any time prior to that, between the time the  
15 break-in happened.

16 A I do not remember that, no.

17 Q So was the 28th of September 1995 literally the only  
18 time that you can recall discussing insurance with your  
19 sister of any kind?

20 A Yes, sir.

21 Q And you stated that she had ongoing concerns about this  
22 process of lining up life insurance; is that right?

23 A That's what she expressed to me at that time, yes.

24 Q But you also said that she did not have any specific  
25 concerns?

1 A On the 28th, she did not have specific concerns; is  
2 that what you're saying?

3 Q Yeah. Isn't that what you're saying?

4 A She said that she -- yeah, she expressed some concerns  
5 about life insurance that Ted had taken out on her.

6 Q But didn't you say just a little while ago that she  
7 didn't have any specific concerns?

8 MR. PANOSH: We object, Your Honor.

9 MR. HATFIELD: If I could just ask him.

10 THE COURT: Overruled.

11 Q Did you say a little while ago that she didn't have any  
12 specific concerns?

13 A I do not remember saying.

14 Q In any event, she didn't tell you that she was afraid  
15 of Ted or anything like that, did she?

16 A No, not at that point, no.

17 MR. HATFIELD: I don't have any further questions.  
18 Thank you.

19 THE COURT: Mr. Panosh?

20 MR. PANOSH: Yes, sir.

21 REDIRECT EXAMINATION by MR. PANOSH:

22 Q In reference to the breaking and entries that Mr.  
23 Hatfield discussed with you, did your -- do you know if your  
24 sister was afraid to go back in that house?

25 MR. HATFIELD: Objection.

1 THE COURT: Sustained.

2 Q What, if anything, did you -- she tell you about her  
3 concerns about those prior breaking and entries?

4 A She had some concerns about going to the house alone.  
5 She began locking her dead bolt every time she left, trying  
6 to prevent what she could. She was not at ease like she was  
7 when she first moved in, after the break-ins, obviously.

8 Q And Mr. Hatfield discussed certain financial items that  
9 were purchased. Was there ever a discussion with your  
10 sister in reference to a motorcycle?

11 A Yes.

12 Q Would you tell the Court about that, please.

13 A Ted wanted to buy a motorcycle, and she did not feel  
14 that they had the money to buy one, but also, she didn't  
15 want him to have one, because she cared about him enough to  
16 where she didn't want him to have a wreck and get hurt on  
17 one.

18 Q Prior to her death, was a motorcycle purchased?

19 A No, not to my knowledge.

20 Q After her death, was there a motorcycle purchased?

21 A Yes, sir.

22 Q How soon after?

23 A It's say within two to three weeks.

24 Q Did you know where the money came from to --

25 MR. HATFIELD: Objection.

1 Q -- purchase that motorcycle?

2 A I had a conversation with Ted, and he told me --

3 MR. HATFIELD: Objection.

4 THE COURT: Overruled.

5 MR. HATFIELD: He asked him if he knew where the  
6 money came from.

7 THE COURT: Overruled.

8 A I had a conversation with Ted, and he told me that most  
9 of the money come from a -- come off of a credit card that  
10 he paid, or used to pay for the motorcycle, and some of it  
11 come from -- he told me that the down payment or some of it  
12 come from money that the church had taken up for him.

13 Q After her death?

14 A Yes.

15 Q And you're a member of that church?

16 A Yes.

17 Q What was the purpose of that collection?

18 MR. HATFIELD: Objection. This goes way beyond.

19 THE COURT: Overruled.

20 A To my knowledge, it was to replenish some of his  
21 clothes and different personal things that had -- he had  
22 lost in the fire.

23 MR. PANOSH: No further questions.

24 THE COURT: Mr. Hatfield?

25 MR. HATFIELD: Just one or two.

1 THE COURT: All right, sir.

2 RECROSS-EXAMINATION by MR. HATFIELD:

3 Q So the reason that Patricia was opposed to Ted buying a  
4 motorcycle was quite simply that they're dangerous; isn't  
5 that right?

6 A That was one of the reasons, yes.

7 Q Now, she could have easily just written a check for the  
8 thing off her equity account, couldn't she, if she didn't --  
9 wanted to buy it?

10 MR. PANOSH: Object.

11 THE COURT: Sustained.

12 Q Well, they could have gotten the money the same place  
13 they got the money to buy the timeshares up in Williamsburg,  
14 couldn't they?

15 MR. PANOSH: Object, please.

16 THE COURT: Sustained.

17 Q They were more than able to handle the cost of  
18 financing a motorcycle, weren't they?

19 A I do not know that.

20 Q But you do know that the reason she didn't want him to  
21 have it was because she just didn't believe in motorcycles;  
22 isn't that right?

23 A That was one of the reasons.

24 MR. HATFIELD: All right. Thank you. No further  
25 questions.

1 THE COURT: Step down, sir.

2 (The witness left the witness stand.)

3 THE COURT: Is your next witness going to be a  
4 lengthy witness, Mr. Panosh?

5 MR. PANOSH: I don't believe she'll be brief, Your  
6 Honor, based upon --

7 THE COURT: Well, let's just go ahead and take the  
8 morning break.

9 We're going to take our morning recess. It'll be  
10 a 15-minute recess. Please remember the instructions that  
11 you've had on the jury responsibility sheet. At the end of  
12 the 15-minute period, please report to the jury room.

13 Everyone remain seated, while the jury leaves.

14 (The jury left the courtroom at 10:37 a.m.)

15 (A recess was taken at 10:37 a.m.)

16 (Court reconvened at 10:55 a.m. The defendant was not  
17 present. The jury was not present.)

18 (The defendant entered the courtroom at 10:57 a.m.)

19 (The jury entered the courtroom at 10:57 a.m.)

20 THE COURT: The State call its next witness,  
21 please.

22 MR. PANOSH: Ms. Young, please. Ms. Young, if  
23 you'd go up to the bailiff, he'll show you where to sit.

24 NANCY YOUNG, being first duly sworn, testified as follows  
25 during DIRECT EXAMINATION by MR. PANOSH:



1 Q Would you state your name, please.

2 A Nancy Young.

3 Q Ms. Young, where do you work?

4 A I don't work now.

5 Q Okay.

6 A I --

7 Q Were you previously employed at Cinnamon Ridge  
8 Apartments?

9 A Yes, sir.

10 Q And did you work there with Patricia Kimble?

11 A Yes, sir.

12 Q Drawing your attention then to October the 9th and the  
13 days before October the 9th, did you see Patricia on a  
14 regular basis?

15 A Yes. Every day. Well, Monday through Friday. I  
16 worked Monday through Friday.

17 Q What were her general duties there?

18 A Well, she was the apartment manager. She really  
19 handled everything, you know, as far as the tenants and all  
20 that. What -- I just was like her assistant. I would show  
21 the apartments. And she would do all the approving and  
22 everything on --

23 Q How many units did you have?

24 A Pardon me?

25 Q How many units were there at Cinnamon Ridge,

1 approximately?

2 A I don't remember. I don't remember.

3 Q Was it a large complex?

4 A A large one? Yeah, it was pretty good size.

5 Q Do you remember the events of October the 9th, the day  
6 that she was killed?

7 A She came in that morning, and she usually would come in  
8 like around 8:30, I guess. And she had been there a few  
9 minutes and she said, "Well," she says, "lady, I'm going to  
10 --" she called me "lady," and she says, "I'm going to be  
11 leaving early." And I said, "Patricia," I said, "you never  
12 leave early on Mondays."

13 MR. LLOYD: Your Honor, I object as to what Ms.  
14 Kimble said on these occasions, on the grounds previously  
15 raised.

16 THE COURT: Overruled.

17 A Go ahead? Go ahead?

18 Q Please continue.

19 A Anyway, I said to her, I said, "Well, you never leave  
20 early on Mondays." And she said, "Well, I got to go home  
21 and mow the yard." And they had had some kind of special  
22 that -- I mean, a cookout or something I think that weekend,  
23 seems like she said. And so, anyway, I said, "Well, okay,"  
24 you know, just like that. And we continued to work.

25 And she left for lunch. I think it was about 11:30.

1 Well, actually, she had to go downtown, because there was  
2 some low-income apartments in there, and she had to go down  
3 there, and she'd -- you'd have to go down there and get them  
4 approved again for the -- for the next time that their  
5 contract came up. And so then she went to lunch. And I got  
6 back about 2:00 and she was there.

7 And then she just -- she worked around the office, and  
8 she left about 3:25, I think it was, something like that.  
9 And right before she left, Ted had called and --

10 Q How do you know that Ted Kimble called her right before  
11 she left?

12 A Well, I had answered the phone.

13 Q And you referred the call to Patricia?

14 A Uh-huh. And she said -- well, they had had lunch, too.  
15 Continue? Do you want me to go ahead?

16 Q (Mr. Panosh nodded his head up and down.)

17 A So anyway, after she left, I received a call from  
18 Hershel, who was her boss from New York. And he had asked  
19 about some papers that she was going to -- that needed to be  
20 faxed, so I faxed them to him. And I thought, well, I'll  
21 just call her and tell her that Hershel had called and that  
22 it would be okay for her to call him in the morning. And  
23 then, when I called, I let the phone ring about four times,  
24 and then it dawned on me, well, she's not going to hear the  
25 phone, because she's outside mowing, because I was under the

1 impression when she left that she was going straight home.

2 And then, about 9:30 or going on 10:00 o'clock, it was  
3 some -- between 9:30 and 10:00, we got a -- I got a call  
4 from the maintenance guy's wife, and he said --

5 Q Okay.

6 A Stop?

7 Q Let's not go into it at this point.

8 A Okay.

9 Q Let me ask you some questions about these times. You  
10 said she left around 11:30 to go downtown?

11 A (The witness nodded her head up and down.)

12 Q Did she come back before she took her lunch break?

13 A No. Huh-uh.

14 Q So the next thing you knew was at 2:00 o'clock, when  
15 you returned to the office and she was present?

16 A Uh-huh.

17 Q And you said Hershel from New York called. Is that --  
18 what's his name? Is that Mr. Sosnoff?

19 A Right. Right.

20 Q And you said you faxed some papers to who?

21 A To Mr. -- to Hershel.

22 Q And then you indicated you called Patricia. Where did  
23 you call her?

24 A I called her at her home.

25 Q At approximately what time was that, when you called at

1 her home?

2 A It was like five till 4:00, 4:00 o'clock, somewhere  
3 around there.

4 Q Before she left, did Patricia indicate to you that she  
5 was going anywhere other than going to mow her lawn?

6 A No.

7 Q Had you ever been to Patricia's house?

8 A No, sir.

9 Q But based upon your knowledge of her home, you expected  
10 her to be home by the time you dialed; is that correct?

11 A Yes, sir.

12 Q Now, in the days preceding her death, did you have a  
13 conversation with her in regard to insurance?

14 A Yes, sir.

15 Q Would you tell the ladies and gentlemen of the jury  
16 about that, please.

17 MR. LLOYD: Objection again, Your Honor.

18 THE COURT: Set the time frame, Mr. Panosh.

19 Q In the week prior to her death, did you have a  
20 conversation with her in reference to insurance?

21 A A week? No, it seemed like it had been before that.

22 Q Okay.

23 A Before that.

24 Q How long prior to her death?

25 A Like a couple of weeks, seems like, or --

1 Q And was this at Cinnamon Ridge that you had that --

2 A Uh-huh.

3 Q -- conversation?

4 A Yes, sir.

5 Q And what did she tell you?

6 A Well, she came in that morning, and I could tell that  
7 she was really upset. And so, I said, "Patricia," I said,  
8 "what's the matter?" And she says, "Well, I was getting  
9 ready for work, and I got a phone call from an insurance  
10 company, wanting to set up a physical for me." And she  
11 says, "I don't -- I didn't know anything about it," you  
12 know, about insurance. And she says, "They told me that Ted  
13 had taken a \$200,000 life insurance policy out on me." And  
14 she said, you know, "I can't believe that he would do that,  
15 and us not discuss it," because they usually discussed  
16 everything. And she was pretty upset. And so, then they  
17 went to lunch, and when she came back from lunch, I could  
18 tell she was feeling better. And I said, "Did you all get  
19 things worked out?" And she said, "Yeah." She said,  
20 "Everything's okay."

21 Q When you say "they went to lunch," who are you  
22 referring to?

23 A She and Ted.

24 Q Did you have further conversations in regard to that  
25 insurance?

1 A No, sir, we never discussed it anymore.

2 Q And you indicated that on October the 9th, in the  
3 evening hours, you got a telephone call?

4 A Yes.

5 Q And what was that telephone call about?

6 A The maintenance guy at the apartment's wife had called,  
7 and she said, "Nancy, I think --"

8 MR. LLOYD: Well, objection to what she said, Your  
9 Honor.

10 THE COURT: Sustained.

11 Q Without stating what you were told, what did you do?

12 A What did I do?

13 Q Yes.

14 A My husband and I got into the car -- got in the car and  
15 went to Patricia's house.

16 Q And what time did you arrive there? Well, let me ask  
17 you this. Was the fire department already there?

18 A Oh, yes. Yes.

19 Q And were there a number of relatives and friends  
20 gathered there?

21 A Yes.

22 Q And was Ted Kimble there?

23 A Yes.

24 Q What, if anything, occurred while you were there at the  
25 scene of the fire?

1 A Well, I mean, we were just -- actually, everybody was  
2 just sitting and waiting. You know, they were hoping that  
3 it wasn't her in there, but, you know, her car was there,  
4 and the keys and everything was in her car, so -- and like I  
5 say, we just set there for a few -- well, a couple of hours.  
6 And then everybody went to the church, and we went with  
7 them, the family and all. And we were over there at the  
8 church probably till about 2:00 o'clock that morning, seems  
9 like.

10 MR. PANOSH: No further questions. Thank you,  
11 ma'am.

12 CROSS-EXAMINATION by MR. HATFIELD:

13 Q Ms. Young, my name is Jack Hatfield, and I'm Ronnie's  
14 lawyer.

15 A Uh-huh.

16 Q Do you remember me calling you a couple of times --

17 A Yes.

18 Q -- last year --

19 A Yes.

20 Q -- or earlier this year?

21 A (The witness nodded her head up and down.)

22 Q In April of 1997, did you tell me that --

23 MR. PANOSH: We object.

24 THE COURT: Overruled.

25 Q -- that there was -- that Patricia said that Ted was



1 negotiating for a \$100,000 insurance policy?

2 A Well, I did say 100, but then I remembered that it was  
3 \$200,000.

4 Q Did someone refresh your recollection?

5 A Just -- I was just reading my statement earlier. Not  
6 today, but earlier.

7 Q Have you talked to Detective Church about this case?

8 A When it first happened, yes.

9 Q Did you talk to some people in the District Attorney's  
10 Office recently?

11 A Yes.

12 Q And they showed you a statement that you'd made earlier

13 --

14 A Yes.

15 Q -- to refresh your recollection?

16 A (The witness nodded her head up and down.)

17 Q So, in April of last year, it seemed like it was  
18 \$100,000, but it turns out you think it was maybe \$200,000?

19 A Whatever I had told Detective Church at the first --  
20 the next day.

21 Q Do you remember telling Detective Church that Patricia  
22 arrived around 9:40 a.m. that morning?

23 A No. It's been -- been a couple of years ago, so I  
24 don't --

25 MR. HATFIELD: May I show the witness a document?

1 Q Would you look at the first paragraph of this, please,  
2 and see if it refreshes your recollection.

3 (Time was allowed for the witness.)

4 A Okay.

5 (The witness handed the document to Mr. Hatfield.)

6 A I didn't see --

7 Q Does it refresh your recollection?

8 A Yes.

9 Q What time did you tell Detective Church that Patricia  
10 arrived on October 9th?

11 A On October the 9th?

12 Q The day that --

13 A 9:40. That's on the paper.

14 Q About 9:40 a.m.? And then she went out to recertify  
15 low-income houses?

16 A Right.

17 Q Those are Section 8 houses, aren't they?

18 A Right.

19 Q And the money comes not from the person living in the  
20 house, but from another source?

21 A Right.

22 Q And you didn't see her again until 2:00 o'clock; is  
23 that correct?

24 A Well, I mean, she was around the office until she left.

25 Q How long did it take her to do the Section 8 stuff

1 downtown?

2 A Well, I really don't know. She didn't say. She said  
3 she was going to do that and then she was going to have  
4 lunch with Ted.

5 Q But my question is, between 9:40, when she popped in  
6 the office, and 2:00 o'clock, when you got back from lunch,  
7 did you see her again, or was she involved in the Section 8  
8 stuff and seeing Ted?

9 A Well, no, she was at the office till about 11:30, she  
10 left, to go downtown.

11 Q So the lunch was a combination of taking care of a  
12 downtown business and seeing Ted for lunch; is that how it  
13 worked?

14 A Well, she was going to do the downtown business first  
15 and then going to meet Ted for lunch.

16 Q And then she left about 3:25 p.m. that afternoon to go  
17 home?

18 A Right.

19 Q Now, Mr. Hershel Sosnoff called and wanted something  
20 done, and you took care of it, is that right, since Patricia  
21 was not in the office?

22 A Yes, sir.

23 Q And then you wanted to alert her to the fact it had  
24 been taken care of, so you called her around 4:00 o'clock?

25 A Right.

1 Q But then, after you started to call, you realized that  
2 she would be mowing, and you decided not to put the message  
3 on her answering machine?

4 A Right.

5 Q Why didn't you just put it on her answering machine?

6 A Well, I just -- I figured I would see her the next  
7 morning and just tell her.

8 Q It was taken care of anyway, so it wasn't that big a  
9 deal, right?

10 A Well, I mean, I had faxed the papers to him, right.

11 Q Now, looking back over all the time you knew Patricia,  
12 there's only one time that she ever talked about insurance;  
13 isn't that right?

14 A Right.

15 Q And that's the time you just told about in here?

16 A Right.

17 Q And you never again heard whether or not a policy was  
18 vested in her or not, did you?

19 A No. Like I say, we never discussed it after that day.

20 Q But you had many, many opportunities to observe  
21 Patricia and Ted interacting with one another, didn't you?

22 A Yes.

23 Q How would you characterize their interaction?

24 A They seemed to be very happy.

25 Q Were they affectionate?

1 A Yes.

2 Q Were they embarrassingly affectionate?

3 A Sometimes, yes.

4 Q Would you, without embarrassing yourself, describe that  
5 in just a little more detail to the jury.

6 A I don't know. I mean, they were always kissing and  
7 stuff, and whenever they were around, Ted was always with  
8 her, I mean, had his arm around her or something. And, I  
9 mean, that's --

10 Q And that continued right up until October 9th, didn't  
11 it?

12 A Yeah. Well, Ted didn't come to the apartments very  
13 much, but when he was there, that's the way --

14 Q Did he occasionally do some work for the maintenance  
15 people at the apartment? Ted?

16 A He had prior to me coming there. But he had not done  
17 anything when I came.

18 Q So he had not gone up on a ladder to heights that the  
19 normal maintenance man didn't want to climb, at least not  
20 while you were there?

21 A No, not while I was there.

22 Q You had been a member of Patricia's church quite awhile  
23 before you took the job at Cinnamon Ridge, hadn't you?

24 A I'm sorry?

25 Q You had been a member of the same church as Patricia

1 was?

2 A No. No.

3 Q Oh, you weren't?

4 A No. I went to Monnett Road.

5 Q So it was after Patricia died that you changed  
6 churches?

7 A Right.

8 Q Did you meet Patricia initially when you got the job  
9 there?

10 A Did I meet her then?

11 Q Yeah.

12 A No. I had met her at the -- at Monnett Road.

13 Q So, because you knew the Kimble family, you had met  
14 Patricia before you took a job at Cinnamon Ridge?

15 A Right.

16 Q So were you sort of recruited by Patricia, more or  
17 less?

18 A Well, actually, Ms. Kimble is the -- Edna is the one  
19 that told me about the job.

20 Q And then you asked --

21 A And so, then I went and talked to Patricia about it.  
22 She had told Edna to tell me to come in.

23 Q Edna's Ted and Ron Kimble's mom --

24 A Right.

25 Q -- is that right? Now, did you know that Patricia had

participated in a big yard sale on Saturday at Cinnamon Ridge?

A Yes.

Q Were you there yourself?

A No, I didn't go.

Q Was that something that was semi-official with the apartment complex, or was that just a good location to have it at?

A No. I think they did it every year.

Q And do you know whether it was a success?

A Well, I asked her the next -- on Monday if, you know, the yard sale went okay, and she said, "Yeah. Real good." And that's all she said.

Q Did she tell you whether she personally received any money from the yard sale?

A No. I didn't ask her that.

Q Did you know any of the other families that participated in the yard sale?

A Not really, no.

Q Do you know --

A Just -- I mean, I know that it was some of the people that lived in the complex.

Q Do you know whether Ted was involved in the yard sale at any time on Saturday?

A I don't remember, huh-uh.

1 Q If I may show you the same document again. Would you  
2 take a look at this paragraph. (Indicated.)

3 (Time was allowed for the witness.)

4 A Are you talking about the insurance?

5 Q Yes, ma'am.

6 A I'm sorry. It's hard to read. I don't have my  
7 glasses.

8 Q Okay.

9 (Further time was allowed for the witness.)

10 A Okay. That's what I said.

11 Q Does that refresh your recollection about the hundred  
12 thousand?

13 A Yes, uh-huh.

14 Q So you told Mr. Church that this policy that Patricia  
15 had talked about was \$100,000, didn't you?

16 A I must have, yes.

17 Q And this conversation you had with Detective Church was  
18 just three days after Patricia died; isn't that right?

19 A No. Actually it was the next day.

20 Q Okay. So wouldn't your memory have been better then  
21 than it would be now, concerning the amount that you heard  
22 about?

23 A Well, I was extremely upset that day.

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

25 Thank you.



1           Excuse me just a moment, Your Honor.

2           (Mr. Hatfield and Mr. Lloyd conferred.)

3           MR. HATFIELD: I do have a couple of more  
4 questions, if I may.

5           THE COURT: All right, sir.

6           Q     Ms. Young, there was a petty cash fund in the office  
7 there, wasn't there?

8           A     Yes, sir.

9           Q     A few hundred dollars that were kept on hand?

10          A     Yes.

11          Q     Was Patricia in charge of that money?

12          A     Yes.

13          Q     After she died, was the money in the office?

14          A     Was there money in the office?

15          Q     Was the petty cash there?

16          A     I don't recall ever -- I -- I don't recall, because I  
17 didn't go into the petty cash.

18          Q     But you continued to work there for a few weeks after  
19 she died, didn't you?

20          A     Yes, for about a month.

21          Q     Did anyone ever account for the petty cash that she had  
22 the responsibility for?

23          A     Not unless Hershel checked it when he came. He came a  
24 couple of days, I think, after she died.

25          Q     Did she sometimes carry it with her?

1 A I don't really remember.

2 Q She did make a practice of making purchases, small  
3 purchases for the business and later having herself  
4 reimbursed, after presenting the receipts, and that sort of  
5 thing, didn't she?

6 A I would just assume if she bought things for the  
7 apartments, she would, you know, get it from there. I don't  
8 really remember.

9 MR. HATFIELD: Thank you very much.

10 THE WITNESS: Okay.

11 THE COURT: Mr. Panosh, any additional questions?

12 MR. PANOSH: Yes, please.

13 REDIRECT EXAMINATION by MR. PANOSH:

14 Q Your best recollection of the amount of the insurance  
15 that you discussed with Patricia is what, ma'am?

16 A I was thinking that it was 100 at that time. I --

17 Q But today, what is your best recollection?

18 MR. HATFIELD: Objection. It wouldn't be based on  
19 her knowledge.

20 THE COURT: Overruled.

21 A Now, what do I -- what is it?

22 Q Right.

23 A Well, I would say that it's the \$200,000.

24 Q In any event, it was a large amount of money?

25 A Yes.

1 Q Drawing your attention to the yard sale that Mr.  
2 Hatfield brought up, from time to time is there property  
3 that's abandoned in the apartments?

4 A Yes. People did -- have moved out and --

5 Q And what's done with that?

6 A Pardon me?

7 Q What is done with that property?

8 A Well --

9 Q Let me ask it this way. Do you know --

10 MR. HATFIELD: Objection. He asked her a  
11 question.

12 THE COURT: Overruled.

13 Proceed.

14 Q Do you know whether or not that was part of the yard  
15 sale?

16 A No, sir, I really don't know.

17 MR. PANOSH: No further questions.

18 THE COURT: You may step down, ma'am.

19 RE-CROSS-EXAMINATION by MR. HATFIELD:

20 Q Why --

21 MR. HATFIELD: Well, I'm sorry.

22 THE COURT: I'm sorry.

23 Q You told Detective Church right after you found out  
24 what happened to Patricia how much the insurance was, when  
25 she told the story to you, and now you say that you know

1 that it's a different amount. How did you find out it was a  
2 different amount?

3 A Well, I don't know. Maybe at that time that she told  
4 me, maybe it was -- maybe she thought it was \$100,000. But  
5 then later, it came out that it was \$200,000.

6 Q And that's based on stuff you were told by Mr. Panosh  
7 and Mr. Church and Mr. Pendergrass and all these people who  
8 are prosecuting this case, isn't it?

9 A Yes, sir.

10 MR. HATFIELD: Thank you.

11 THE COURT: Step down, ma'am.

12 (The witness left the witness stand.)

13 THE COURT: You may stand and stretch, if you'd  
14 like, members of the jury, stand up and take a stretch.

15 Next witness, please.

16 MR. PANOSH: Mr. Braswell, please.

17 BARRY BRASWELL, being first duly sworn, testified as follows  
18 during DIRECT EXAMINATION by MR. PANOSH:

19 Q Would you state your name, sir.

20 A Barry Braswell.

21 Q Mr. Braswell, are you acquainted with Patricia Kimble,  
22 the deceased in this case?

23 A Excuse me?

24 Q Do you know Patricia Kimble?

25 A Yes.

1 Q How did you know Patricia?

2 A I went to high school with her. And I went to her  
3 church.

4 Q If you could keep your voice up a little bit, so these  
5 folks down here could hear your answers, I'd appreciate it.  
6 You said you went to high school with her?

7 A I went to school with her and I went to church with  
8 her.

9 Q Okay. And that would be the South Elm Street Baptist  
10 Church?

11 A Yes.

12 Q And so, you were an acquaintance of hers at the time of  
13 her death?

14 A Excuse me?

15 Q You were seeing her from time to time through those  
16 associations at the time of your death -- of her death?

17 A Before her death, yes.

18 Q Okay.

19 A I mean --

20 Q When was the last time you saw her?

21 A October 9th, around -- between 3:30 and quarter to  
22 4:00, on Randleman Road and Creek Ridge.

23 Q Would you describe that for the jury, please.

24 A Yes. I was -- I had come home from work, and I had  
25 hurt my leg back then, and I had to wear a leg brace, and I

1 didn't have it with me, so I was going home to get it. I  
2 had went home and picked it up. I was going back to work.  
3 And between 3:30, quarter to 4:00, I came up beside her in  
4 my truck -- I mean, her car, and I tried to get her  
5 attention. I beeped the horn. She wouldn't look at me,  
6 until we got right up to the stop light, and then she looked  
7 over and she recognized who I was. Because at that time, I  
8 had just bought a new truck. And she rolled the window down  
9 and I let mine down, and we spoke briefly, "Hey. How are  
10 you doing?" And she told me she liked my truck.

11           Anyway, the light changed, and I just -- we said good-  
12 bye, and I went on up, and she went in -- she was -- she  
13 headed towards town, north on 220. And I turned left on 40  
14 West. And that was the last time I seen her.

15 Q       So before you actually spoke to her, you were traveling  
16 parallel for a short period of time; is that correct?

17 A       Yes.

18 Q       And --

19 A       That's when I recognized who she was. I mean, I had  
20 looked over at her. I had recognized her -- recognized her  
21 car, you know, and it being her, and I was looking to see if  
22 it was her, and it was.

23 Q       When you say you recognized her car, what car was that?

24 A       Well, I meant, I had seen it so many times, at church.  
25 I knew it was her car, from her driving. I didn't really --

1 I never actually looked to see what the make it was or  
2 anything.

3 Q And when you spoke to her, what was her demeanor? How  
4 was she acting?

5 A Kind of distant, like she had something on her mind.

6 Q And other than saying "Hello" and pointing out the fact  
7 that you had a new truck, did you have any further  
8 conversation with her?

9 A No. She was -- like I said, she was distant. She had  
10 something else on her mind, and she was just "Hey," pretty  
11 much, "How are you doing?" And she asked -- I think she had  
12 asked me how my wife was doing at the time.

13 MR. LLOYD: Excuse me. I didn't hear the witness,  
14 Your Honor.

15 THE WITNESS: Excuse me?

16 THE COURT: Repeat your answer, Mr. Braswell.

17 A I think she had asked me how my wife was doing or  
18 something, but other than that, just small talk, nothing --  
19 I don't know.

20 Q And your best estimate of the time is what, sir?

21 A I didn't hear you.

22 Q The best estimate you have of the time that you saw her  
23 is what?

24 A Somewhere between 3:30 and a quarter till.

25 MR. PANOSH: No further questions.

1 THE COURT: Mr. Lloyd, Mr. Hatfield?

2 MR. HATFIELD: Mr. Lloyd.

3 THE COURT: All right, sir.

4 CROSS-EXAMINATION by MR. LLOYD:

5 Q Mr. Braswell, when you actually got Patricia's  
6 attention, you were at a traffic light; is that right?

7 A Yes.

8 Q Do you remember what the intersection was?

9 A Yes. Creek Ridge Road and Randleman Road.

10 Q All right. And is that a fairly busy intersection?

11 A Usually during the day, yes, it is.

12 Q All right. And --

13 A But it wasn't right at that --

14 Q All right.

15 A -- particular time --

16 Q All right.

17 A -- because we were the first two sitting at the stop  
18 light.

19 Q But you were in one lane and she was in the other lane;  
20 is that correct?

21 A Yes.

22 Q And at that time, you were both heading in the same  
23 direction?

24 A Right.

25 Q All right. And so, this conversation transpired, you



1 were talking across your truck --

2 A Yes.

3 Q -- was the way? I take it the window was rolled down?

4 A Yes.

5 Q All right. And she was sitting in the next lane over,  
6 sitting in the driver's seat?

7 A Yes.

8 Q All right. Now, you had a new truck at that time?

9 A Yes.

10 Q So when you first attempted to get her attention, she  
11 probably wouldn't have recognized your truck, because it was  
12 new, would she?

13 A Right.

14 Q All right. And this conversation that you carried on  
15 was just right there at the traffic light for the duration  
16 of the light, whatever that was?

17 A That's right.

18 Q All right. And you say that you said something to her  
19 about the fact that you had gotten a new truck; is that  
20 correct?

21 A Yes.

22 Q All right. And she responded, said something like  
23 "Well, that's a nice truck" --

24 A Yes.

25 Q -- or something of that sort? And then she said

1 something to you along the lines of asking how your wife was  
2 doing?

3 A Yes.

4 Q All right. So it was basically just a very small-talk  
5 conversation there at the stop light and that was it?

6 A Yes.

7 Q And then the light changed and you both drove on off?

8 A Yes.

9 Q Now, you indicated that you recognized Patricia's car?

10 A Yes.

11 Q Do you remember what that car was?

12 A No.

13 Q All right. Do you remember what color it was, Mr.

14 Braswell?

15 A I don't right now, no.

16 Q All right. And the direction that you were both  
17 traveling in at that time, were you in a turn lane? I mean

18 --

19 A No. I was in the left lane and she was in the right  
20 line.

21 Q All right.

22 A It's a two-lane road --

23 Q But you were --

24 A -- I mean, two lane.

25 Q -- going back into town; is that correct?

1 A Yes.

2 Q All right. And at the time that you turned off and  
3 Patricia kept on going straight, I guess, she was going into  
4 town at that time?

5 A Yes.

6 Q All right. So at the last time you saw her, she was  
7 headed in towards town?

8 A Yes.

9 Q And as far as the time was concerned, do you recall  
10 telling investigators when they first questioned you about  
11 this that the time that you remembered, as far as what time  
12 you and Patricia saw each other, was 3:40 to 3:45? Do you  
13 remember telling investigators that?

14 A I remember Detective Church, talking to him on the  
15 phone and saying that, but it was -- I didn't look at my  
16 watch when I pulled up -- when I seen her. I knew it was in  
17 that time, because I knew I had to hurry up and get back to  
18 work.

19 Q All right.

20 A Because I lived -- I had lived quite a distance from --  
21 I had a good travel. I mean, it was like 38 miles from work  
22 to home, to where I live.

23 Q So you didn't just, when you were having a conversation  
24 with Patricia, didn't --

25 A No.

1 Q -- turn your watch over and look at it at that time?

2 A No.

3 Q Nevertheless, when you talked to Detective Church, this  
4 was shortly after Patricia had been killed, wasn't it?

5 A Yes. I was -- he had got in touch with me. He had  
6 called me.

7 Q All right. And it was within a week or two after she  
8 had been killed?

9 A I think so.

10 Q All right. And of course, the events at that time were  
11 much fresher in your mind than they are now?

12 A Yes.

13 Q And at that time, you told Detective Church that as far  
14 as you could remember, the time that you saw Patricia at  
15 this time was between 3:40 and 3:45?

16 A Yes.

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

18 REDIRECT EXAMINATION by MR. PANOSH:

19 Q Sir, are you familiar with the Cinnamon Ridge  
20 Apartments?

21 A Yes.

22 Q And how long would it take to get from Cinnamon Ridge  
23 to the location where you saw Patricia?

24 A Well, it depends on traffic. I mean --

25 Q Could you give us an estimate, please.

1 A Ten minutes. Because there is another stop light in  
2 between the intersection that we were at.

3 MR. PANOSH: Thank you very much.

4 THE COURT: Step down, sir.

5 (The witness left the witness stand.)

6 THE COURT: Next witness, please.

7 MR. PANOSH: Christie Blakley, please.

8 Your Honor, may Mr. Braswell be excused?

9 THE COURT: Any objection?

10 MR. LLOYD: We have no objection, Your Honor.

11 THE COURT: You're excused, sir.

12 MR. PANOSH: Thank you.

13 CHRISTIE BLAKLEY, being first duly sworn, testified as  
14 follows during DIRECT EXAMINATION by MR. PANOSH:

15 Q Would you state your name, please.

16 A Christie Blakley.

17 Q And you're married to Reuben; is that correct?

18 A Yes, sir.

19 Q On October the 9th of 1995, you were married to Reuben;  
20 is that correct?

21 A Right.

22 Q Did there come a time in the evening hours when you  
23 received a phone call?

24 A Yes, sir.

25 Q Would you tell the jury about that, please.

1 A That was from Ted Kimble. He asked if Reuben had paged  
2 him. I responded no, because I didn't --

3 MR. LLOYD: Well, Your Honor, we would object on  
4 the grounds previously raised, these statements by Ted  
5 Kimble.

6 THE COURT: Overruled.

7 A I responded no, because I didn't know that Reuben had  
8 paged him. And I asked if he wanted to talk to Reuben and  
9 handed the phone to Reuben.

10 Q Okay. Thereafter, did there come a time when you  
11 accompanied Reuben to Patricia's residence?

12 A Yes, sir.

13 Q And would you describe what happened when you got  
14 there.

15 A Okay. We drove up into the driveway. There was total  
16 darkness. Our lights were on in our vehicle, but other than  
17 that, there were no lights.

18 Q Can you keep your voice a little bit up, please.

19 A Yes. There were no lights on, other than the lights  
20 from our vehicle. We saw smoke in the garage area. Reuben  
21 went to the side door through the garage, felt the door,  
22 asked me to go to the front door and feel that, to see if  
23 there was heat. And there was. We came back to our  
24 vehicle, to try to call 911.

25 Q What happened then?

1 A Like Reuben said, as far as the reception, there was  
2 trouble getting through, but he did get through to 911. We  
3 then attempted to call his dad. We didn't do that. We  
4 couldn't reach him by phone, from our car phone. I went to  
5 Patricia's car, to try to locate a phone.

6 Q What happened when you got to the vehicle?

7 A I searched the car for a phone, and did not find one.

8 Q When you got in the vehicle, were the keys in the  
9 ignition?

10 A I do not remember.

11 Q What, if any, light did you have to look through the  
12 vehicle?

13 A The lights from the car.

14 Q What do you mean by that?

15 A From Patricia's car, the overhead light that comes on  
16 when you open the door.

17 Q The dome light --

18 A Yes.

19 Q -- the light on the ceiling?

20 A Right. Uh-huh.

21 Q Prior to you arriving there, and as you arrived there,  
22 could you tell whether or not that Patricia's headlights  
23 were on --

24 A No.

25 Q -- on that Subaru?

1 A I said, there was total darkness, except for the lights  
2 from our vehicle. Because we thought that was strange, that  
3 there were no lights, not any outside lights on.

4 Q When you looked in the vehicle, did you see her purse?

5 A I don't remember seeing her purse. I was looking for  
6 the phone specifically.

7 Q Could you speak up.

8 A I'm sorry. I was looking for the phone specifically,  
9 so I don't remember seeing the purse.

10 Q And after you were unable to find the purse -- I mean  
11 -- Excuse me. After you were unable to find the car phone  
12 or a car phone, what did you do?

13 A We got back into our truck. I remember that we tried  
14 to move our vehicle to different places in the drive, to get  
15 reception, and did not get that. I then asked if Reuben  
16 wanted me to go to his dad's house and get him. And I did  
17 that.

18 Q And you returned to the fire scene?

19 A Yes, sir.

20 Q By the time you returned, was the fire department  
21 there?

22 A Yes, sir. Some vehicles were on the other side of  
23 Brandon Station, but there were some on the other side,  
24 yeah.

25 MR. PANOSH: No further questions. Thank you.



1 THE COURT: Mr. Lloyd, Mr. Hatfield?

2 MR. HATFIELD: Yes, sir.

3 CROSS-EXAMINATION by MR. HATFIELD:

4 Q Had you ever been in Patricia's vehicle before?

5 A Yes, sir.

6 Q You'd ridden in it as a passenger?

7 A Yes, sir.

8 Q Did she normally carry a pocket phone of some sort?

9 A I don't remember that. I just needed a phone, and I  
10 was looking for a phone.

11 Q Did you have any knowledge that the car was equipped  
12 with a so-called car phone?

13 A I don't remember that there was a stationary car phone,  
14 but in my mind, I was looking for more of a portable phone,  
15 you know, cellular phone.

16 Q So there was a car phone in Patricia's car?

17 A I don't know that. I just needed a phone.

18 Q So -- I understand it was a terrible time and --

19 A Uh-huh.

20 Q -- you were under stress --

21 A Right.

22 Q -- but do you recall whether her phone -- her car had  
23 its own automobile telephone?

24 A No, I don't remember that. I don't remember that.

25 Q But if it had, you would have tried to use it?

1 A Yes.

2 Q Now, you say you don't recall whether the keys were in  
3 the ignition or not?

4 A No, sir.

5 Q And you don't recall whether her pocketbook was there?

6 A No, sir.

7 Q So you don't recall looking in her pocketbook, to see  
8 if there was a pocket phone of some sort?

9 A No, sir, I don't remember that.

10 Q Well, do you know that she had a pocket phone?

11 A No, sir.

12 Q Even though you'd been with her a few times before, you  
13 just don't recall her having one of these kinds of phones --

14 A Right.

15 Q -- that you carry in your purse or pocket?

16 (Indicated.)

17 A No. Right.

18 Q Were you a member of the same church as Patricia?

19 A Yes, sir.

20 Q Did you consider yourself a friend of hers?

21 A Yes, sir.

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

23 THE COURT: You may step down, ma'am.

24 MR. PANOSH: No further.

25 THE COURT: Watch your step.

1 (The witness left the witness stand.)

2 THE COURT: You may stand and stretch, members of  
3 the jury, if you'd like.

4 Next witness, please.

5 MR. PANOSH: Richard Blakley, please.

6 RICHARD BLAKLEY, being first duly sworn, testified as  
7 follows during DIRECT EXAMINATION by MR. PANOSH:

8 Q Would you state your name, please.

9 A Richard Blakley.

10 Q And you are Patricia's father; is that right?

11 A Yes, sir.

12 Q And you live where, sir?

13 A 2547 Branchwater Road, Pleasant Garden.

14 Q How far is that from Patricia's home on Brandon Station  
15 Court?

16 A Approximately two miles.

17 Q So you're substantially closer than Reuben?

18 A I would say so, yes, sir.

19 Q On the -- in the few weeks just prior to her death, did  
20 you have conversations with your daughter?

21 A Yes, sir, I did.

22 Q And what, if anything, do you recall of those  
23 conversations, as it pertains to insurance?

24 MR. LLOYD: Well, object again, Your Honor.

25 THE COURT: Overruled.

1 A She was concerned with him wanting to continually get  
2 more life insurance on her.

3 Q With who wanted to get more insurance?

4 A Ted.

5 Q What was -- what did she tell you?

6 A Well, she just said that they had had a big fight, and  
7 I understood it as being a verbal fight, over the insurance.  
8 He had several times tried to get insurance on her, and they  
9 had went to counseling about it a time or two, and --

10 Q Did she give you any specifics of the policy?

11 A Well, the way I remember it, it was \$87,000.

12 Q And when did she tell you this?

13 A The best of my recollection, it was approximately a  
14 week and a half before she was killed. I think it was  
15 probably on a Wednesday or a Thursday.

16 Q What was her demeanor or how was she acting when she  
17 called you?

18 A Well, she started out kind of shook up, and in the  
19 process of talking, we talked about a whole lot of things,  
20 and I don't remember them all, but she calmed down.

21 Q Did she express any other concerns to you?

22 A She expressed a concern about the way Ted handled guns,  
23 said he was real reckless with it.

24 Q Did she make any reference to being required to have a  
25 physical examination?

1 A Yes, sir.

2 Q What did she say about that?

3 A She said she was not going to have a physical  
4 examination.

5 Q What was that about?

6 A The insurance policy.

7 Q Now, drawing your attention to that particular house  
8 that they were living in, how did she purchase the house?

9 A We had seen that some person or persons were building a  
10 house there, and we told her about it, and she went up and  
11 looked at it, and at that time, there wasn't anything there  
12 but the foundation. And so, she got in touch with the  
13 gentleman that was building it and talked to him about it  
14 and made arrangements, from the time the foundation was  
15 there, up until the time it was finished.

16 Q And about what time or what time frame did she purchase  
17 that home?

18 A Well, I think it was probably in October, November of  
19 1990, best of my recollection.

20 Q Did you participate in that purchase?

21 A Yes, sir.

22 Q Tell the jury about that, please.

23 A Well, the finance company didn't want to let her have  
24 that big a purchase on her signature alone, because she had  
25 never really had any credit. She didn't need any. She

1 spent money or used cash for what she bought. And so, I  
2 cosigned the house, and it was in mine and her name, as well  
3 as her mother's. Her mother, I think the only reason her  
4 name was on it, because she was married to me, so a spouse's  
5 name is automatically on it.

6 Q And who provided the money for the purchase?

7 A Pat did.

8 Q Did there come a time when you transferred the title or  
9 took your name off the title?

10 A Yes, sir.

11 Q When was that?

12 A I can't remember the exact date.

13 Q Well, let me ask you this. Was it after she married  
14 Ted?

15 A No, it was before she married Ted.

16 Q And then it became her property solely?

17 A Yes, sir. Hers and the finance company's.

18 Q Did she express any concerns to you in the weeks before  
19 her death about her homeowners insurance?

20 A Well, being my name was on the house to begin with, I  
21 got all the notices that she got about anything concerning  
22 the house, even though it had been taken out of my name.  
23 And I got a notice that the homeowners insurance was being  
24 cancelled at the end of that policy, which if my  
25 recollection is right, it was the last day of October of

1 '95.

2 Q And did you have a conversation with Patricia in  
3 reference to securing other insurance?

4 A No, sir. I felt like at that time, it was not my  
5 business. The house wasn't in my name. The only thing I  
6 done was, I give her the notice, and it was her business.

7 Q So you gave her the notice that you received in the  
8 mail; is that right?

9 A Yes, sir.

10 Q Now, you visited her in her home quite frequently; is  
11 that right?

12 A Occasionally.

13 Q And when the house was first built, did it have a  
14 garage?

15 A No, sir.

16 Q When did the garage get added, if you know?

17 A In just a few months prior to her being killed.

18 Q And there was a gravel driveway leading up to the  
19 garage; is that correct?

20 A Yes, sir.

21 Q What, if anything, do you know about her habits about  
22 parking her vehicle when she returned home?

23 A Well, it seems to me like if she had had known she was

24 --

25 MR. HATFIELD: Objection.

1 THE COURT: Sustained.

2 Q Do you know of your personal knowledge what her habits  
3 were on parking her vehicle?

4 MR. HATFIELD: Objection.

5 THE COURT: Overruled, if he knows.

6 Q That is, what she usually did when she came home.

7 MR. HATFIELD: Objection.

8 THE COURT: Overruled.

9 Q You can answer that.

10 A She parked anywhere she wanted to. And they pretty  
11 much figured out where they was going to move things later.

12 Q And after her death, did you bring this information  
13 that you knew about her insurance to the attention of the  
14 sheriff's department?

15 A Yes, sir, I did.

16 MR. PANOSH: No further. Thank you.

17 THE COURT: Cross-examination?

18 MR. HATFIELD: Yes.

19 CROSS-EXAMINATION by MR. HATFIELD:

20 Q Mr. Blakley, did your daughter tell you that she had  
21 worked out an equity account with NationsBank, to draw money  
22 out of the equity in her house?

23 A She told me some manner or something of that, yes, sir.

24 Q So when she acquired the house in October of 1990, you  
25 cosigned it, along with your wife at that time, but later,



1 the -- she refinanced the house with another savings and  
2 loan, and your name and your wife's -- your former wife's  
3 name were removed, weren't they?

4 A Yes, sir.

5 Q And at that point in time, Patricia owned her home  
6 solely in her own name?

7 A Yes, sir.

8 Q Subsequent to that, she married Theodore Kimble, didn't  
9 she?

10 A Yes, sir.

11 Q And then at some point subsequent to that, she told you  
12 that she opened up an equity account, didn't she?

13 A I don't remember it being an equity account. I know  
14 they talked about the NationsBank and they had got a loan.  
15 I don't remember it being said it was an equity account.

16 Q Have you heard the term "Line 1 Equity"? Did you ever  
17 hear anyone use that term in your family?

18 A I don't think so.

19 Q You do understand how an equity account works, though,  
20 don't you, sir?

21 A No, sir.

22 Q Now, if she borrowed money on her house with  
23 NationsBank, would she have had to insure that loan with  
24 some other homeowners insurance company?

25 A I have no idea.

1 Q So when you received word of cancellation of her  
2 previous existing homeowners policy, that may have been  
3 because another policy was substituted for it; isn't that  
4 right?

5 A No, sir. I talked to her enough about that to  
6 understand that she said that the insurance company used as  
7 an excuse that the house had been broken into twice, was the  
8 reason they were canceling the insurance.

9 Q So they canceled it because they were tired of paying  
10 claims to Patricia; is that right?

11 A I suppose so.

12 Q Did Patricia tell you about her purchase of a vacation  
13 apartment in Williamsburg, Virginia?

14 A No, sir. I didn't know about that until after she  
15 died.

16 Q But it's a fact, isn't it?

17 A Well, according to the -- what was in her lock box at  
18 the bank, they had some type of agreement on that, that was  
19 in there. I've never seen it. But it was an inventory of  
20 what was in that lock box, and that was one of the things  
21 that was mentioned in that inventory.

22 Q But in any event, you assisted in selling her house  
23 later, after she had died, didn't you?

24 A No, sir.

25 Q You had nothing to do with that?

1 A No, sir.

2 Q Well, don't you know that when her house was sold, that  
3 the \$18,000 owed to NationsBank was paid back to  
4 NationsBank?

5 A Well, I was informed of that.

6 Q Do you know what happened to the timeshare?

7 A I have no idea.

8 Q Do you know who owns it now?

9 A No, sir.

10 Q You don't own it, do you?

11 A No, sir. Or if I do, I'm -- own something I don't know  
12 about.

13 Q Were you aware that she and Ted had gone up to  
14 Williamsburg a number of times?

15 A She went up there a number of times before she ever met  
16 Ted. She liked that area.

17 Q And after they got married, they went up there a number  
18 of times, didn't they?

19 A I suppose so.

20 Q Isn't it a fact that they frequently took weekend  
21 trips?

22 A Yes, sir.

23 Q And it was your information that they enjoyed those  
24 trips, wasn't it? Didn't they enjoy them?

25 A Yes, sir.

1 Q And weren't they regular churchgoers together?

2 A Yes, sir.

3 Q And didn't your daughter tell you that she was trying  
4 to get pregnant?

5 A No, sir.

6 Q Never spoke to you about that?

7 A She said at one time that her biological clock was  
8 going to run out one day, and she wanted to have children  
9 before it did.

10 Q But she was talking about her husband Ted and her,  
11 wasn't she?

12 A I suppose so.

13 Q Did she tell you any other personal things about her  
14 relationship with Ted?

15 A Well, a whole lot of personal things, but I don't  
16 remember them all right now. She told me one time that one  
17 of the reasons that she married him is because he reminded  
18 her a whole lot of me, the way that he worked, he could do  
19 about anything.

20 Q Well, that was a pretty flattering comment for both of  
21 you, wasn't it?

22 A Well, it was at that time, yes.

23 Q Now, you said that when she mentioned this insurance  
24 that she didn't approve of, that she mentioned some \$87,000;  
25 is that right?

1 A Yes, sir.

2 Q You did know that she and Ted were obligated to pay Mr.  
3 Lyles back a sum of money for the purchase of his business,  
4 didn't you?

5 MR. PANOSH: Object.

6 Q Did you know --

7 THE COURT: Overruled.

8 Q -- the details of that?

9 THE COURT: You may answer, if you know, sir.

10 A I didn't know the details, but I was under the  
11 impression that they had borrowed \$25,000 from Ted's mother  
12 and father to put a down payment on it, and I was under the  
13 impression they still owed Gary Lyles approximately \$25,000.

14 Q So were you under the impression that the total  
15 purchase price of the business was \$50,000?

16 A That was my general impression, yeah.

17 Q And \$25,000 of it was paid to Mr. Lyles up front, from  
18 money borrowed from Edna and Ron Kimble; is that correct?

19 A Yes, sir.

20 Q And 25 more thousand was owed directly to Gary Lyles;  
21 is that right?

22 A That was my impression, yes, sir.

23 Q So to secure the acquisition of the business, it would  
24 have been necessary to have at least \$50,000 in insurance,  
25 wouldn't it?

1 A Yes, sir.

2 MR. PANOSH: We object.

3 Q And the purpose --

4 THE COURT: Sustained.

5 Q The purpose of the insurance would have been for these  
6 two young married people, who were working so hard, would be  
7 to hold onto the Lyles' investment, in the event that one or  
8 the other of them died; wasn't that the plan?

9 MR. PANOSH: We object.

10 THE COURT: Sustained.

11 MR. HATFIELD: Your Honor, he knows the answer to  
12 this.

13 THE COURT: Sustained.

14 Q You know that they were obligated to pay a total of  
15 \$50,000 for the business, don't you?

16 A That was my impression. I don't know. I've never seen  
17 it on paper.

18 Q And this was a joint obligation of the two of them,  
19 wasn't it?

20 A I've never seen that on paper either.

21 Q Now, if one of them had died, based upon your knowledge  
22 of their finances, could the other one have held onto the  
23 business with all of that debt?

24 A I didn't know the details of their finances.

25 Q Do you know what the terms "key man insurance" is, what

1 that term means?

2 A No, sir.

3 Q Are you aware of the business practice of securing  
4 debts with insurance, so that if the debtor dies --

5 MR. PANOSH: He's already said he doesn't know  
6 what it is, Your Honor. We object, please.

7 THE COURT: Sustained.

8 MR. HATFIELD: Your Honor, I'm going to ask him if  
9 he has knowledge of this. If he doesn't know the name of  
10 it, maybe he has knowledge of it in some other fashion. I'd  
11 like to just question this witness --

12 THE COURT: I'm going to limit it to that.  
13 Proceed.

14 Q You're aware that it is a common business practice to  
15 secure indebtedness by putting insurance on the life of the  
16 debtor, aren't you?

17 A No, not really.

18 Q Well, now, don't you know that Theodore Kimble made  
19 arrangements with Mr. Jarrell for a \$25,000 policy on his  
20 life?

21 MR. PANOSH: We object, Your Honor.

22 MR. HATFIELD: Your Honor --

23 MR. PANOSH: He said he doesn't know.

24 MR. HATFIELD: Your Honor --

25 THE COURT: Well, sustained.

1 MR. HATFIELD: Your Honor, I represent this man,  
2 and --

3 THE COURT: Well --

4 MR. HATFIELD: -- every time I try to ask a  
5 question --

6 THE COURT: Wait just a minute, sir. He said he  
7 doesn't know anything about the finances. You may ask him  
8 specifically that question, and I'll let him answer it.

9 MR. HATFIELD: Your Honor, he knows an awful lot  
10 about the finances.

11 THE COURT: Well, don't get into that, sir.

12 Q Don't you know that Ted Kimble negotiated for a \$25,000  
13 life insurance policy with Mr. Jarrell, from Life of  
14 Georgia, in order to secure his obligation to pay back his  
15 parents, in the event of his death? Don't you know that,  
16 sir?

17 A No, sir. I heard Mr. Jarrell speak of that on the  
18 stand yesterday. That's all I know about it.

19 Q And don't you know that your daughter also had an  
20 obligation to either Mr. Lyles or to the Kimbles, for her  
21 share of this business investment? Don't you know that,  
22 too?

23 A No, sir, I didn't.

24 Q Didn't she tell you --

25 A I didn't know that the business was ever in the joint



1 names of Mr. and Mrs. Theodore Kimble.

2 Q Well, didn't you know that --

3 A I've never seen the first piece of paperwork on it.

4 Q Didn't you know that your daughter assisted in keeping  
5 the books at the business?

6 A She did to start with, and then I was told later that  
7 Ted made her quit. He took his books to a bookkeeper.

8 Q When were you told that, and were you told it by  
9 Patricia?

10 A I was told by Patricia.

11 Q Do you remember when that was?

12 A Not exactly.

13 Q Did Patricia know how to keep books?

14 A Yes, sir.

15 Q You recall that a week and a half before your daughter  
16 died, on October 9, 1995, that was either a Wednesday or a  
17 Thursday, that she discussed \$87,000 in insurance, don't  
18 you?

19 A Yes, sir.

20 Q Now, don't you know that your daughter already had  
21 \$50,000 in insurance coverage, that she had arranged prior  
22 to marrying Ted?

23 A I do now, but I didn't then.

24 Q Don't you know there was at least one \$25,000 life  
25 insurance policy, which your former wife, Patricia's mother,

1 was the beneficiary?

2 A I know there was insurance, but I did not know the  
3 amount of it.

4 Q So you knew there was -- there were two \$25,000  
5 policies, didn't you?

6 MR. PANOSH: Objection.

7 THE COURT: Sustained.

8 Q You just got through saying --

9 THE COURT: He said he knew they were insurance.  
10 He didn't know the amounts.

11 Q I thought you said you didn't know who the  
12 beneficiaries were.

13 A No. I said I didn't know the amount of the policy that  
14 her mother had taken out.

15 Q All right. So her mother took a policy out on her and  
16 named herself as the beneficiary?

17 A I think me and her mother both was the beneficiary at  
18 one time, but I understand now that's been -- that was  
19 changed after they were married.

20 Q And who was the beneficiary of the other policy?

21 A According to what I can understand, after she died,  
22 that Ted was.

23 Q Now, do you remember talking about insurance with your  
24 daughter on any occasion other than the one you've told  
25 about, which was a Wednesday or a Thursday, a week and a

1 half before her death?

2 A Not extensively.

3 Q So the reason that you don't have any details about  
4 insurance today, when I'm questioning you, is because no one  
5 ever told you any details of the insurance situation; isn't  
6 that right?

7 A No. I mean, it's something that, did I really need to  
8 know that?

9 Q So if there was existing \$50,000, and if she was  
10 talking to you about \$87,000, then the amount that would  
11 have been put on her life a few weeks before she died was  
12 closer to \$37,000, wasn't it?

13 MR. PANOSH: We object.

14 THE COURT: Sustained.

15 Q Well, you can't think of any other explanation for the  
16 figure \$87,000 than that, could you?

17 MR. PANOSH: We object.

18 THE COURT: Overruled.

19 A Do you really want me to answer that question?

20 Q You can't think --

21 MR. PANOSH: We'd like the answer in the record,  
22 Your Honor.

23 THE COURT: You may answer the question, sir.

24 A I think Ted was taking it out so he could collect it  
25 after she was killed.

1 Q You think he was adding an additional \$37,000, to the  
2 \$50,000 that was already on her life, so he could collect it  
3 after she died? Is that your opinion?

4 A No. I think he was adding \$87,000 onto the -- whatever  
5 additional insurance she may have had.

6 Q Now, did you hear Nancy Young testify a little while  
7 ago in this courtroom?

8 A I heard part of what she said.

9 Q Your various times when you saw both Ted and Patricia  
10 together, you saw affectionate people, didn't you?

11 A Yes, sir.

12 Q And wasn't it your experience that in sometimes, they  
13 even seemed too affectionate?

14 A Well, I'll agree with Ms. Young, the best I heard what  
15 she said. They embarrassed me at times with their  
16 affection.

17 Q And they were regular churchgoers, at a church that  
18 Patricia had been a member of for a long, long time; isn't  
19 that right?

20 A Well, I didn't ever see her in there, but I understand  
21 that's the truth.

22 Q Well, were you there?

23 A No, sir.

24 Q So you know she was a regular churchgoer, but it just  
25 so happens that you weren't during that time?

1 A That's right. I was not and still am not.

2 Q You knew that these people were affectionate toward  
3 each other and that they both worked hard, didn't you?

4 A Yes, sir.

5 Q And you never heard of either one of them shirking  
6 their duties at their places of employment, did you?

7 A No, sir.

8 Q Did you ever see Patricia operating a Jeep Cherokee  
9 that she and Ted bought?

10 A No, sir.

11 Q You never saw her drive it?

12 A No, sir.

13 Q Did you know that she was jointly obligated to pay for  
14 it?

15 A Well, I understood that after they -- after she was  
16 dead.

17 Q Did you know that she and Ted had bought a boat?

18 A Yes, sir.

19 Q Did you ever go riding on it with them on a lake  
20 somewhere?

21 A Yes, sir.

22 Q And did you -- was it your observation that Patricia  
23 enjoyed the boat?

24 A Yes, sir.

25 Q And Ted enjoyed the boat?

1 A Yes, sir.

2 Q You never heard either one of these young people  
3 complain that their finances were becoming difficult for  
4 them, did you?

5 A Well, she talked about money occasionally.

6 Q She was a very resourceful person who always made  
7 enough money to take care of her needs, didn't she?

8 A Well, I think she was a genius with figures, if that's  
9 the question you're asking me.

10 Q Then if she signed on for a Line 1 equity with  
11 NationsBank, she would have had good judgment about whether  
12 that was the right thing to do, because she knew figures,  
13 didn't she?

14 A Well, I think that was probably a move on her part to  
15 the least of the worst of two evils.

16 Q Well, are you aware that she made double payments on  
17 her mortgage?

18 A I have heard that recently, yeah.

19 Q And that would have been a good way for her to make  
20 sure that some of the family money was heading her  
21 direction, since she owned the house; isn't that right?

22 A Well, I think you're asking me to draw a conclusion  
23 there. I don't -- I don't know of that.

24 Q But you do know that she made double payments on the  
25 mortgage?

1 A No, sir, I don't. I have heard rumors to that effect  
2 lately, but I have not seen it on paper.

3 Q Now, when you called her a genius at figures, do you  
4 mean that she can accurately keep track of complicated  
5 bookkeeping and complicated sums of money?

6 A Yes, sir.

7 Q On the uncomplicated level, do you know what happened  
8 to the proceeds of the yard sale that she may have had with  
9 her on October 9th?

10 A I did not know of the yard sale until after she had  
11 died.

12 Q Do you know what happened to the petty cash at her  
13 office after she died?

14 A No, sir.

15 Q Did you have any occasion around the fire scene, on the  
16 late hours of October 9th, to examine the Subaru vehicle  
17 that she drove?

18 A Not any more than I examined that table there.  
19 (Indicated.)

20 Q You looked at it, in other words?

21 A I saw it was there.

22 Q Did you know --

23 A I know about where it was parked.

24 Q You didn't look inside or anything?

25 A No, sir.

1 Q Did anyone talk to you about the fact that the engine  
2 wouldn't start?

3 A A few days later, yes, sir.

4 Q And do you know what was done to get the car out of  
5 there, since the engine wouldn't start?

6 A No, sir.

7 Q Who took care of that?

8 A I have no knowledge of who moved the car.

9 Q Did you attend the memorial service for Patricia?

10 A I attended one.

11 Q Do you remember an unidentified man --

12 MR. PANOSH: We object.

13 MR. HATFIELD: Your Honor, I thought the --

14 THE COURT: Wait a minute. Ask your question and  
15 I'll rule. I don't know what the question is, sir.

16 Q Do you remember an unidentified man in an intoxicated  
17 condition appearing at her memorial service?

18 THE COURT: Overruled.

19 MR. PANOSH: We object.

20 THE COURT: Overruled.

21 MR. PANOSH: We'd like to be heard.

22 THE COURT: Step out, members of the jury, please.

23 Do not discuss the case.

24 (The jury left the courtroom at 12:08 p.m.)

25 THE COURT: All right, sir. What's the question,



1 Mr. Hatfield?

2 MR. HATFIELD: Excuse me?

3 THE COURT: What's the line of questioning?

4 MR. HATFIELD: I don't understand.

5 THE COURT: What's your line of questioning about  
6 the --

7 MR. HATFIELD: There -- an individual claiming to  
8 have been a former lover of Patricia was seen at the  
9 memorial service in an apparently intoxicated condition and  
10 said that he was a suspect.

11 THE COURT: Can you answer that question, sir?

12 THE WITNESS: I have no knowledge of that.

13 THE COURT: Okay, sir.

14 It'll be sustained.

15 MR. HATFIELD: Then I don't see why anyone objects  
16 then.

17 THE COURT: Well, the question is objectionable.  
18 I don't want you putting something in the minds of the jury  
19 that may or may not be relevant to this case. He says --

20 MR. HATFIELD: Your Honor, I can assure you --  
21 I'm sorry. I didn't mean to interrupt.

22 THE COURT: He says he doesn't know anything about  
23 that.

24 MR. HATFIELD: Well, I can assure you that there  
25 are many people, including Detective Church --

1 THE COURT: Well --

2 MR. HATFIELD: -- that do.

3 THE COURT: -- I'll let you do that, if that  
4 witness comes to the stand --

5 MR. HATFIELD: Thank you.

6 THE COURT: -- but this witness said he doesn't  
7 know that.

8 MR. HATFIELD: All right. Thank you.

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

10 MR. PANOSH: Your Honor, in State v. Allen and the  
11 cases that follow it, they say, "As a general rule, evidence  
12 that another person committed a crime which the defendant is  
13 charged is admissible when it points directly to the guilt  
14 of a third party. Evidence tending to show that a crime was  
15 committed by another is inadmissible, however, when such  
16 evidence creates only an inference or conjecture as to the  
17 other's guilt."

18 Your Honor, we would ask that you rule at this time  
19 that unless they prove in the absence of the jury that they  
20 have direct evidence pointing directly to a third party, not  
21 evidence that is just some conjecture or speculation, that  
22 they not state it in the presence of the jury. And that --

23 MR. HATFIELD: I'd like to respond.

24 MR. PANOSH: That theory of law has been adopted  
25 in State v. Brewer, which is a 1989 case from our Supreme

1 Court.

2 THE COURT: Well, the Court's going to in this --  
3 I don't know what the witness is going to say, only -- I  
4 don't even know what they might say. What's -- Mr.  
5 Hatfield, do you have any basis for that?

6 MR. HATFIELD: Yes, I do, extensive basis.  
7 Furthermore, we're not trying to prove that someone else  
8 committed the crime. We're trying to show that there were  
9 people whose behavior attracted suspicion, who were not  
10 investigated. And there are a number of people like that.  
11 I thought this witness knew full well who I was talking  
12 about, and that's the reason I asked this question. I've  
13 discussed it with Detective Church. There are other  
14 witnesses who we intend to ask the same question of. There  
15 are a number of people -- this was what Mr. Cochran, my  
16 great mentor, said was a rush to judgment. This case is all  
17 about fingerpointing at one suspect or two suspects, and  
18 forgetting everybody else. And there were at least a half a  
19 dozen logical suspects who were not investigated. And we  
20 don't have to come in here and do the sheriff's department  
21 and Mr. Panosh's work and solve this crime, in order to get  
22 a little evidence in. I think we have a right to cross-  
23 examine people. I thought that this man saw the individual  
24 that I'm talking about.

25 THE COURT: Unless you can put up credible

1 evidence or something of that nature, the Court's going to  
2 sustain the objection.

3 MR. HATFIELD: As against this individual?

4 THE COURT: As this individual and any others,  
5 unless you've got some basis for the accusation.

6 MR. HATFIELD: Your Honor, it's in the pretrial  
7 discovery materials all over the place. That's why Mr.  
8 Panosh comes in here with a bunch of cases and a bad tone of  
9 voice when he's addressing everybody about it.

10 THE COURT: Mr. Panosh is doing his job as the  
11 prosecutor.

12 MR. HATFIELD: Well, I am, too, Your Honor.

13 THE COURT: Well, I know both of you are, and  
14 you're doing fine so far. But unless you can lay some  
15 foundation for that or some basis for it. Just -- in any  
16 criminal investigation, there's a number of people who  
17 surface on the --

18 MR. HATFIELD: That's right. And when they  
19 abandon those without justification, it's worthy of  
20 consideration. When there is just as much evidence against  
21 another individual as there is against the individual  
22 charged, then the question needs to be answered, why was  
23 nothing done about that particular individual? Why was no  
24 further inquiry made? We have a right to cross-examine, to  
25 probe the investigative techniques that were used.

1 THE COURT: Well, this is not an investigator.  
2 This witness is her father.

3 MR. HATFIELD: No, but I thought --

4 THE COURT: He says he doesn't know anything about  
5 that.

6 MR. HATFIELD: I thought he -- well, I still think  
7 that he may know what I'm talking about, but I accept his  
8 answer.

9 THE COURT: Well, don't proceed any further with  
10 this witness.

11 Bring them back.

12 (The jury entered the courtroom at 12:13 p.m.)

13 THE COURT: You may continue, sir.

14 MR. HATFIELD: That's our examination. Thank you,  
15 Your Honor.

16 THE COURT: All right.

17 Any additional --

18 MR. PANOSH: Yes, sir.

19 THE COURT: -- questions by the State?

20 REDIRECT EXAMINATION by MR. PANOSH:

21 Q Are you familiar of the approximate date that Lyles  
22 Building Supply became the property of Theodore Kimble?

23 A Well, not at the time. I remember --

24 MR. HATFIELD: Objection.

25 THE COURT: Well, sustained.

1 Q Let me ask you this. When did you become aware that  
2 Ted and Patricia were married?

3 A May the 7th --

4 Q '94, sir?

5 A I believe it was.

6 Q Okay. A little more than a year before her death? Or  
7 -- Excuse me.

8 A Yes.

9 Q And after they were married -- or how long after they  
10 were married did it come to your attention that Ted had  
11 purchased Lyles?

12 MR. HATFIELD: Objection to this leading.

13 THE COURT: Overruled.

14 You may answer.

15 MR. HATFIELD: He's already said he doesn't know  
16 when he purchased Lyles.

17 A My estimation was that they had bought it before they  
18 were married, but --

19 Q So it was close to the time of the marriage?

20 A Yes, sir.

21 Q And this is -- this discussion you had with her about  
22 insurance was close to the time of her death?

23 A Yes, sir.

24 Q And not related to the purchase --

25 MR. HATFIELD: Objection.

1 Q -- of Lyles?

2 MR. HATFIELD: It's already been covered.

3 THE COURT: Sustained.

4 Q You indicated to Mr. Hatfield that your daughter talked  
5 about money occasionally. What did she say?

6 A That Ted was spending a whole lot.

7 Q Did she give you examples?

8 A The Jeep. But she agreed to the Jeep in -- so he  
9 wouldn't buy the motorcycle.

10 MR. PANOSH: No further questions.

11 MR. HATFIELD: Just a couple.

12 THE COURT: All right, sir.

13 RE-CROSS-EXAMINATION by MR. HATFIELD:

14 Q You were deceived by your daughter about when she was  
15 actually married, weren't you?

16 A Yes, sir.

17 Q Tell the jury about how she deceived you.

18 A Well, I found out after she died, through this same  
19 inventory of the safety deposit box at the bank, that in  
20 that box was a marriage certificate or marriage license or  
21 marriage -- some type of document, from December the 21st,  
22 probably '93, Danville, Virginia, a marriage certificate,  
23 Ted and Patricia.

24 Q So your daughter got secretly married to Ted several  
25 months before you found out about it; isn't that right?

1 A Yes, sir.

2 Q And even when you found out about it, it wasn't that  
3 you found out there'd been a prior marriage, you just  
4 thought they had a marriage in May, didn't you?

5 A Yes, sir.

6 Q That's a good indication how much you know about her  
7 personal life, isn't it?

8 MR. PANOSH: We'd object to the comment.

9 THE COURT: Sustained.

10 Disregard that, members of the jury.

11 Q Well, there were a great many things you didn't know  
12 about her personal business dealings; isn't that right?

13 A I have no doubt of that.

14 MR. HATFIELD: Thank you. No further questions.

15 THE COURT: Additional questions?

16 MR. PANOSH: No further.

17 THE COURT: Step down, sir. Watch your step.

18 (The witness left the witness stand.)

19 MR. PANOSH: Sheila Blakley, please.

20 SHEILA BLAKLEY, being first duly sworn, testified as follows  
21 during DIRECT EXAMINATION by MR. PANOSH:

22 Q Would you state your name, please.

23 A Sheila Blakley.

24 Q And Ms. Blakley, you're the mother of Patricia Kimble?

25 A Yes, I am.



1 Q And just prior to her death, did there come a time when  
2 you had conversations with her?

3 A I spoke to her that Saturday at her yard sale. She  
4 called me at home and told me that she was having one.

5 MR. LLOYD: Well, objection, Your Honor, grounds  
6 previously raised.

7 THE COURT: Overruled.

8 MR. HATFIELD: Your Honor, before we proceed, I  
9 just can't hear her. I'm sorry.

10 THE COURT: All right.

11 Ms. Blakley, you're going to have to speak a  
12 little bit louder, please, ma'am. You have a soft voice.

13 A She called me Saturday morning and told -- reminded me  
14 that they were having a yard sale at Cinnamon Ridge and  
15 wanted me to come. And she told me that Edna, Ted's mama,  
16 had some clothes that I might be interested in. And so, I  
17 did go over there. And I was up there maybe an hour with  
18 her, and then I left and went back home.

19 Q And what do you know about the items that were being  
20 sold at the yard sale? Were those Patricia's?

21 A As I remember, some of them were hers and some of them  
22 belonged to Cinnamon Ridge.

23 Q Did you have a conversation with her shortly before her  
24 death in reference to insurance?

25 A It was probably the first part of September.

1 MR. LLOYD: Object again, Your Honor.

2 THE COURT: Overruled.

3 A It was sometime the first part of September. I know it  
4 was before her birthday. We -- she called me and was  
5 talking, and she said, "Mom, I'm worried about something."  
6 I says, "What's that?" She says, "Ted's trying to take more  
7 insurance out on me." And I says, "What kind?" She says,  
8 "Life." I says, "Well, how much?" And I don't remember her  
9 saying, but she said that's what she was worried about.

10 Q And when was her birthday?

11 A September the 14th.

12 Q And did you talk to her again about that on or about  
13 her birthday?

14 A Yes, sir. I took her out for dinner that Wednesday  
15 before her birthday was on Thursday. We went out to  
16 Piccadilly out at Carolina Circle Mall, and we eat, and I  
17 asked her about it, and she said for me not to worry about  
18 it, that --

19 MR. LLOYD: Objection.

20 THE COURT: Overruled.

21 A -- that they had talked about it and they had agreed on  
22 something, but she didn't go into what. And I didn't ask no  
23 more about it.

24 Q Did there come a time after her death when you became  
25 aware of the fact that you were the beneficiary on an

1 insurance policy?

2 A Yes.

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

5 A Ted called me at home and he informed me that I was the  
6 beneficiary of my daughter's insurance --

7 MR. LLOYD: Well, object to this --

8 A -- at work.

9 MR. LLOYD: -- as well, Your Honor.

10 THE COURT: Overruled.

11 A And I did not know that until he called and told me.

12 Q How much was that policy, ma'am?

13 A \$25,000.

14 Q And did it have a double indemnity on it?

15 A Yes, sir.

16 Q So it turned into \$50,000?

17 A I got \$25,000, you know, sometime later. Then I found  
18 out it was double indemnity, and they did send me the rest  
19 sometime later.

20 Q And who was that insurance through?

21 A Life of Georgia.

22 Q And why did Patricia have that insurance?

23 A The \$25,000?

24 Q The one that you received, that you were the  
25 beneficiary of.

1 A That was at work.

2 Q Okay.

3 A That was the one at work.

4 Q So the money that you were beneficiary of was an  
5 insurance policy through Cinnamon Ridge; is that correct?

6 A Yes, sir.

7 Q Now, you previously heard -- Well, let me ask you  
8 this. Did you also have a personal policy on which you were  
9 the beneficiary with Patricia?

10 A Me and my son and my daughter had life insurance with  
11 Life of Georgia, and the agent had come to my house, that's  
12 when we -- me and my husband was married, and he asked me if  
13 I didn't want to make ours bigger, and I said, "Yes." So I  
14 took mine and my son's and took them and made a bigger  
15 policy out of them. And also at the time, he mentioned Pat,  
16 and I said, "Well, you'll have to go talk to her and see if  
17 she wants to do that." And so, he did go talk to her, and  
18 she did increase it to \$25,000. I do know that.

19 Q And were you the beneficiary on that policy?

20 A I don't know. I didn't know.

21 Q But originally, that policy was purchased by you for  
22 Patricia --

23 A Right. Not --

24 Q -- when she was a child?

25 A Not the \$25,000. Because she cashed -- turned like

1 \$2,500 in. Part of it was paid up. And so, she gave them  
2 that and turned it into a \$25,000 policy. But I didn't know  
3 who she made beneficiary.

4 Q Did you have further conversations with Theodore Kimble  
5 about the policy which came through Cinnamon Ridge that you  
6 were the beneficiary of?

7 A That day that he called me, he told me about it. And I  
8 told him I wasn't aware of it.

9 MR. LLOYD: Objection.

10 THE COURT: Overruled.

11 A And --

12 THE COURT: Again, the Court's previously ruled on  
13 this.

14 A -- I was not interested in no money right now, that I  
15 didn't care about it. And he said to me, "I need it. Would  
16 you call Hershel and see if he would send it to you, to give  
17 to me?" And I said, "Ted, I'm not interested in it. I've  
18 not even got over Pat right now." And I wasn't interested  
19 in no money. And so, he went on and gave me Hershel's  
20 telephone number. And I don't really remember whether I  
21 wrote it down or not, but I did not call Hershel.

22 And Hershel called me that night at home around 7:30 or  
23 8:00 o'clock and told me then that I was beneficiary of  
24 Pat's money at work. And I told him then that Ted had  
25 already told me that evening that I was, and that I wasn't

1 interested in it.

2 Q And I take it this was very shortly after her death?

3 A Yes. Probably maybe a week, no more than a week.

4 Q Did Ted have further conversations with you, asking you  
5 for that insurance money?

6 A He asked me several different times about it. And when  
7 I talked to Hershel that night, I told him that I didn't  
8 want it, that I didn't care anything about it. And I told  
9 him what Ted had said. He said, "You don't want to give it  
10 to him. If she wanted him to have it, she would have made  
11 him beneficiary." I said, "I don't care if he has it. I  
12 don't want it." And he says, "Well, I don't want you to  
13 feel that way, because Pat wouldn't want you to say that."  
14 I says, "Well, I don't care what you do with it. You can  
15 leave it where it is, all I care." And he says, "That's all  
16 I want to hear."

17 And so, that's where it stayed for a while. And Ted  
18 called me two or three different times and asked me about  
19 it.

20 THE COURT: Is your examination of this witness  
21 going to take some additional time, Mr. Panosh?

22 MR. PANOSH: I can finish in about five minutes.

23 THE COURT: All right.

24 Q In his attempts to get you to give him the insurance  
25 policy, did he do anything else?

1 A What do you mean?

2 Q Did there come a time when he asked to take you  
3 somewhere?

4 A Yes. My daughter and him planned a trip for us, for my  
5 birthday that year, and we was to leave on a weekend and go  
6 spend three or four days for my birthday. And my son and  
7 his wife was to go, too. And then after Pat died, he  
8 continued wanting me to go with him, and --

9 Q Who wanted you to go with him?

10 A Ted wanted me to go with him on that trip. And I said,  
11 "No, I can't." And so, I didn't go.

12 Q Do you know where that trip was to?

13 A It was somewhere up in the mountains, but I don't know  
14 where.

15 Q Did there come a time when it came to your attention  
16 that immediately after the death of Patricia, Ted bought a  
17 motorcycle?

18 A Yes, sir.

19 Q What do you know about that?

20 A All I know, I knew he bought it and I had heard. And  
21 he also told me that he took part of the church money to buy  
22 it, that he'd always wanted one.

23 Q Prior to her death, did Patricia ever talk to you about  
24 whether or not they were going to buy a motorcycle?

25 A No, sir.

1 MR. PANOSH: No further questions. Thank you.

2 THE COURT: All right. You may step down, Ms.  
3 Blakley. We're going to take our lunch break at this point.  
4 (The witness left the witness stand.)

5 THE COURT: Members of the jury, we're going to  
6 take our lunch recess at this point. You need to be back at  
7 2:00 o'clock. Please report to the jury room prior to 2:00  
8 o'clock.

9 Please remember the instructions on your jury  
10 responsibility sheet. Do not discuss this case among  
11 yourselves. Do not read or watch any news or media  
12 accounts. Do not talk with the attorneys, parties or  
13 witnesses or spectators about it or allow them to talk to  
14 you or talk in your presence about this case.

15 Does each of you understand?

16 (Jurors nodded their head up and down.)

17 THE COURT: Have a nice lunch. I'll see you at  
18 2:00.

19 Everyone remain seated, while the jury leaves  
20 first.

21 (The jury left the courtroom at 12:29 p.m.)

22 MR. LLOYD: Judge, just briefly. I wondered if  
23 the Court would indulge us. It's very awkward having to  
24 make continuous objections to comments that Patricia made  
25 and Ted made. If the Court would just allow us -- I said



1 something earlier about a line objection to all these prior  
2 statements. I understand what the Court's ruling is. I  
3 accept that, Your Honor.

4 THE COURT: All right, sir.

5 MR. LLOYD: It just puts us in an awkward position  
6 in front of the jury, and it slows the whole process up.

7 THE COURT: All right. The Court will allow the  
8 record to reflect a line objection to those questions that  
9 deal with the conspiracy issue or statements made by a  
10 co-conspirator.

11 MR. LLOYD: And the frequent statements, as well,  
12 Your Honor. We had filed a motion.

13 THE COURT: The Court's ruled on those earlier and  
14 may have to rule on some additional ones, but I think the  
15 Court has already ruled on that. You may maintain that line  
16 objection.

17 MR. LLOYD: Thank you very much.

18 THE COURT: Any other matters before the recess?

19 MR. LLOYD: No, sir.

20 THE COURT: 2:00 o'clock, sheriff.

21 (A recess was taken at 12:30 p.m.)

22 (Court reconvened at 2:01 p.m. The defendant was present.

23 The jury was not present.)

24 THE COURT: If you'll return to the witness stand,  
25 please.

1 (The witness, Sheila Blakley, returned to the witness  
2 stand.)

3 (The jury entered the courtroom at 2:01 p.m.)

4 THE COURT: I'm very pleased to have the jury  
5 panel back. I hope everyone had a nice lunch and feeling  
6 okay. Anyone experiencing any discomfort this afternoon or  
7 any problems, let me know.

8 All right. You may begin your cross-examination.

9 MR. LLOYD: Thank you, Your Honor.

10 CROSS-EXAMINATION by MR. LLOYD:

11 Q Ms. Blakley, the second time that your daughter talked  
12 to you about the insurance, that would have been around her  
13 birthday; is that right?

14 A Yes, sir.

15 Q And that was September 14th?

16 A Her birthday is the 14th, yes.

17 Q And it was at that time that she told you that she and  
18 Ted had talked, and they had basically straightened out the  
19 matter of the insurance; is that right?

20 A She said that they had talked about it and they were  
21 going to talk more about it and maybe get some counseling  
22 about it. And that's the last time I talked to her about  
23 it.

24 Q Okay. But I thought you had indicated that on direct  
25 examination that at that time, what your daughter told you

1 was that they had pretty much worked out the problem.

2 A I don't remember.

3 Q And you indicated that you had gone to the yard sale on  
4 that Saturday?

5 A Yes, sir.

6 Q All right. And that Patricia had some items that were  
7 for sale in the yard sale?

8 A She -- as I recall, she had some of her stuff and also  
9 some stuff that belonged to Cinnamon Ridge.

10 Q And did she indicate to you, Ms. Blakley, that she felt  
11 like the yard sale was pretty successful?

12 A I never talked to her about it.

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

14 THE COURT: Step down, ma'am.

15 (The witness left the witness stand.)

16 THE COURT: Next witness, please.

17 MR. PANOSH: Mr. Allan Fields, please.

18 I'm sorry. I'd like to start with Mr. Vickrey.

19 Mr. Vickrey, please.

20 DAVID ALLEN VICKREY, being first duly sworn, testified as  
21 follows during DIRECT EXAMINATION by MR. PANOSH:

22 Q Would you state your name, please.

23 A My name is David Allen Vickrey.

24 Q And Mr. Vickrey, you're a firefighter; is that right?

25 A Yes, sir.

1 Q And you're a paid firefighter?

2 A Yes, sir.

3 Q Where do you work, sir?

4 A City of Greensboro.

5 Q Going back to October the 9th of 1995, were you so  
6 employed? Were you working with the city then?

7 A No, sir.

8 Q Were you a volunteer at the time?

9 A Yes, I was.

10 Q With what company, please?

11 A Stockhausen, Incorporated.

12 Q Okay. And where were you a volunteer?

13 A Pleasant Garden Fire Department.

14 Q And did you live in the vicinity of Brandon Station  
15 Court?

16 A Yes, sir.

17 Q How close did you live?

18 A Within a few thousand feet.

19 Q Did there come a time on or -- on October the 9th,  
20 about 8:40, 8:45, when you received a message in reference  
21 to a fire at Brandon Station Court?

22 A Yes, there was.

23 Q Would you tell the jury about that, please.

24 A Do you mean the events preceding or --

25 Q First of all, how were you notified?

1 A We were notified by a paging system, through emergency  
2 services.

3 Q And what information do you get over your pager?

4 A They give us the address and the description and what  
5 type of call, and any other pertinent information that goes  
6 with it.

7 Q And when you get a call like that, you respond to the  
8 station house; is that correct?

9 A Yes, sir. You respond to the station, but like if it's  
10 in your response pattern to the station, lots of times we  
11 just stop by the call, to see what's going on first.

12 Q And on this occasion, did you receive -- after  
13 receiving your page, did you go to Brandon Station Court?

14 A Yes, sir, I did.

15 Q What happened when you arrived there?

16 A I pulled in the driveway, and Reuben, which is  
17 Patricia's brother, met me in the driveway and was  
18 explaining to me what was -- what was happening, who he --  
19 why he'd been looking for, and why he was at the house.

20 Q And briefly, what did he tell you?

21 A He -- of course, he was scared and frantic, which I  
22 would be, too, but he said he had tried to call his sister  
23 several times. She was supposed to be home, because he knew  
24 she'd left work early. And he couldn't get nobody to come  
25 to the door or answer the phone. He drove up and the car

1 was in the driveway. He said he walked up to the door, the  
2 door was hot, and that's when he called the fire department.  
3 And he said he noticed that like fire or something under the  
4 house. And he pointed to the vent beside the stairs of the  
5 front porch, and you could see fire underneath the house.

6 And I proceeded -- I had my cell phone with me and  
7 proceeded to call communications or 911 again and give them  
8 a summary of what we had, so the first due engine could know  
9 what to do when they got there.

10 Q Other than notifying the company of what to expect,  
11 what did you do?

12 A I made a trip with Reuben around -- walked up to the  
13 front door, to see what he was talking about. And you could  
14 see a little bit of smoke coming from around it and out  
15 under the vents around the foundation. And it was hot, it  
16 was a lot of heat, so I couldn't get real close. And I made  
17 a trip around the house, the perimeter, to see the fire  
18 burning underneath the house. I opened the crawl space door  
19 and looked up under there and verified there was fire  
20 underneath it. And cut the gas bottles off, because they  
21 had gas packs for heating system. I cut those off, and  
22 proceeded back to the front of the house, and waited for the  
23 first engine to come, because I'd heard them respond  
24 already.

25 Q When the engines arrived, did you take part in fighting

1 the fire?

2 A No, sir, I did not.

3 Q And that's because you didn't have your equipment; is  
4 that --

5 A Right. I didn't have my equipment with me.

6 Q Now, going back to earlier in that day, where had you  
7 been prior to the fire?

8 A I left work, came home, piddled around outside for a  
9 few hours, and left and went to town, to pick up some yard  
10 supplies.

11 Q Okay. What time did you leave work?

12 A 5:00 o'clock.

13 Q What time did you arrive at your home?

14 A Approximately 5:30.

15 Q And in arriving at your home, did you have to go close  
16 to Brandon Station Court?

17 A Yes. I have to drive right by it.

18 Q Now, this is a cul-de-sac, right?

19 A Yes, sir.

20 Q So you don't actually go through the cul-de-sac?

21 A Huh-uh.

22 Q You go on the highway?

23 A Right. I go on the highway, and the cul-de-sac is to  
24 the right, and then the other access road to Brandon Station  
25 is on the left.

1 Q So you were on Highway 22. How close were you to the  
2 house approximately?

3 A When you pass down the road?

4 Q Yes.

5 A Within 500 feet.

6 Q Did you notice anything at that time?

7 A No, sir, I didn't.

8 Q Did there come a time when you did notice something?

9 A When I got home, and I got outside working, probably 20  
10 minutes later, I noticed a smell in the air. Being in the  
11 fire service, you can associate smells with certain things  
12 that are burning. And it was a strange smell, and it didn't  
13 smell like a brush pile or leave fire or something that  
14 somebody might have been burning, cleaning up around the  
15 yard. It had that distinct smell of like actual structure  
16 fire, because you can associate it. With a car burning, you  
17 can associate a smell. The same with a house. And the man  
18 up the street from me on the corner has a trash barrel that  
19 he burns all the time, and I looked up the street and  
20 thought that's what was smoldering and didn't pay any more  
21 attention to it. I just said, well, maybe he's got some old  
22 trash or something in there and it's just putting off a  
23 terrible odor. But I didn't pursue or look any further.

24 Q But you did smell smoke around 5:45, 5:50 then?

25 A Yes, sir.



1 Q Did you pass the house again after that?

2 A Yes, sir, I did.

3 Q When was that?

4 A Approximately 8-- about 8:15 in the evening, I was  
5 returning from town, from picking up my supplies, and when I  
6 got out of the truck, I smelled the same smell again. And I  
7 thought --

8 Q Again, this is at your home?

9 A Yes, sir, at my house.

10 Q And your estimate is 2,000 yards, is that what you  
11 said, to the --

12 A To the house, about 2,000 feet.

13 Q I'm sorry. 2,000 feet?

14 A Uh-huh.

15 Q At any time prior to your arrival, after being notified  
16 of the fire call, at any time prior to that, did you see  
17 smoke or flames coming from Brandon Station Court?

18 A No, sir, I did not.

19 Q Did you do anything else in the course of the evening  
20 to investigate or fight the fire?

21 A Mostly all I did was assist, getting equipment off the  
22 truck, bringing it up close to the house. I didn't want to  
23 get too close, because I didn't have any gear on. And  
24 manpower was a little short, until some of the other units  
25 got there and the other department that was notified. I

1 helped pull hose, got a fan off, helped change air bottles,  
2 just whatever I could do, without actually being involved in  
3 the fire, just to assist.

4 Q And on the following day, October the 10th, did you  
5 return to the fire scene?

6 A Yes, sir.

7 Q And what -- why did you do that?

8 A They asked for us to send a group down to help. They  
9 just asked to go help, and that's all we were told, until we  
10 got there. We didn't know what kind of help, just they just  
11 needed assistance.

12 Q Did you assist the fire marshal's office?

13 A Yes, sir.

14 Q And how did you do that?

15 A They had us looking through piles of rubble out in the  
16 front yard that were there when we arrived.

17 Q Where did this rubble come from?

18 A My guess would be, it looked like attic insulation.

19 Q Did it appear to be material that was removed from the  
20 fire, in the course of fighting the fire?

21 A Yes, sir, it did.

22 Q And when you say looked through it, what do you mean?

23 A Look for anything that was strange or odd, that you  
24 might not have in a pile of rubble in a fire like that, from  
25 a house fire. And --

1 Q At that time, were you aware that this was a homicide  
2 investigation?

3 A Yes, sir.

4 Q And would you describe the method that you and the  
5 others used in searching through the rubble.

6 A I put on a pair of latex gloves, to protect any  
7 evidence, I guess, so we wouldn't mess it up, or if we found  
8 something that had to be handled delicately, we could handle  
9 it. We picked through each piece, little by little, and put  
10 it in a separate pile, when it was discarded. So you'd grab  
11 a little bit and look through it, then you'd put it in a  
12 discard pile.

13 Q Did a very thorough search?

14 A Yes, sir.

15 Q To your knowledge, was anything found?

16 A No, sir.

17 Q And you searched only those items that had been removed  
18 from the house in the course of fighting the fire; is that  
19 right?

20 A Yes, sir.

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

23 CROSS-EXAMINATION by MR. LLOYD:

24 Q Now, Mr. Vickrey, you indicated that you smelled smoke  
25 at your house somewhere around 5:45 or 5:50; is that right?

1 A About 5:30, yes, sir, when I got home from work.

2 Q And you noticed that that was an odd odor at that time?

3 A Yes, sir.

4 Q And you thought maybe it came from the man who was  
5 burning trash, lived up the street from you?

6 A Yes, sir.

7 Q And you basically put it out of your mind?

8 A Yes, sir.

9 Q And then you smelled that smell again, when you came  
10 home, I believe you said about 8:15 --

11 A Uh-huh.

12 Q -- is that right?

13 A Yes, sir.

14 Q And didn't notice anything stronger or different about  
15 it at that time, did you?

16 A No, sir, I didn't.

17 Q And you attributed it to the same cause at that time?

18 A It was a guesstimation, yes --

19 Q All right.

20 A -- to the same cause.

21 Q And Mr. Vickrey, you never did check out that barrel,  
22 to see whether the man was burning trash or not, did you?

23 A No, sir, I did not.

24 Q All right. Because the next thing you knew, you got  
25 the call to go to the fire itself, and you went immediately

1 to the fire --

2 A Yes, sir.

3 Q -- itself? And you indicated that when you got to the  
4 house, you could actually see flames in the crawl space  
5 underneath the house; is that right?

6 A Yes, sir.

7 Q All right. It appeared to be burning the joist system  
8 or the subflooring system up under there?

9 A It looked to be more than that. It looked to be like a  
10 small campfire under there, from the distance that I was  
11 looking at from the end of the house.

12 Q All right. So possibly something had fallen down,  
13 debris had fallen down, and that's what you saw?

14 A Yes, sir.

15 Q All right. And now, you indicated that you were the  
16 one who opened the crawl space door --

17 A Uh-huh.

18 Q -- is that right?

19 A Yes, sir.

20 Q Prior to that time, the crawl space door was shut, was  
21 it not?

22 A Yes, it was, uh-huh.

23 Q All right. And as near as you could tell, it was shut  
24 all the way; is that right?

25 A Yes, sir.

1 Q When you searched through this rubble, did you find a  
2 charred kitchen knife in that rubble?

3 A No, sir, I did not.

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

5 THE COURT: Step down, sir.

6 Next witness, please.

7 MR. PANOSH: May he be excused, Your Honor?

8 THE COURT: Any objection?

9 MR. LLOYD: No objection.

10 THE COURT: You may be excused, sir.

11 (The witness left the witness stand.)

12 MR. PANOSH: Mr. Fields, please.

13 ALLAN FIELDS, being first duly sworn, testified as follows  
14 during DIRECT EXAMINATION by MR. PANOSH:

15 Q Would you state your name, please, sir.

16 A Allan Fields.

17 Q And your occupation, sir?

18 A Firefighter.

19 Q And where are you assigned?

20 A Pleasant Garden Fire Department.

21 Q And is that -- that's a paid position?

22 A Yes.

23 Q In October of 1995, were you a paid firefighter at that  
24 time?

25 A No. I was a volunteer.

1 Q In the course of your duties as a volunteer, on October  
2 9, 1995, did you respond to a house fire on Brandon Station  
3 Court?

4 A Yes.

5 Q Would you tell the jury about that, please.

6 A I was living at my dad's house at that time, which is  
7 about a mile north on 22. We got the call. I responded to  
8 the station, got my turnout gear, got on the first engine  
9 out. And when we arrived at the house, by what we had been  
10 told on the radio, that it was a house fire, with someone  
11 possibly trapped inside.

12 We pulled in the driveway, pulled off an inch and  
13 three-quarter preconnect line, and stretched it out up into  
14 the carport, where we were instructed to by the first  
15 officer on the scene.

16 And as we got to the door, we got more information that  
17 the house was full of smoke, and that the doors were hot,  
18 and someone was possibly trapped inside.

19 One of the firefighters with us, he checked the door,  
20 to make sure it was not locked. It was not. And as soon as  
21 we had the hose charged, he opened the door and we proceeded  
22 into that door. The heat was so intense that we made it  
23 probably two or three feet in the door, and we had to stop,  
24 because of the heat. That it felt as if the house had been  
25 -- had not been vented and all the heat from the fire was

1 still in the house.

2 We called for some ventilation. I had somebody to set  
3 up a positive pressure fan behind us and to open up some  
4 windows in the house. And it still took a minute or two  
5 before the heat was released enough to where we could get  
6 inside.

7 And by the time we made any headway at all, my air bell  
8 had went off for my low air, and I had to hand the nozzle  
9 over to the next firefighter in line, and I exited the room,  
10 went back outside.

11 Q Was there anyone at the scene before you were there?

12 A Allen Vickrey was there. Reuben Blakley, I believe,  
13 was there. And by the time we got up to the door, her  
14 father was there.

15 Q There were no other firefighters there before you got  
16 there?

17 A No, not that I know of.

18 Q When you were able to make entry, which door did you  
19 make entry through?

20 A The door in the carport.

21 Q And which room did that lead into into the house?

22 A The kitchen.

23 Q And once you were inside the kitchen, what action did  
24 you take?

25 A Well, when we first got in, when it was so hot, I



1 assumed that there -- from the intense heat, that there must  
2 have been some fire that I could not see for the smoke, so  
3 we did open the nozzle and try to cool the room down, but  
4 that didn't seem to help right off, until we got some -- the  
5 ventilation efforts were put into effect, to get the heat  
6 out.

7 Q When you say "open the nozzle," you mean you sprayed  
8 down the kitchen area with water --

9 A Yes.

10 Q -- is that right?

11 A Yes, sir.

12 Q And you indicated about that time, your air pack ran  
13 out?

14 A Yes. And I had to go out and get a full bottle.

15 Q Once you received a full bottle and you came back in,  
16 what action did you take in fighting the fire?

17 A We -- I came back in on the line, followed the line in  
18 to the crew that was inside. And we made our way down the  
19 hallway. But by that time, another crew had went through  
20 the front room and had extinguished the fire that was in the  
21 hallway. And we were -- our efforts then were to search the  
22 house, to try to find any victims. We crawled through the  
23 hallway, through the hole in the floor, and into the back  
24 rooms. The two firefighters with me searched the back left  
25 room, and I stayed at the door, while they went around the

1 bed. And we come out and searched the front room on that  
2 end of the house and could not find anything, but -- there  
3 was no bodies in there.

4 Q Okay. Which bedroom did you search, first of all?

5 A Myself, I went into the front bedroom on the far right-  
6 hand side, if you're looking from the front of the house.

7 Q And were there -- when you went into that first  
8 bedroom, were there firefighting efforts needed in there?  
9 Did you have to spray water?

10 A No. It was solely search at that time.

11 Q Did you also go into the other bedrooms?

12 A That's the only bedroom I went through, except -- Let  
13 me rephrase that. When we -- by the time we were in that  
14 rear bedroom, someone did advise us that a body had been  
15 found. And when we came out, we were careful not to disturb  
16 the area. We went through the front room, I believe it was  
17 the center bedroom, that the firefighters had made entry  
18 through, that actually got the fire put out. We exited  
19 through that window.

20 MR. PANOSH: May I approach the witness, Your  
21 Honor?

22 THE COURT: You may.

23 (Mr. Panosh conferred with the bailiff.)

24 MR. PANOSH: I'm going to need something. That's  
25 a roll of paper. If you can tape it up or something.

1 Counsel, I've shown you these before. Do you want  
2 to see them again?

3 (Mr. Lloyd shook his head from side to side.)

4 Q I'm going to show you now what's been marked for  
5 identification as State's Exhibit Number 4. Can you  
6 identify that, please.

7 A That is the house, yes.

8 Q Okay. And there's a flag near a door. Which door is  
9 that?

10 A That's the front door.

11 Q And that's -- is this basically a ranch-style house?

12 A Yes.

13 Q And is that front door kind of in the center of the  
14 house or --

15 A Yes.

16 Q -- toward the middle? And I'll show you State's  
17 Exhibit Number 5. What is that?

18 A That is the carport on the far left side of the house.

19 Q Okay. Actually, I believe it's a garage that's not  
20 quite finished --

21 A Okay.

22 Q -- is that right?

23 A Yes.

24 Q Okay. And State's Exhibit Number 6, what is that,  
25 please?

1 A That is Patricia's car.

2 Q Okay. Now, this shows in State's Exhibit Number 6 the  
3 front of a vehicle, and what's behind that vehicle?

4 A Our fire engine.

5 Q Okay. And is that the fire engine that you arrived on?

6 A Yes, sir.

7 Q Okay. And I take it when you arrived, the vehicle that  
8 you've identified as Patricia's vehicle was in exactly the  
9 same position as it is in that photograph?

10 A Yes.

11 Q To your knowledge, during the firefighting efforts, was  
12 it moved?

13 A No.

14 MR. PANOSH: Your Honor, I seek to introduce into  
15 evidence 4, 5 and 6, please.

16 THE COURT: The Court will allow the introduction  
17 of 4, 5 and 6.

18 MR. LLOYD: No objection.

19 Q Did you in the course of your efforts there examine the  
20 vehicle, the Subaru that you've described as Patricia's?

21 A No.

22 Q Okay. Taking a look at State's Exhibit 7, 7-A and 7-B,  
23 is that the vehicle that was parked there when you arrived?

24 A Yes, sir.

25 Q Okay. And you made reference to making entry through a

1 door; is that correct?

2 A Yes.

3 Q I'll show you now State's Exhibit Number 8. Do you see  
4 that, sir?

5 A Yes.

6 Q Is that a photograph of part of the kitchen door that  
7 you made entry into?

8 A Yes.

9 Q Okay. And State's Exhibit Number 9 is the jamb. Did  
10 you have an opportunity to look at that?

11 A Yes. I noticed that on a later entry, after the fire  
12 had been knocked down and most of the smoke had been cleared  
13 out, that the door facing did look like it had been pried  
14 on, and I called it to the attention of one of the deputies  
15 there.

16 Q Okay. So 8 and 9 are a picture of the door and the  
17 door frame; is that right?

18 A Yes.

19 Q And State's Exhibit 8-A is looking through State's  
20 Exhibit 8 into the kitchen; is that correct?

21 A Yes.

22 MR. PANOSH: Your Honor, we'd seek to introduce  
23 into evidence State's Exhibits 7, 7-A and 7-B, the vehicle;  
24 8 and 8-A, the door, open and closed; and 9, the doorjamb.

25 MR. LLOYD: No objection, Your Honor.

1 THE COURT: The Court will allow the introduction  
2 of State's 7, 7-A, 7-B, 8, 8-A and 9.

3 Q Now, did there come a time when you made entry into the  
4 kitchen?

5 A Yes.

6 Q And showing you State's Exhibit 11, 12 and 13, do they  
7 show the kitchen area and part of the dining area?

8 A Yes.

9 Q And is that basically the way that it appeared, once  
10 you got into the home and extinguished the fire?

11 A To the best I can tell, yes.

12 Q Now, there was no lighting available through the home;  
13 is that right? You had to supply auxiliary lighting?

14 A Yes, sir.

15 Q Okay.

16 MR. PANOSH: Your Honor, we'd seek to introduce  
17 State's Exhibits 11, 12 and 13, the photographs of the  
18 kitchen area.

19 THE COURT: The Court will allow the --

20 MR. LLOYD: No objection.

21 THE COURT: -- introduction of 11, 12 and 13.

22 Q Once you were able to enter the residence, did you go  
23 into what is referred to as the living room area?

24 (Mr. Panosh showed exhibits to the witness.)

25 A At one time, yes.

1 Q Okay. And does State's Exhibit 13 and 14 (sic) show  
2 the living room area right off the kitchen?

3 A Yes.

4 Q Okay. Now, there's a lot of pink, fluffy material in  
5 those photographs. Do you recognize that?

6 A It appears to be attic insulation.

7 Q Okay. Other than the attic insulation being there, is  
8 this the way it appeared when you entered the residence?

9 A Well, as much as you can see through the smoke.

10 Q I understand.

11 A I mean, it was so smoky at one time, you couldn't tell  
12 anything.

13 Q But you had a chance to go back later on --

14 A Yes. Yes.

15 Q -- when it was ventilated and there was auxiliary  
16 lighting?

17 A Yes.

18 Q And that's the way it appeared?

19 A That's the way it appeared, yes.

20 Q Okay.

21 MR. PANOSH: We'd seek to introduce 13 and 14 of  
22 the living room.

23 THE COURT: The Court will allow the introduction  
24 of State's Exhibits 13 and 14.

25 Q Now, can --

1 (Mr. Lloyd and Mr. Panosh conferred.)

2 MR. PANOSH: I'm sorry, Your Honor. That was 14  
3 and 15.

4 THE COURT: All right, sir. 14 and 15.

5 Q Now, drawing your attention to that pink, fluffy stuff  
6 which you described as insulation, can you explain to the  
7 ladies and gentlemen of the jury how fighting the fire  
8 causes it to be in that -- as is depicted in the  
9 photographs.

10 A As the ceiling materials get wet, they tend to fall  
11 apart, and the weight of the insulation pushed causes it to  
12 come down.

13 Q Okay. And in searching for fires, do you also pull  
14 down ceilings?

15 A Yes, we do. We have to find any hidden fires. If it  
16 happened to get into the attic any at all, we have to pull  
17 the ceiling to get to it.

18 Q Okay. And so, throughout the house, there'll be  
19 insulation that came down from the attic?

20 A Yes.

21 Q And that's a result of the firefighting efforts, and  
22 not the fire?

23 A Most of the time, yes.

24 Q Okay. Well, in this particular house?

25 A Yes.



1 Q Okay.

2 A In the living room especially.

3 Q All right. As you entered the residence and started  
4 down the hallway, there was a bathroom off to your left. Do  
5 you remember that?

6 A I remember there being a bathroom, yes.

7 Q Okay. Would you look at State's Exhibits 16 and 16-A.

8 A That appears to be it.

9 Q Okay. And does that show the way it appeared after the  
10 fire?

11 A Yes.

12 MR. PANOSH: Seek to introduce 16 and 16-A, Your  
13 Honor.

14 THE COURT: The Court will allow the introduction  
15 of State's Exhibits 16 and 16-A.

16 Q Now, in the kitchen, there was a gas can. Did you have  
17 anything to do with the removal of that?

18 A No, sir. I was outside changing --

19 Q All right.

20 A -- my air bottle.

21 (Mr. Panosh conferred with the bailiff.)

22 (The bailiff placed an exhibit on the board.)

23 Q Drawing your attention then to the hallway area, and  
24 State's Exhibits 17, 18 and 19, does that depict the hallway  
25 area?

1 A Yes, it does.

2 Q Okay. And --

3 MR. PANOSH: We'd seek to introduce 17, 18 and 19,  
4 Your Honor, the hallway.

5 THE COURT: The Court will allow the introduction  
6 of State's Exhibits 17 and 18.

7 Q Now, would you -- well, in your previous testimony, you  
8 said you had to crawl through a hole. What do you mean by  
9 that?

10 A There was a hole burned in the floor joists in the  
11 hallway, that had burned through down into the crawl space  
12 underneath the house. When we first got to that area, the  
13 firefighter in front of me had actually fallen into the hole  
14 and then climbed out the other side. And I proceeded to  
15 follow him, to search the rear bedrooms.

16 Q Okay. Drawing your attention to State's Exhibit Number  
17 20, this diagram, can you use this to explain the relative  
18 location of the various rooms that you referred to?

19 A Uh-huh.

20 MR. PANOSH: We'd seek to introduce Number 20,  
21 Your Honor.

22 THE COURT: The Court will allow the introduction  
23 of State's Exhibit Number 20.

24 Q Sir, could you step up to the diagram and show the  
25 ladies and gentlemen of the jury the door that you

1 previously referred to, where you made entry.

2 (The witness approached the diagram.)

3 A Yes. We stretched our lines in through the garage area  
4 and made entry through this door right here. (Indicated.)

5 Q And you've previously described a vehicle as Patricia's  
6 vehicle as being on the driveway area. Can you show roughly  
7 where that is.

8 A Right in here. (Indicated.)

9 Q That's the driveway. Where was Patricia's vehicle?

10 A In the driveway, in front of the garage. (Indicated.)

11 Q All right. And as you made entry, you've described the  
12 kitchen area. Can you point that out to the ladies and  
13 gentlemen of the jury.

14 A Right in here. (Indicated.)

15 Q And you've also described the living room area. Can  
16 you point that out.

17 A It's right here. (Indicated.)

18 Q And you've described and identified the bathroom off  
19 the hallway?

20 A This room here. (Indicated.)

21 Q And then you indicated that you fell in a hole. Could  
22 you show -- or you went through a hole. Could you show the  
23 area of the hole.

24 A It was right in this area right here. (Indicated.)

25 Q And approximately how wide was that?

1 A I'm going to say about four foot.

2 Q Okay. Or greater?

3 A Yes.

4 Q And then you indicated that there came a time when you  
5 searched a particular bedroom, in an effort to look for  
6 anyone that may have been in there. Which bedroom did you  
7 search?

8 A The bedroom I actually went into was this front  
9 bedroom. (Indicated.)

10 Q The front bed-- the bedroom to the extreme right, but  
11 on the front side of the house?

12 A Yes, sir.

13 Q Thank you.

14 (The witness returned to the witness stand.)

15 Q Did there come a time when a ladder was placed across  
16 the hole, in order to make it easier for the firefighters to  
17 gain entry to the back portion of the home?

18 A I believe that may have been done after we exited the  
19 house.

20 Q All right. Now, when you entered the bedroom that  
21 you've described as the one in the front, to the right of  
22 the -- right side of the house, what, if anything, did you  
23 notice?

24 A There was a tool box and a bed, like a chest type tool  
25 box, and then what appeared to be like a desk.

1 Q All right.

2 A And the drawers were open, papers sticking out of them.

3 Q I'll show you now 26, 27 and -- excuse me, 25, 26 and  
4 27. Would you look at those photographs. What do they  
5 show, sir?

6 A They show a desk with the drawers open, a chest type  
7 tool box.

8 Q The one you made reference to?

9 A Yes.

10 Q Okay. Could you use the diagram and show the location  
11 of the tool box when you first saw it?

12 (The witness approached the diagram.)

13 A I believe it was along in this area here somewhere.

14 (Indicated.)

15 Q Okay.

16 A And then the desk was in close proximity to it. I  
17 believe it was on the front half of the bedroom.

18 (Indicated.)

19 Q Okay.

20 (The witness returned to the witness stand.)

21 Q In the course of your investigation of the area, did  
22 you find it necessary to move that tool box?

23 A I didn't, no.

24 Q Okay. In the course of investigating the --

25 MR. PANOSH: Your Honor, I'd seek to introduce 25,

1 26 and 27, please.

2 THE COURT: The Court will allow the introduction  
3 of State's Exhibits 25, 26 and 27.

4 Q In the course of investigating this particular room,  
5 did you need to do any firefighting efforts in there?

6 A No.

7 Q Okay. The fact that the drawers are pulled out, does  
8 that have anything to do with the firefighting efforts?

9 A No.

10 Q Did you go through the rest of the house?

11 A No.

12 Q Okay.

13 A At the point when we were in that room is when we were  
14 advised that the victim had been found, and we exited  
15 through the other bedroom, without disturbing anything else.

16 Q Okay. And can you point out where you exited.

17 (The witness approached the diagram.)

18 A We came back down the hallway and just hung around this  
19 corner here, to step back on the floor, and then went out  
20 through the front window. (Indicated.)

21 Q Okay.

22 (The witness returned to the witness stand.)

23 Q Now, I'm showing you State's 22, 23 and 24. Do those  
24 show the bedroom that you exited from?

25 A Appears to be, yes.

1 Q Okay. And again, were there firefighting efforts  
2 necessary in that particular bedroom?

3 A I was not in that room.

4 Q That you did?

5 A No -- that I did, no.

6 Q Okay. And to your knowledge, is the disarray caused by  
7 fighting fire -- firefighting efforts? Oh, there is no  
8 disarray.

9 A There's plenty of things on the ground and the floor,  
10 yes. Not that I know of, though.

11 Q Okay.

12 MR. PANOSH: We'd seek to introduce those, 23, 24  
13 -- 22, 23 and 24, please.

14 THE COURT: The Court will allow the introduction  
15 of State's Exhibits 22, 23 and 24.

16 Q In the -- after you exited the home, as you've  
17 previously described, did you do anything else in the course  
18 of fighting the fire there?

19 A At that time, the fire was out. We still had fans set  
20 up to extinguish all the smoke.

21 Q Could you describe or characterize this particular  
22 fire?

23 A It looked suspicious.

24 Q And when you say "it looked suspicious," what do you  
25 mean?

1 A Well, normally you don't have a hole burnt in the  
2 center of a floor. And you normally don't have a gas can in  
3 the house.

4 Q And as a result of that, this investigation was turned  
5 over to the fire marshal's office and the Guilford County  
6 Sheriff's Department; is that correct?

7 A Yes, sir.

8 Q Did you participate in that investigation?

9 A No, sir.

10 Q In the search in any way?

11 A No, sir.

12 MR. PANOSH: Thank you. No further.

13 CROSS-EXAMINATION by MR. LLOYD:

14 Q Mr. Fields, you indicated to Mr. Panosh that the  
15 bedroom on the far right, when you walked in, or at some  
16 point when you went in the bedroom, you saw a tool box; is  
17 that right?

18 A Yes.

19 Q All right. And I believe you indicated with your hand  
20 where you saw that tool box. If you could, Mr. Fields --

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

22 Q If you could just -- there may be a pencil up there or  
23 something. If you could just mark the area that you saw the  
24 tool box in, when you first came in.

25 (The witness approached the diagram.)



1 A I'm not exactly sure which part of the area it was in.  
2 There's not a pencil up here.

3 Q Well, just use one of those markers.

4 MR. PANOSH: Your Honor --

5 (The court reporter handed a pencil to Mr. Lloyd.)

6 MR. LLOYD: We have a pencil here.

7 MR. PANOSH: Do you have a pencil?

8 MR. LLOYD: Yeah.

9 Q If you could just circle the area where you think the  
10 tool box was.

11 A I'm going to say it was right in here. (Complied.)  
12 Somewhere -- as we came in the door, I remember seeing it,  
13 because I remember I did not go all the way around to this  
14 side of the bedroom. (Indicated.)

15 Q Okay.

16 A So it would have been on this half of the bedroom.  
17 (Indicated.)

18 Q All right. And if you could just put a little initial,  
19 TB, for tool box, or whatever you feel is appropriate there.  
20 (The witness complied.)

21 Q Okay. All right. Thank you, Mr. Fields.

22 (The witness returned to the witness stand.)

23 Q Now, you indicated earlier on direct that when you  
24 first got to the house and first went in the door, that the  
25 heat was very intense; is that right?

A Yes.

Q Was it so hot, Mr. Fields, that you just couldn't stand it after going in the house, I think you said two or three feet?

A That's correct.

Q All right. And even though you had your big, heavy at least --

A I had --

Q -- protective gear on --

A We had hood, helmet, flaps, coat, pants, boots, gloves, air pack.

Q Now, you indicated that when you came down the hallway, you -- the first fireman who came down the hallway actually fell in the hole in the hallway; is that right?

A Yes.

Q All right. And I take it visibility at that time was very poor?

A Yes. There was still smoke in the house.

Q All right. And the rest -- how many others were there of you firemen behind him that actually crawled through the hole?

A I'm not certain.

Q All right. But you certainly did?

A Yes.

Q And I believe you indicated earlier in your testimony

there were, you thought two others with you that maybe went in the other bedroom?

A Yes.

Q All right. So you all all crawled through the hole and went down?

A Yes.

Q You went to the front bedroom and they went to the other bedroom?

A Yes. I waited for them, while they searched the first bedroom, then I searched the second, along with the other firefighter.

Q And I believe you indicated on direct examination that you had noticed the pry marks on the carport door, where you came through; is that right?

A Yes.

Q And you actually pointed that out to one of the members of the sheriff's department that was investigating --

A Yes, I did.

Q -- the scene? All right. You know that they had -- had they noticed it before you pointed it out to them?

A I'm not sure.

Q All right.

A But I wanted to make sure they did notice it.

Q When you got there, Mr. Fields, could you see smoke coming out of the crawl space vents?

A From where I was, I did not notice smoke coming out of the crawl space. The only smoke I saw, when I first got off the truck, was coming out from the chimney or the -- it was either a chimney or a flue vent out the roof --

Q All right.

A -- until I actually got up to the door.

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

THE COURT: Step down, sir.

(The witness left the witness stand.)

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

MR. PANOSH: Your Honor, may Mr. Fields be excused?

THE COURT: Any objection?

MR. HATFIELD: No, Your Honor.

THE COURT: You may be excused, sir.

Next witness, please.

MR. PANOSH: Mr. Faulk, please.

BRADLEY SCOTT FAULK, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, sir.

A Bradley Scott Faulk.

Q Mr. Faulk, are you a firefighter, also?

A Yes, sir.

Q Volunteer or paid?

1 A Paid firefighter at Winston-Salem, volunteer at  
2 Pleasant Garden.

3 MR. HATFIELD: I couldn't hear the last thing he  
4 said.

5 A Volunteer at Pleasant Garden.

6 Q And in your capacity as a volunteer at Pleasant Garden  
7 Fire Department, did there come a time on October the 9th of  
8 1995 when you responded to Brandon Station Court?

9 A Yes, sir.

10 Q How did you get the call?

11 A Through pager systems we carry with us.

12 Q And did you respond in the truck or by your private  
13 vehicle?

14 A Yes, sir. I was at the fire house when the call came  
15 in.

16 Q So you were on the first truck?

17 A Yes, sir.

18 Q Tell the ladies and gentlemen of the jury what you did,  
19 in your efforts to fight the fire.

20 A When I first arrived, we seen we had smoke coming from  
21 the bottom of the house and out the flue pipes. We pulled a  
22 tack line, went into the garage. There's a glass door. We  
23 seen we had a bunch of intense heat. There was not many  
24 personnel on the scene yet in turnout gear. We were getting  
25 prepared to go in. I was asked to, since I had on an air

1 pack and full equipment, to go around back and put a ladder  
2 up against the house and search the back bedroom.

3 I put the ladder up, knocked the window out. And the  
4 heat was so intense in the room that I couldn't get in. The  
5 smoke was so thick, I couldn't see. So I just felt right  
6 over the side of the window, to make sure there wasn't no  
7 body or anyone laying there that was trying to get out.  
8 Went back around and get on the hose line going --

9 Q Before you go on, sir, which -- on the diagram, which  
10 bedroom was that?

11 (The witness approached the diagram.)

12 A This would be the back bedroom right here.

13 (Indicated.) This window here. (Indicated.) Laddered it,  
14 and I busted it and stuck my arm, and I looked to see if I  
15 could feel anything.

16 (The witness returned to the witness stand.)

17 Q Yes, sir. What did you do next?

18 A Next, I went back around to the front, to the garage  
19 area, where they were prepared -- had water on the hose  
20 line. And I asked if everybody was ready. And I reached  
21 across the top of them, and we were prepared to go in, and I  
22 opened up the door, and we went in that two or three foot  
23 that we made it and backed back out.

24 Q When you first approached the door, was it closed?

25 A Yes.

1 Q When you first attempted to open it, was it locked?

2 A No. I had no problems at all. We -- I come back  
3 around, asked them if they were ready. The hose line was  
4 charged. They said they were ready. I reached right up  
5 above the top of them and pulled the door, and we proceeded  
6 in. No problem.

7 Q So all you had to do was turn the knob?

8 A Right.

9 Q And you said you got two to three feet in and you had  
10 to back out?

11 A Yes, sir.

12 Q What did you do after that?

13 A We -- Allan's bottle started going off. We had to  
14 change manpower on the line. The next man went up. Another  
15 person got on the line with us. And we started hollering  
16 for ventilation and get us some help and reorganized a  
17 little bit, to get things where we could get situated to go  
18 into the house.

19 Q Did there come a time when you were able to make a  
20 second entry?

21 A Yes. The -- evidently someone besides -- when I  
22 ventilated the back, we got some fans and everything set up,  
23 and somebody ventilated the front or got access in and got  
24 some more fans set up, and the smoke and heat was starting  
25 to thin out just a tad bit.

1 Q Now, do you recall what the condition of the front door  
2 was when you approached that home, not the one you entered,  
3 but the front door?

4 A I just remember, to the best of my knowledge, it was a  
5 wooden front door. And I never attempted it. We was -- we  
6 was straight at the garage door.

7 Q Wooden front door in a closed position?

8 A Yes.

9 Q On your next entry, what occurred?

10 A We proceeded to go in, sprayed a little water. And  
11 that's when we realized that we bumped -- something was  
12 around our feet. The first man on the line said that he was  
13 bumping into something. The second guy shined a light, and  
14 we found a gas can sitting in the kitchen floor. And I  
15 picked it up and moved it, because I felt it and it had  
16 something in it, and I figured it was best that we didn't  
17 have gas inside of a room we was trying to fight a fire in,  
18 so I took it outside.

19 MR. PANOSH: May I approach?

20 THE COURT: Yes.

21 Q Can you use the diagram to show where you located this  
22 gas can?

23 (The witness approached the diagram.)

24 A We were making entryway right through this door right  
25 here. (Indicated.) And I want to say it was just somewhere



1 right around inside of -- right around in here.

2 (Indicated.)

3 Q About where that Number 1 is printed?

4 A Pretty much so, yes. I mean, as soon as we got in the  
5 door good is when we started running into trouble.

6 (The witness returned to the witness stand.)

7 Q Showing you then 10 and 10-A, do you recognize those,  
8 sir?

9 A Yes, sir. That looks like the gas can I had.

10 Q And you said you removed it. Did you move it to the  
11 back yard, or where did you put it?

12 A I took it out to the garage area, and then I -- I  
13 believe I picked it up and took it on outside the garage. I  
14 can't remember exactly if I done that or not. In fact I  
15 did. I know I went outside and told someone that we found a  
16 gas can and they needed to keep an eye on it, because it was  
17 inside of the house when we went in.

18 Q But the purpose of moving it was to get it away from  
19 the --

20 A To get it away, for our safety.

21 MR. PANOSH: We seek to introduce 10 and 10-A.

22 THE COURT: The Court'll allow the introduction of  
23 State's Exhibits 10 and 10-A.

24 Q After removing the gas can, what did you do in the  
25 course of fighting the fire?

1 A I went back in, followed the hose line in, and  
2 proceeded on with the crew I was with.

3 Q Tell us what you did, sir.

4 A At that time, we -- the smoke was starting to thin out  
5 just a tad bit more, and the heat was getting where you  
6 could be a little bit more comfortable in there. And I  
7 pulled the ceilings down, sort of in the living area, right  
8 there at the entrance to the hall, to the best of my  
9 knowledge. I pulled the ceilings, climbed the ladder inside  
10 the house, checked up -- stuck my head up in the attic,  
11 looked for an extension of fire, sprayed a little water up  
12 there on some rafters and things that was on fire, and come  
13 back down, and proceeded to go down the hall, and check the  
14 back bedroom on the left, going down the hall.

15 Q That would have been the bedroom that you tried to make  
16 entry --

17 A Yes, sir.

18 Q -- into from the outside? When you went in there, what  
19 did you see?

20 A It was me and a fellow firefighter, and we went in, and  
21 we noticed then that -- I remember saying to him that  
22 "Something ain't right. Watch what you touch." We found  
23 the dog laying in the bathroom, done a thorough search, and  
24 then backed back out.

25 Q When you say "a thorough search," were you looking for

1 objects or people?

2 A We was looking for victims at this time.

3 Q So you didn't go through the items that were --

4 A No. We touched nothing unnecessary. We was just  
5 looking for a body.

6 MR. PANOSH: May I approach?

7 THE COURT: Yes, sir.

8 Q Showing you now what's been marked as 28 through 35,  
9 would you look at those photographs, please.

10 (Time was allowed for the witness.)

11 Q Does that show the back bedroom that you made reference  
12 to?

13 A Yes, sir.

14 Q Now, other than breaking the window, as you previously  
15 described, did you cause any damage or disarray to that room  
16 --

17 A No, sir.

18 Q -- in the course of fighting the fire?

19 A No, sir.

20 Q And do those photographs accurately depict the way it  
21 looked, once you were able to see inside there?

22 A Yes, sir.

23 MR. PANOSH: Your Honor, we'd seek to introduce  
24 those into evidence.

25 THE COURT: The Court'll allow the introduction of

1 State's Exhibits 28 through 35.

2 Q Now, off of that master bedroom, there's a bathroom  
3 which is designated for the master bedroom; is that right?

4 A Yes, sir.

5 Q Do you see those next two photographs?

6 A Yes, sir.

7 Q What are those numbers, please?

8 A 36 and 37.

9 Q Drawing your attention to 36 and 37, do they show the  
10 interior of that bathroom?

11 A Yes, sir.

12 Q And you made reference to a dog that was dead in that  
13 room?

14 A Yes, sir.

15 Q Does it show the body of the dog?

16 A Yes, sir.

17 Q Could you use the diagram to point out where that  
18 bathroom is on the diagram?

19 (The witness approached the diagram.)

20 A It would be this bathroom right here. (Indicated.)

21 Q Thank you.

22 (The witness returned to the witness stand.)

23 MR. PANOSH: Seek to introduce 36 and 37.

24 THE COURT: The Court'll allow the introduction of  
25 State's Exhibits 36 and 37.

1 Q Now, at about this time, I understand the victim was  
2 found; is that right?

3 A Yes, sir.

4 Q And did you also then leave the interior of the house?

5 A Yes, sir. I made the same exit as Mr. Fields did.

6 Q What else did you do in the course of your duties that  
7 night, sir?

8 A That probably about sums up everything that I -- once  
9 the body had been found, I exited the house. I never went  
10 back in but one time. I was asked some questions later that  
11 night.

12 Q You were asked questions by the sheriff's department --

13 A Yes, sir.

14 Q -- or the fire marshal's office?

15 A Yes, sir.

16 Q And did you participate in the investigation, by  
17 looking through materials in any way?

18 A The next day, yes, sir, I did respond, when they asked  
19 for assistance.

20 Q And you also looked at the materials that were in the  
21 front yard?

22 A Yes, sir.

23 Q And I believe you heard the search described as a bit-  
24 by-bit search. Did you find anything in that?

25 A We shifted (sic) through the stuff, and nothing was

1 found that I know -- that I was aware of.

2 Q Did you participate in the search inside the house?

3 A The next day?

4 Q Yes.

5 A No, sir.

6 Q Just the materials that had been removed during the  
7 firefighting efforts?

8 A When we arrived, there was some things already put out  
9 in the front yard, and we was asked to shift (sic) through  
10 it very thoroughly. And that's as far as I went.

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

13 THE COURT: Cross-examine the witness, Mr. Lloyd?

14 CROSS-EXAMINATION by MR. LLOYD:

15 Q Mr. Faulk, directing your attention to the gas can that  
16 you found in the kitchen area, what material was that can  
17 made of?

18 A Red plastic, five-gallon gas can.

19 Q And if you would, Mr. Faulk, if you could -- there  
20 should be a pencil up there.

21 A Uh-huh.

22 Q If you could just put a little circle on the area on  
23 the diagram where you found the gas can, the best of your  
24 recollection.

25 (The witness approached the diagram.)

1 MR. PANOSH: It's already marked.

2 A It's already --

3 Q Well, it is --

4 A It's right at this Number 1 right here --

5 Q All right.

6 A -- at the entryway from the kitchen floor.

7 (The witness returned to the witness stand.)

8 Q And is that where you remember finding it, Mr. Faulk?

9 A Yes, sir. We had just made entryway through the house.

10 Q So it was almost right there in front of the door --

11 A Yes, sir.

12 Q -- when you first bumped into it?

13 A Enough for three people to get in a door about as big  
14 as this area here, yes, sir. (Indicated.)

15 Q All right.

16 A Right inside the door.

17 Q Now, you indicated that when you pulled the ceilings  
18 down, that you did notice that at that time, some of the  
19 rafters had caught fire?

20 A Yes, sir.

21 Q All right. And you just were able to spray a little  
22 bit of water on them --

23 A Yes, sir.

24 Q -- and put them out?

25 A At that time, we had a different size hose inside the

1 house. It was a little bit more accessible to maneuver, and  
2 just a little squirt.

3 Q Now, the front door, not the one that you came in  
4 through the garage, but the front door, I believe you  
5 indicated on direct examination that that was a wooden door,  
6 and it was closed; is that right?

7 A Yes, sir.

8 Q All right. You don't know whether or not it was locked  
9 --

10 A No, sir.

11 Q -- do you? You never tried that door?

12 A No, I never myself, no, sir.

13 Q All right.

14 MR. LLOYD: That's all I have.

15 THE COURT: Step down, sir.

16 (The witness left the witness stand.)

17 MR. PANOSH: Your Honor, may he be excused?

18 THE COURT: Any objection, gentlemen?

19 MR. LLOYD: No objection, Your Honor.

20 THE COURT: You may be excused.

21 MR. PANOSH: Investigator Rich, please. Inspector  
22 Rich. I'm sorry.

23 THE COURT: You may stand and stretch awhile, if  
24 you'd like, members of the jury, while the witness is coming  
25 to the stand.



1 EDWARD RICH, being first duly sworn, testified as follows  
2 during DIRECT EXAMINATION by MR. PANOSH:

3 Q Would you state your name, sir.

4 A Edward Rich.

5 Q And your occupation?

6 A I'm a supervisor with the Guilford County Department of  
7 Emergency Service. I supervise the fire investigation and  
8 inspection unit.

9 Q How long have you been the supervisor of the fire  
10 inspection unit?

11 A Since 1990.

12 Q In the course of your training, did you receive special  
13 training in arson investigation?

14 A Yes, sir, I have.

15 Q And specifically, where did you receive your special  
16 training?

17 A The North Carolina Justice Academy in Salemburg, and  
18 the National Fire Academy in Emmitsburg, Maryland, as well  
19 as a number of other seminars throughout the state.

20 Q When did you attend the justice academy?

21 A I really don't remember. It was the first class held.

22 Q Okay. A number of years ago?

23 A Several years ago.

24 Q Okay. And then you went to the national school where?

25 A National Fire Academy in Emmitsburg, Maryland.

1 Q And in the course -- after you received that training,  
2 you've had specialized training in the form of seminars; is  
3 that right?

4 A Yes, sir.

5 Q And who's put on those seminars, sir?

6 A The North Carolina Fire Commission and the community  
7 colleges program throughout the state.

8 Q And approximately how many fires have you investigated  
9 in the course of your career?

10 A Several hundred. I really don't -- I don't have a  
11 record of how many I've kept.

12 Q Have you had specialized training in determining the  
13 origin of fires?

14 A Yes, sir, I have.

15 Q And have you had specialized training in distinguishing  
16 accidental from set fires or arson?

17 A Yes, sir.

18 Q And have you been recognized as an expert in the field  
19 of arson investigation in the state of North Carolina?

20 A Yes, sir.

21 Q Have you been recognized in any other courts?

22 A Yes, sir.

23 Q What -- where was that?

24 A Right here in Superior Court, Greensboro.

25 MR. PANOSH: Your Honor, we'd tender him to the

1 Court as an expert in the field of arson investigation.

2 THE COURT: Do you wish to examine his  
3 credentials, gentlemen?

4 MR. LLOYD: No objection, Your Honor. We'll  
5 stipulate he's an expert in the field of fire investigation.

6 THE COURT: The Court will find that he's an  
7 expert in the field of arson investigation by training,  
8 education and experience, and may express an opinion in that  
9 area.

10 Q In the course of your duties, did you respond to  
11 Brandon Station Court on October the 9th of 1995?

12 A Yes, sir, I did.

13 Q And what was the purpose in responding there?

14 A I was notified by our communication center that my  
15 assistance was needed on the fire -- scene of a fire in the  
16 Pleasant Garden fire district on Brandon Court -- Brandon  
17 Station Court. And I immediately responded to that call, as  
18 a result of that information being received.

19 Q And you are basically the arson investigator for all of  
20 Guilford County, or one of them?

21 A Yes, sir. Our office does investigative work for the  
22 fire service in Guilford County, for the entire county  
23 service.

24 Q And you're the chief of that office?

25 A Yes, sir.

1 Q When you responded, did you have any assistance?

2 A When I arrived on the scene, the sheriff's department  
3 was already on the scene.

4 Q Did there come a time when you got anyone else from  
5 your office involved in the investigation?

6 A Yes, sir.

7 Q Who was that?

8 A Eddie Harris, Garrett Stonesifer.

9 Q And when did they respond?

10 A The next day.

11 Q You did the investigation at the fire scene on October  
12 the 9th; is that correct?

13 A That is correct.

14 Q And you took off -- took over the investigation as soon  
15 as the firefighters pulled out; is that right?

16 A That is correct.

17 Q And what did you do first in the course of your  
18 investigation?

19 A Upon arriving on the scene, I communicated with the  
20 chief officer in charge, as to what he had found and what  
21 the status of the case was at that point. Once that was  
22 done, I began a thorough investigation of the scene, to  
23 determine the origin and cause of this fire.

24 Q How did you start that, sir?

25 A The basic search of an investigation, as far as fire is

1 concerned, is to start with the least amount of damage to  
2 the property and work within, so that you end up at the  
3 point of origin at which the fire started.

4 Q And describe the way you conducted your investigation  
5 as to this particular residence.

6 A As I approached the house, I was able to observe the  
7 exterior of the house, which the windows and doors were  
8 broken out or still intact, what entry the fire service had  
9 made, or what entry had been made by anyone other than the  
10 fire service. After doing this, I began an interior  
11 investigation, by going in the back room -- excuse me, the  
12 back door, and proceeding as the firefighting crews had  
13 entered, went through the entire house, looking for anything  
14 that would be of an unusual nature, as far as the fire is  
15 concerned.

16 Q And what did you notice?

17 A I noticed that the house had been ransacked or what I  
18 would consider to have been ransacked in the master bedroom  
19 and what I described as the study in the rear. The rest of  
20 the house had sustained what I would consider to be normal  
21 fire or intense heat damage, due to the firefighting  
22 operations and the fire itself, with the exception of what I  
23 discovered to have been a pour pattern.

24 Q Would you indicate on the diagram the rooms that you  
25 determined to have been ransacked.

1 (The witness approached the diagram.)

2 A The master bedroom, this rear bedroom here.

3 (Indicated.)

4 Q And the rest of the house had no such evidence?

5 A None that I was able to observe.

6 Q Resume your seat. Thank you, sir.

7 (The witness returned to the witness stand.)

8 Q You talked about a pour pattern. What are you  
9 referring to?

10 A Excuse me?

11 Q You mentioned a pour pattern. What are you referring  
12 to?

13 A That was a pattern in which the perpetrator of this  
14 crime actually caused the fire to occur, spread. It was  
15 poured upon the kitchen, the living room, and in the  
16 hallway.

17 Q Based upon your initial observation there, did you make  
18 a tentative conclusion as to what accelerant was used?

19 A Yes.

20 Q And what was that conclusion?

21 A Flammable liquid.

22 Q And was there a flammable liquid container found?

23 A Yes, sir.

24 Q And what was in there, if you know?

25 A At that point, I did not know.

1 Q You didn't examine the container?

2 A No, sir.

3 Q Was there any distinct smell at the time you were doing  
4 the investigation?

5 A Yes, sir, there was.

6 Q And what was that smell consistent with?

7 A The smell was consistent to me to be gasoline.

8 Q Where did you observe the pour pattern?

9 A Shall I show it on the diagram?

10 Q That would be fine.

11 (The witness approached the diagram.)

12 A As I was entering the kitchen room here, you could  
13 observe pour patterns in the kitchen, and come down between  
14 the furnishings in the kitchen -- or excuse me, the living  
15 room, from the kitchen, went across the couch that was in  
16 the living room area and went down -- (Indicated.)

17 Q Let me interrupt. Could you put them on with a red  
18 pen.

19 (Mr. Panosh handed a pen to the witness, and the witness  
20 complied.)

21 THE COURT: Have you got a magic marker or bigger  
22 marker?

23 Q Is there a red one there that's bigger, right --

24 (The bailiff indicated.)

25 A Yes.

1 Q Thank you.

2 (The witness complied.)

3 THE COURT: Can you see that better, the jurors?

4 (Jurors nodded their head up and down.)

5 Q And I believe there was a couch that was involved?

6 A The couch was right here. (Indicated.)

7 Q Can you resume your seat. Thank you, sir.

8 (The witness returned to the witness stand.)

9 Q After your initial observations and noting the pour  
10 pattern, what did you do?

11 A At that point, I backed out of the -- in the interior,  
12 and I waited until the sheriff's department's detective and  
13 ID units arrived on the scene, as part of our standard  
14 procedure for this type of fire.

15 Q At this point, had the body been found?

16 A Yes.

17 Q And how did you go about locating the body?

18 A As I went down the hallway, in the center of the area,  
19 which I've drawn in red, the body was found laying face down  
20 in the crawl space of the house, which is actually burned  
21 through the flooring.

22 Q How was the body removed?

23 A We had to pick the body up with gloves on, and take it  
24 outside.

25 Q Was the body in any way covered or access to the body



1 in any way prevented?

2 A Well, at that point, we covered the body, until we were  
3 able to remove it, because it was still hot, so we had to  
4 wait until it was cool. So we covered it with a sheet and  
5 then removed the body with the sheet to the outside.

6 Q Was there any debris on top of the body?

7 A Yes.

8 Q What type of debris was on top of the body?

9 A Ceiling insulation and materials that was in the room  
10 above the burned-out area.

11 Q Now, after you removed the body, did you continue the  
12 investigation?

13 A Yes.

14 Q And how did you do that?

15 A We were able to determine, based on the location of the  
16 body, that the fire had actually burned through the floor  
17 and fell down on the metal duct work beneath the house crawl  
18 space.

19 Q When you say "through the floor," what do you mean?

20 A The body had actually burned through the flooring of  
21 the house and fallen down to the crawl space.

22 Q Okay. And what was the flooring composed of?

23 A It was composed of floor materials which is normally  
24 found in a structure of this type, wood with floor joists  
25 and supports, as well as the carpet or materials laying on

1 top of the floor.

2 Q Was the hallway in the location of the body carpeted or  
3 hardwood?

4 A I do not recall.

5 Q And there was subflooring?

6 A There was subflooring in there, as well as floor joists  
7 holding the floor up.

8 Q And the floor joists were what size?

9 A Between eight to 10 inches, at least.

10 Q And the -- I take it then the fire had gone through the  
11 flooring, the subflooring and the floor joists, and then the  
12 body had fallen down?

13 A Correct.

14 Q Did you continue your investigation the next day?

15 A Yes, sir, we did.

16 Q And what did you do in the course of the investigation  
17 the next day?

18 A We removed samples of material within the structure, to  
19 determine if at all possible what accelerant was being used  
20 by the lab.

21 Q And when you say "the lab," you submitted them to the  
22 State Bureau of Investigation; is that correct?

23 A Yes, sir.

24 MR. PANOSH: May I approach?

25 THE COURT: Yes.

1 Q I'll show you now State's Exhibit 21. Do you see that,  
2 sir?

3 A Yes.

4 Q And what does that show, sir?

5 A That shows the fire area as I observed it the night of  
6 the fire.

7 Q And did there come a time when a ladder was placed over  
8 that area, so that firefighters and officials could cross  
9 the hole?

10 A Yes.

11 Q And also, there's a tape measure in there; is that  
12 right?

13 A That is correct.

14 Q And you were able to determine the size of the hole; is  
15 that correct?

16 A At that point, we did.

17 Q Okay. And what was the size of the hole?

18 A I don't have that information.

19 Q Okay. In the course of your investigation, did you  
20 uncover the body, by removing the debris?

21 A Yes, I did.

22 Q And I'll show you now State's Exhibits 41 through 44.  
23 Do you see those photographs?

24 A Yes.

25 Q And do those show the way the body was uncovered?

1 A It shows the position of the body as we found it.

2 Q Okay. And in order to find the body, you had to remove  
3 certain items; is that correct?

4 A May I see that picture?

5 (Mr. Panosh handed an exhibit to the witness.)

6 A This was taken from underneath the house --

7 Q Okay.

8 A -- under the crawl space. The body had not been moved  
9 at that point.

10 Q You're referring to State's 44?

11 A Yes.

12 MR. PANOSH: Your Honor, we'd seek to introduce  
13 into evidence State's 41 through 44.

14 THE COURT: The Court'll allow the introduction of  
15 State's Exhibits 41 through 44.

16 Q And showing you then 46 and 47, are those photographs  
17 of the body after it's been removed, and I think it was  
18 taken to the garage area?

19 A That is correct.

20 MR. PANOSH: The Court would seek to introduce 46  
21 -- the State would seek to introduce 46 and 47, please.

22 THE COURT: The Court'll allow the introduction of  
23 46 and 47.

24 MR. PANOSH: Your Honor, at this point, there's a  
25 series of photographs that need to be marked in reference to

1 his investigation. If you would consider a break, that  
2 would make it easier.

3 THE COURT: All right, sir.

4 You may step down, Officer Rich.

5 (The witness left the witness stand.)

6 THE COURT: Members of the jury, we'll take our  
7 afternoon recess. It'll be a 15-minute recess. Please  
8 remember the Court's instructions.

9 Everyone remain seated, while the jury leaves  
10 first.

11 (The jury left the courtroom at 3:16 p.m.)

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

13 MR. PANOSH: Your Honor, before we --

14 (Time was allowed for the jurors to leave the jury room.)

15 MR. PANOSH: There was a videotape taken of this  
16 particular part of the investigation, and the State would  
17 like to use that, instead of using still photographs.

18 Counsel's previewed it, right?

19 (Mr. Lloyd nodded his head up and down.)

20 THE COURT: All right. How long will it take to  
21 set it up?

22 MR. PANOSH: Set it up, five minutes. It runs  
23 probably 10 or 12 minutes.

24 THE COURT: All right. Have it set up when we  
25 come back.

1 MR. PANOSH: All right. Do we need to view it,  
2 before we bring the jury in, counsel?

3 THE COURT: I believe they said they've already  
4 seen it.

5 (Mr. Lloyd and Mr. Panosh conferred.)

6 MR. PANOSH: I just didn't want to show it,  
7 without --

8 THE COURT: I think they've indicated they had no  
9 problem.

10 MR. PANOSH: Thank you.

11 (A recess was taken at 3:18 p.m.)

12 (Court reconvened at 3:34 p.m. The defendant was present.  
13 The jury was not present.)

14 THE COURT: Ready to proceed?

15 MR. LLOYD: Your Honor --

16 THE COURT: Yes, sir?

17 MR. LLOYD: -- if I may, over the break, we -- Mr.  
18 Hatfield and I had a conference. We spoke to our client.  
19 There are parts of this video -- the bulk of it we don't  
20 object to, but there are parts where they actually got the  
21 body out, and those are very graphic. And we'd simply ask  
22 -- we filed a motion on this earlier, Your Honor. We'd  
23 simply ask that the Court preview that part, see if the  
24 Court finds it's acceptable.

25 THE COURT: I offered to do that before we took

1 the break. I was willing to stay here and watch it. And  
2 you told me you'd seen it and didn't have any problem with  
3 it.

4 MR. LLOYD: Well, we talked it over with our  
5 client, Your Honor. I apologize.

6 THE COURT: How many parts are objectionable? Is  
7 that the only part?

8 MR. LLOYD: Basically the only part, Your Honor.

9 THE COURT: Turn it around and give me a preview.

10 MR. PANOSH: It'll take awhile, Your Honor.

11 THE COURT: How long is it going to take?

12 MR. PANOSH: It's -- I'll try to fast-forward to  
13 that portion of it, Your Honor.

14 THE COURT: All right, sir.

15 (Mr. Panosh fast-forwarded the videotape.)

16 THE COURT: Is there any narrative to this thing?  
17 It's just --

18 MR. PANOSH: There's no narrative. I'm going to  
19 ask Inspector Rich to explain the efforts that they --

20 THE COURT: Did he make the video or someone under  
21 his direction?

22 MR. PANOSH: Excuse me?

23 THE COURT: Did he make the video or someone under  
24 his direction?

25 MR. PANOSH: He's -- Yes. He's in the video.

1 THE COURT: All right, sir.

2 MR. PANOSH: This is where we start to show the  
3 body in the hole, and then they go on to look at some of the  
4 rooms.

5 (Mr. Panosh fast-forwarded the videotape.)

6 MR. PANOSH: All right. This will be Investigator  
7 Rich as you see him. He's starting the body removal now.

8 (Mr. Panosh fast-forwarded the videotape.)

9 MR. PANOSH: This shows him removing the debris on  
10 top of the body.

11 (Mr. Panosh fast-forwarded the videotape.)

12 MR. PANOSH: This shows the fire damage to the  
13 body.

14 Shows her watch.

15 Damage to the lower limbs.

16 THE COURT: Do you have photographs of the body,  
17 also?

18 MR. PANOSH: Yes, sir.

19 THE COURT: Are they going to be -- how are they  
20 going to be, similar to this or what?

21 MR. PANOSH: I'll show them to Your Honor.

22 (Mr. Panosh handed photographs to the Court.)

23 THE COURT: Are these the only three -- two?

24 MR. PANOSH: Those are the only two that we've put  
25 in evidence, yes, sir.



1 THE COURT: The coroner's going to use these, or  
2 is he?

3 MR. PANOSH: I don't know what the coroner's going  
4 to use. They bring their own.

5 THE COURT: All right.

6 MR. LLOYD: My understanding is, they have their  
7 own, Your Honor.

8 THE COURT: All right, sir.

9 (Mr. Panosh continued to play the videotape.)

10 MR. PANOSH: This is the --

11 THE COURT: Sir?

12 MR. PANOSH: This is the end of it.

13 THE COURT: All right.

14 Do you wish to be heard?

15 MR. LLOYD: Just briefly, Your Honor. I think the  
16 problem -- my problem with the video, Your Honor, is, it's  
17 much more visceral than the photographs, and I don't see  
18 anything in the video that Inspector Rich can't testify to,  
19 using the still photographs. Or if he needs to, certainly  
20 he can use the first part of the video, where the body is  
21 simply in the hole. My objection, Your Honor, is after the  
22 body is pulled out of the hole, and just the whole process.  
23 And then the video goes on and on with repeated close-ups  
24 and shots of a different part of the body.

25 If there was some question as to how she died, I

1 could understand the relevance of it, Your Honor, but I  
2 think basically, the way it is now, it simply inflames the  
3 passion of the --

4 THE COURT: It's simply trying to show the  
5 location and condition of the body and the position it was  
6 in.

7 MR. LLOYD: Well --

8 MR. PANOSH: Your Honor, we'll agree to showing it  
9 being removed from the body -- from the hole, and after a  
10 few seconds of an overall, stopping.

11 THE COURT: All right. The Court will find that  
12 that had rele-- is relevant and its probative value would  
13 outweigh any prejudicial aspect for that.

14 MR. LLOYD: All right. And that's fine, Your  
15 Honor, if Mr. Panosh is willing to do that. I don't -- my  
16 preference is, to show the initial video, where the shot  
17 shows the body in the hole, Inspector Rich is going to say,  
18 "There's the body in the hole."

19 THE COURT: It's their burden to show  
20 premeditation and deliberation of a felony murder, and I  
21 think these photographs illustrate the position and location  
22 of the body, how it was found, and the condition it was in.  
23 They're entitled to show that.

24 MR. LLOYD: All right. I just wanted to make my  
25 position clear, Your Honor.

1 THE COURT: The Court finds that the photographs  
2 -- or the video is relevant, and that the probative value  
3 would outweigh any prejudicial aspects to showing the video.

4 Bring them back.

5 MR. PANOSH: Could we wait until I get set up,  
6 Your Honor?

7 THE COURT: Yes, sir.

8 Wait just a minute.

9 (Time was allowed for Mr. Panosh.)

10 THE COURT: Bring them back.

11 You may return to the witness chair, Officer Rich.

12 (The witness returned to the witness stand.)

13 (The jury entered the courtroom at 3:44 p.m.)

14 (Further time was allowed for Mr. Panosh.)

15 MR. PANOSH: Your Honor, we've marked the  
16 videotape as State's Number 48. We'd seek to admit it into  
17 evidence.

18 THE COURT: The Court'll allow the introduction.

19 MR. PANOSH: We'd ask permission of the -- for  
20 Inspector Rich to come down and narrate the videotape of the  
21 investigation.

22 THE COURT: You may step down, sir.

23 MR. LLOYD: Object on the grounds previously  
24 raised, Your Honor.

25 THE COURT: Overruled.

1 (The witness approached the television monitor.)

2 CONTINUED DIRECT EXAMINATION by MR. PANOSH:

3 Q Would you be careful now not to turn your back on the  
4 jurors, and go ahead and narrate the videotape, and use any  
5 comments that you feel are necessary.

6 THE COURT: Some of the jurors can't see. They're  
7 going to have to move.

8 If you need to stand up and move around, members  
9 of the jury, you may do that.

10 (Some jurors moved.)

11 THE COURT: Can all the jurors see now?

12 (Jurors nodded their head up and down.)

13 THE COURT: Proceed.

14 (The witness played the videotape to the jury.)

15 A This is the front portion of the house, as we were  
16 standing in the front yard, looking at the full-face view of  
17 the residence. Firefighters standing at the door. And this  
18 is the open carport to our immediate left.

19 (The videotape stopped playing.)

20 Q Something wrong?

21 A I didn't touch nothing.

22 (Time was allowed for Mr. Panosh.)

23 (The videotape continued playing.)

24 A This is standing inside of the carport, the open area.  
25 And you can see the area there hadn't been completely

1 finished, as far as construction.

2 (The videotape stopped playing.)

3 A Mr. Panosh.

4 Q All right.

5 THE COURT: Go out and get a 10-year-old student  
6 up here to run this thing.

7 THE WITNESS: That'd be fine.

8 (Further time was allowed for Mr. Panosh.)

9 (The videotape continued playing.)

10 A This is the rear door that leads into the kitchen from  
11 the open-ended garage.

12 (The videotape stopped playing.)

13 MR. PANOSH: Your Honor, I'm going to just hold  
14 off on this. There's something wrong with the machine.  
15 Perhaps we can do it later.

16 (The jurors returned to their seats, and the witness  
17 returned to the witness stand.)

18 (The clerk conferred with the Court.)

19 THE COURT: Let her come operate it.

20 MR. PANOSH: Can you do it?

21 THE CLERK: I'll check it later.

22 THE COURT: She said you got two buttons pushed at  
23 the same time.

24 THE CLERK: It could be that the --

25 MR. PANOSH: Huh?

1 THE CLERK: Have you got the pause button pushed  
2 with the fast-forward button?

3 MR. PANOSH: I'll be happy to get any help I can.

4 THE CLERK: I'll check it later.

5 MR. PANOSH: Do you want to try it now?

6 (Time was allowed for the clerk.)

7 (The clerk conferred with Mr. Panosh.)

8 (The witness approached the monitor. The clerk and the  
9 witness conferred.)

10 THE CLERK: Don't hit that one.

11 THE WITNESS: Don't hit that one?

12 THE CLERK: Unless you want -- unless you want it  
13 to stop. Hit pause if you want it to stop.

14 (Some jurors moved.)

15 (The witness continued playing the videotape to the jury.)

16 A Okay. We're inside the kitchen now, looking at the  
17 damage that was done by the fire, showing the interior  
18 structure as it existed at that point. This is showing the  
19 pour patterns, the burn patterns to the flammable  
20 accelerants that had been poured on the floor.

21 And this is just fall-down debris, which has been  
22 knocked down for various reasons, firefighting. There were  
23 actually pressure within the residence that was built up as  
24 a result of the fire.

25 All of the pink debris that you see in this video will

1 be actually the ceiling above the room. As you can see, the  
2 rafters there had not burned over the hole. But all the  
3 ceiling had fall down. And on top of that sheetrock  
4 ceiling, there was insulation, just well -- well insulated  
5 that pink material.

6 This is looking as I was standing in the living room,  
7 looking down the hallway. The master bedroom is to the far  
8 end of this, to our left. This doorway here is a full bath.  
9 This area right here that you see is a laundry room that was  
10 adjacent to the hole that burned. It had the washer and the  
11 dryer. And this material here is actually the rack, clothes  
12 rack that was above that. All that debris had fallen down  
13 and was actually laying partially on the body down in the  
14 hole.

15 This ladder was placed there by the Pleasant Garden  
16 Fire Department, to access the rear of the house, for the  
17 extension of the fire, and to make sure that it wasn't going  
18 to flare back, and also aided in our investigation, so we  
19 wouldn't have to crawl down in the hole and crawl back up,  
20 we just walked across the ladder, before it was removed.

21 THE WITNESS: Hit play?

22 (The clerk nodded her head up and down.)

23 THE WITNESS: Play.

24 (The witness complied, and the videotape continued playing  
25 and then stopped playing.)

1 (The witness conferred with the clerk.)

2 (Time was allowed for the clerk.)

3 THE CLERK: Apparently the machine is locked up.

4 (Further time was allowed for the clerk.)

5 (The videotape continued playing.)

6 THE COURT: Don't hit anything. Just talk.

7 A This again is still looking at the area in which the  
8 body was found. That actually is a portion of the skull.  
9 This is the body with settlement debris that was on top of  
10 it.

11 (The videotape stopped playing.)

12 THE WITNESS: I didn't hit nothing.

13 THE COURT: I know you didn't. It's out again.

14 THE CLERK: Push the power button on the VCR.

15 THE COURT: Push the power button on the VCR, she  
16 said, the power button.

17 THE CLERK: The left side.

18 THE COURT: The left side.

19 (The witness complied.)

20 THE COURT: Brenda, try once more. Just stay over  
21 there, until we get through with it.

22 (The clerk approached the monitor again, and time was  
23 allowed for the clerk.)

24 (The videotape continued playing.)

25 A This is the master bedroom and the contents within it.



1 This is a portion of the bed that you see here, ceiling,  
2 light fixture and fan above the bed. The drawers, dresser  
3 drawers, all --

4 (The videotape stopped playing.)

5 (Time was allowed for the clerk.)

6 (The videotape continued playing.)

7 A This is the bathroom off the master bedroom, where the  
8 dog was found.

9 And then another shot of the other dresser.

10 (The videotape stopped playing.)

11 (Time was allowed for the clerk.)

12 (The videotape continued playing.)

13 A This is the mattress that had been thrown off the bed.  
14 The bathroom is to our backside now. To our right would be  
15 the door. That's debris.

16 This is the closet area. Still an extension of the  
17 fire, how it penetrated to where it did.

18 This is the actual bedroom across from the master  
19 bedroom.

20 (The videotape stopped playing.)

21 (The videotape continued playing.)

22 A This is the floor in that room, ceiling above the area  
23 there. The extension in the fire, as far as, the heat had  
24 penetrated, but the actual integrity of the room was still  
25 intact.

1 (The videotape stopped playing.)

2 THE COURT: Well, just let it go. I think --

3 THE CLERK: Leave it there?

4 THE COURT: Yeah. We'll try to get it rescheduled  
5 and do it again.

6 Come back to the witness chair, sir.

7 (The witness returned to the witness stand, and the jurors  
8 returned to their seats.)

9 Q Inspector, were you present at the time that the gun  
10 was found?

11 A Yes, sir, I was.

12 Q And drawing your attention to State's Exhibit Number  
13 20, the diagram, can you show where the gun was found in  
14 that residence?

15 A Yes, sir.

16 (The witness approached the diagram.)

17 A This is the master bedroom. The bed was located in  
18 this area here. And it was at the foot of the bed, between  
19 the closet and the bathroom and the dresser that you've seen  
20 with all the drawers out of it, right here. (Indicated.)

21 (The witness returned to the witness stand.)

22 (Mr. Panosh showed exhibits to Mr. Lloyd.)

23 MR. PANOSH: May I approach?

24 THE COURT: Yes, sir.

25 Q In the course of the investigation, you said there was

1 a measure placed across the hole; is that correct?

2 A That is correct.

3 MR. PANOSH: Seek to introduce 21, measure.

4 Q In the course of the investigation of the hole on the  
5 subsequent day, what was found there?

6 A This was a knife that was removed from that hole.

7 Q All right. That would be State's Exhibit 45.

8 MR. PANOSH: We'd seek to introduce 45.

9 Q In the course of the investigation, did you examine the  
10 air conditioning unit and the piping?

11 A Yes, sir, I did.

12 Q And what did you find?

13 A I found soot and debris and extensive heat and fire  
14 damage in the heating and air conditioning system to the  
15 house.

16 Q And what did that indicate to you?

17 A The fire extension was -- the air currents were moving  
18 as a result of the mechanical mechanisms of the house.

19 Q Okay. And showing you then 38, 39 and 40, do those  
20 show the damage to the air conditioning system?

21 A Yes, it does.

22 Q Thank you.

23 MR. PANOSH: Seek to introduce those, please.

24 THE COURT: The Court'll allow the introduction of  
25 38, 39 and 40.

1 Q Drawing your attention then to State's Exhibit Number  
2 49, do you recall that particular item, set of keys in the  
3 kitchen?

4 A Yes, sir.

5 Q Okay. And do you know where they were found in the  
6 kitchen floor?

7 A No, sir.

8 Q Okay. State's Exhibit Number 50, what does that show,  
9 sir?

10 A That shows the fire pattern in the floor that was  
11 uncovered as a result of the removal of the debris that was  
12 on the floor. It also shows a very distinct pattern as to  
13 where the flammable liquids gasoline container was found by  
14 the fire department.

15 Q Okay.

16 MR. PANOSH: Seek to introduce 49 and 50, the  
17 pictures of the items found on the kitchen floor.

18 THE COURT: The Court'll allow the introduction.

19 Q And 51 is another photograph of the burn pattern in the  
20 kitchen; is that correct?

21 A That is correct. That's actually an extension of the  
22 previous photograph, showing the fire pattern as it was  
23 spread throughout the kitchen area.

24 Q Okay. Drawing your attention to State's Exhibits 53  
25 and 54, what do they show?

1 A Very clear and distinct pouring pattern of flammable  
2 liquids throughout the living room of the area.

3 Q Okay. And the cones that are placed in there, what are  
4 those for?

5 A Those for identification purposes, as to where the  
6 material that was removed for evidence collection was  
7 identified and then photographed.

8 Q Okay.

9 MR. PANOSH: Seek to introduce those, Your Honor.

10 THE COURT: The Court'll allow the introduction of  
11 53 and 54.

12 Q State's Exhibits 55 and 56 shows the exterior of the  
13 house, is that correct, on the following day?

14 A That is correct.

15 Q And 57 through 60, those show the location and the --  
16 that the gun was recovered; is that correct?

17 A Yes.

18 Q Okay.

19 MR. PANOSH: We'd introduce 55 through 60, please.

20 THE COURT: The Court'll allow the introduction of  
21 55 through 60.

22 Q Based upon your investigation, did you form an opinion  
23 satisfactory to yourself, as an expert in the field of arson  
24 investigation, as to whether this was a set fire or an  
25 accidental fire?

1 A Yes, sir, I did.

2 Q And what was that opinion?

3 A This was most definitely an incendiary fire.

4 Q And based upon your investigation, did you determine  
5 what the accelerant was?

6 A Yes, sir, I did.

7 Q And what was that?

8 A It was a flammable liquid identified as gasoline.

9 Q Now, would you describe the progress of the fire as it  
10 burned through this home, based upon your investigation.

11 A The initial fire as it ignited was quite a rapid  
12 explosion of the vapors within the area. And the material  
13 that it -- the pattern in the material in which the  
14 flammable material was actually poured on was a continuation  
15 of that initial ignition. However, due to the type of  
16 construction and the tightness of this house, we become in  
17 -- it became a, what we call a smoldering fire. It actually  
18 burned very rapid and intense, with a lot of heat, and then  
19 actually slowly went back down, seeking out the material  
20 that was applied to the residence.

21 In the course of this, the amount of oxygen that was  
22 used available in that time frame was being consumed. The  
23 by-product of the fire, the smoke, the gases and the heat,  
24 was actually pressurizing this structure, so that it did not  
25 allow itself to what we call rapid or free burn. It

1 actually burned to a hotter intensity, but yet a slower  
2 process.

3 Q And what, if anything, caused the fire to burn at a  
4 more accelerated rate?

5 A The actual ignition caused the fire to burn with a  
6 rapid intensity, due to the flammable material that was  
7 poured on the structure. The immediate explosion was a mass  
8 fire fireball, but then the intensity of it died back down,  
9 causing it to go back to the point in which it was burning.  
10 That's why we have such distinct and clear pour patterns and  
11 fire patterns that we found in this structure. Normally,  
12 with the amount of materials used, this house should have  
13 burned more intense, with more damage. But as a result of  
14 that oxygen deficiency, the heat intensity, the gases that  
15 were being given off by that fire, it actually suppressed  
16 the fire, held it in check, so to speak, until it found  
17 another source of that oxygen. Once it did that, it started  
18 the reverse process, because the material that was there and  
19 was still burning was sufficient to cause the fire to  
20 continue. That's why the firefighters, whenever they  
21 arrived on the scene, they could see fire underneath, but  
22 yet, as they were standing at the back door, they couldn't  
23 see fire until they actually penetrated the structure, to  
24 extinguish it.

25 Q And based upon your investigation, what was that second

1 source of oxygen that caused the fire to burn rapidly again?

2 A Without a doubt, the floor area beneath the body giving  
3 way and causing the opening of that material in its solid  
4 state to become porous allowed the air from beneath the  
5 house to actually feed the fire in its generation. As this  
6 occurred again, though, the fire, as it burned, actually  
7 built in intensity at the point of origin, but it did not  
8 consume the entire room -- the entire house, as it may have  
9 been designed to do.

10 Q When you examined the area where the greatest amount of  
11 gasoline was, was there still liquid gasoline present?

12 A No, sir.

13 Q When you removed the carpet samples, what did you find?

14 A When we removed the carpet samples, the odor of  
15 gasoline, what we believed to have smelled as like gasoline,  
16 was very heavy, very prevalent. It was protected, actually  
17 -- the carpet actually beneath the padding and the flooring  
18 beneath it acted as a sponge and drew the liquid into it,  
19 and did not allow it to release itself, until we uncovered  
20 it.

21 Q Based upon your examination of this fire, would you say  
22 that this fire burned for a long duration?

23 A Yes, sir, I would.

24 MR. PANOSH: No further questions at this time.

25 Thank you.



1 THE COURT: Mr. Lloyd?

2 MR. LLOYD: Thank you, Your Honor.

3 CROSS-EXAMINATION by MR. LLOYD:

4 Q Inspector Rich, you first got to the scene here, at  
5 Brandon Station Court, looked at the situation, you knew  
6 this was arson, didn't you?

7 A I had reason to believe it was arson, upon my internal  
8 examination of the structure.

9 Q Well, you knew that your firefighters had found a  
10 gasoline can in the kitchen; is that right?

11 A That is correct. They reported that upon my arrival.

12 Q All right. And you had this situation where you had  
13 this hole burned in the hallway, in the floor system,  
14 through the floor joists, you knew that, didn't you?

15 A I discovered that.

16 Q Yes, sir. You don't normally see that in fires of a  
17 non-set origin, do you?

18 A No, sir.

19 Q All right. So, as soon as you got on the scene, you  
20 were pretty sure that this was arson, weren't you?

21 A Upon my examination of the interior of the structure, I  
22 was able to reach that conclusion.

23 Q And as you indicated on direct examination, when you  
24 got there, even when you got there, and you -- after the  
25 smoke had cleared and all of that, you could smell a strong

1 odor of gasoline, could you not?

2 A Once we -- once we removed the carpet, the odor was  
3 very prevalent.

4 Q Yes, sir. And so, when you first got on the scene,  
5 what was the status of the fire at that time?

6 A The status of the fire was actually extinguished, as  
7 far as the blaze were concerned, but the fire department  
8 operation was such that the firemen were still having to go  
9 in periodically to extinguish a smolder or an ember or  
10 something that may have caught fire. But it was still a  
11 very warm and intense heated structure, so at that point, we  
12 just stood by and waited till it cooled down, so we could  
13 actually go in without protective clothing and without  
14 breathing apparatus.

15 Q And how long did that take, Inspector Rich?

16 A A matter of a couple hours.

17 Q And during this time, of course, you were checking out  
18 the whole external situation, were you not?

19 A That is -- well, yes.

20 Q Okay. And during that time, Inspector Rich, did you  
21 open up the lid on the gas can and smell, to see if it  
22 smelled like gasoline?

23 A No, sir, I didn't.

24 Q All right. Did you smell the gas can at all, to see if  
25 it smelled like gasoline?

1 A No, sir, I didn't.

2 Q Did you do any sort of a lab analysis on it?

3 A No, sir, I didn't.

4 Q All right. Now, you've indicated that there were --  
5 well, there's been earlier testimony from some of the  
6 firemen that they could see smoke coming out of the vent  
7 area on the crawl space. Did you inspect those vents in the  
8 crawl space?

9 A Yes, sir, I did.

10 Q Were those vents basically open vents?

11 A There were some open, some partially open, some  
12 partially closed.

13 Q All right. But there were some of them that were open  
14 and some of them that were partially open?

15 A That's correct.

16 Q Which would supply oxygen to at least the crawl space?

17 A That is correct.

18 Q All right. And then when the fire burned down in the  
19 crawl space, then they supplied oxygen into the whole house  
20 system, from underneath; is that right?

21 A In part, that is correct.

22 Q All right. Well, some of them were open, and some of  
23 them were partially open?

24 A That's correct.

25 Q And those certainly could supply oxygen into the whole

1 house system, through the crawl space underneath?

2 A Correct.

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

4 THE COURT: You may.

5 Q Do you have 50 and 51 up here? Yes, sir. Now,  
6 Inspector Rich, showing you what's been marked as State's  
7 Exhibit Number 50, that I believe you've already identified  
8 as a picture of the fire pattern that you found in the  
9 kitchen area; is that correct?

10 A It's part of the fire pattern in the kitchen area --

11 Q Yes, sir.

12 A -- that's correct.

13 Q And if you could hold that up and show the jury -- when  
14 you say "fire pattern" or "pour pattern," if you could show  
15 the jury where on the picture that you're talking about,  
16 that that's exhibited.

17 (The witness approached the jury box and held up an  
18 exhibit.)

19 A Standing at the back door, with the garage to my back,  
20 and looking inside of the kitchen, this is after the debris  
21 has been moved from the floor area, by the fire service  
22 people, as well as myself. So that we could see the floor  
23 covering. The floor covering within a room is a very  
24 leading indicator as to whether or not a flammable or a  
25 liquid had been poured. As a result of that, we were able

1 to conclude that this in fact was the case here.

2 (The witness moved to the other end of the jury box.)

3 A The dark area furthest from me shows that very clear.  
4 It also shows in the very center at the bottom the little,  
5 round, clear area, where the firefighters actually found the  
6 can that was in the kitchen.

7 (The witness moved to the other end of the jury box.)

8 A There's no reason for a fire to burn down on the floor  
9 like this, unless there was an accelerant used.

10 Q Thank you, Inspector Rich. Now, Inspector Rich, before  
11 you take your seat again, if you could show the jury on the  
12 diagram where that area was.

13 (The witness approached the diagram.)

14 A I'm standing right here. You're looking inside the  
15 kitchen. Right here is the gas can, and this is part of the  
16 pour pattern that you can see in that darked area.

17 (Indicated.)

18 Q And you've spoken about the flooring here in the  
19 kitchen. It appeared to be some sort of vinyl flooring to  
20 you?

21 A That's correct.

22 Q All right. And what you've diagrammed -- outlined in  
23 red on the diagram there, that basically indicates the --  
24 what you've referred to as the pour pattern, where the  
25 gasoline was poured; is that right?

1 A Yes, sir.

2 Q So, Inspector Rich, there had to be a considerable  
3 quantity of gasoline that was poured to start this fire; is  
4 that correct?

5 A Yes.

6 Q And that was consistent with what you found, in terms  
7 of the way the fire burned very rapidly, and I believe you  
8 used the word almost explosively, initially; is that  
9 correct?

10 A That is correct.

11 Q All right. And the floor -- or the pour pattern wound  
12 its way through the living room, and into the hallway area?  
13 (The witness indicated.)

14 Q And that was indicated, as you saw it, on the -- in  
15 terms of the -- of what you saw, in terms of the way the  
16 fire burned on the floor; is that right?

17 A It's a classic example of a pour pattern, 53 and 54.

18 Q If you could just hold those up. And I don't think you  
19 need to step down in front of the jury, but if you could  
20 just do it from the box here.

21 (The witness held up exhibits.)

22 A The lower photograph shows the couch that was in the  
23 living room. The pour pattern actually goes from the front  
24 of that couch to the seat of that couch, above and beyond  
25 the back of that couch, down the hall, to where the body was

1 found.

2 The top photograph shows the carpeted area within the  
3 living room. Whenever we pull the carpet back, you can  
4 actually see there the discoloration in the carpet beneath  
5 the top carpet layer, as well as the flooring beneath the  
6 carpet. Again, no way for this to have occurred unless  
7 there had been an accelerant poured on there and it wicked  
8 down into this area. (Indicated.)

9 Q And so much accelerant -- so much gasoline, as you've  
10 determined the accelerant in this case was used, that when  
11 you actually pulled up the carpet samples, the odor of  
12 gasoline was very prevalent to you at that time; is that  
13 right?

14 A That is correct.

15 Q All right. And the individual who set this fire,  
16 Inspector Rich, would have had to pour gasoline all over the  
17 pour patterns that you've indicated in red; is that right?

18 A That is correct.

19 Q And as far as the actual ignition point of the fire,  
20 would you be able to say from your investigation, or in your  
21 opinion, would it have been in the area close to the back  
22 door?

23 A No, sir. In this particular case, I believe the  
24 ignition source was actually the stove within the kitchen.

25 Q All right. And where was the stove located?

1 A Right here. (Indicated.)

2 Q All right. And before I leave from up here, Detective  
3 Rich -- I mean Inspector Rich -- I think you can have your  
4 seat now.

5 (The witness returned to the witness stand.)

6 Q If I can find one other picture. Do you have --

7 (Time was allowed for Mr. Lloyd.)

8 Q Showing you what's been marked as State's Exhibit  
9 Number 45, what is that, Inspector Rich?

10 A Looks like a knife.

11 Q All right. And in fact, do you recall finding that  
12 knife?

13 A No, sir.

14 Q All right. You did not find it?

15 A No, sir.

16 Q Do you remember seeing that knife in the course of your  
17 investigation?

18 A No, sir.

19 Q All right. Were you aware, Inspector Rich, that that  
20 knife was found underneath the body in the crawl space?

21 A I had information to that effect.

22 Q All right. And as far as you're concerned, that was  
23 the knife that was found?

24 A I have no reason to doubt it.

25 Q All right. Okay. But you don't have a specific



1 recollection of actually finding that knife yourself?

2 A I did not find a knife.

3 Q All right. Someone else found the knife?

4 A Yes, sir.

5 Q Inspector Rich, if you know, sir, how much gasoline was  
6 left in the can?

7 A I do not know.

8 Q All right. But there was some gasoline left in it?

9 A That's my understanding.

10 Q All right. Did you ever check that can, Inspector  
11 Rich?

12 A No, sir.

13 Q All right. Now, on direct examination, you indicated  
14 that the -- that there was damage to the heating and air  
15 conditioning system of the house?

16 A Yes, sir.

17 Q All right. And I believe you said that there was --  
18 you found some evidence inside the duct work; is that  
19 correct?

20 A That is correct.

21 Q All right. And what did that indicate to you,  
22 Inspector Rich?

23 A It indicated an intense fire that had been involved  
24 with the heating and air conditioning system.

25 Q So is -- does that statement mean that the fire

1 actually went into the heating and air conditioning system?

2 A Yes, sir, it had to.

3 Q All right. As far as you knew, Inspector Rich, was the  
4 air conditioning -- heating and/or air conditioning system  
5 on at the time?

6 A There was indication that it was on, by the mechanical  
7 mechanisms within the air handling unit itself.

8 Q But of course, when the firemen first came on the  
9 scene, they would have cut off the power to the house; is  
10 that right?

11 A That is a normal firefighting procedure. That's quite  
12 common.

13 Q All right. And as far as you know, that was done in  
14 this case?

15 A That is correct.

16 Q And did you examine the rest of the system, to  
17 determine whether or not it was actually pumping air during  
18 the time before the firefighters came?

19 A Yes, sir.

20 Q Is that an affirmative answer --

21 A Yes, sir.

22 Q -- Mr. Rich?

23 A Yes, sir.

24 Q All right. And Inspector Rich, just a moment ago, you  
25 indicated in your testimony that the ignition point for the

1 fire was the stove; is that right?

2 A Quite possibly.

3 Q All right. Now, what do you base that opinion on?

4 A The eye to the stove was left on, and a combustible  
5 material was placed in an abnormal manner on the stove, and  
6 in the actual door to the stove, so that a rag could have  
7 been left in that area. In fact, we did find residue of  
8 that.

9 Q Residue of a rag?

10 A Yes, sir.

11 Q All right. Did you find residue of gasoline that led  
12 from the rag to the -- down to the floor?

13 A No, sir.

14 Q So, how would the fire have gotten from the rag onto  
15 the floor and to the gasoline?

16 A Gasoline is a volatile liquid. It gives off vapors to  
17 minus 45 degrees. So you would have to have a temperature  
18 below 45 degrees zero before it would stop giving off those  
19 vapors.

20 As the gasoline was poured throughout the residence, it  
21 was continuously boiling off flammable vapors. Any fire --  
22 any ignition source is the only thing that was missing. If  
23 we had a fire involved combustible rags and materials left  
24 on that stove when the eye was actually on, it would just be  
25 a matter of time until the vapor density would build up to

1 the point that it would reach the level of that stove and/  
2 or that fire. And once it did that, it was total ignition,  
3 due to that vapor buildup.

4 Q So you're saying that -- well, did you see evidence of  
5 some sort of flashpoint ignition, where the vapors in the  
6 room ignited?

7 A No, sir.

8 Q All right. And of course, Inspector Rich, despite the  
9 fact that gasoline does give off vapors, gasoline vapors are  
10 generally speaking heavier than air, are they not?

11 A Yes, sir, they are. That's the reason the time frame  
12 and the amount of area that was involved was pertinent.

13 MR. LLOYD: If the Court would indulge us just for  
14 a moment, Your Honor.

15 THE COURT: Yes, sir.

16 (Mr. Lloyd and Mr. Hatfield conferred.)

17 Q Now, you've indicated on direct examination that in  
18 your opinion, Inspector Rich, this fire was -- could well  
19 have been of long duration; is that correct?

20 A That is correct.

21 Q All right. In terms of your opinion as to when it  
22 started, are you able to put a time on the actual time that  
23 it was started, that it was set?

24 A With the amount of damage and the nature in which the  
25 fire burned, as well as the material which was involved with

1 that burning process, this was a very lengthy and intense  
2 fire over a prolonged period of time. In my opinion, it  
3 could have been at least two to three hours, and possibly  
4 even longer than that. The floor beneath the body had  
5 burned slam through. That takes a long time.

6 Q Now, the pour patterns that you observed in the kitchen  
7 area, of course, that gasoline was poured over the vinyl  
8 flooring in the kitchen; is that right?

9 A That is correct.

10 Q All right. And as you've indicated on the drawing,  
11 there was a large amount of gasoline that was poured in that  
12 -- as exhibited by the pour patterns?

13 A Large is --

14 Q Is that --

15 A Large is a relative term. There was enough to go from  
16 Point A to Point B.

17 Q Yes, sir.

18 A As to the exact amount, I really do not have a --

19 Q But certainly there was enough to spread out to the  
20 area that was shown on the burn patterns; is that right?

21 A That is correct, yes, sir.

22 Q All right. And you would expect, Inspector Rich, that  
23 whoever poured that gasoline on the kitchen looked like it  
24 was a -- it was not carefully poured, was it? I mean, it  
25 wasn't something where -- it looked like it was -- Well,

1 let me withdraw that question. Looked like to you that the  
2 pour patterns were consistent with having been -- the gas  
3 having been poured out of that gasoline can that was found  
4 in the kitchen; is that correct?

5 A I would consider that to be a reasonable assumption.

6 Q All right. Thank you, Inspector Rich. And in pouring  
7 that gasoline, there could well have been splattering; is  
8 that a fair assumption, as well?

9 A That is correct.

10 Q All right. And there could have been splattering on  
11 the individual that poured it; is that correct?

12 A That is correct.

13 Q All right. And as you've already noted, gasoline has a  
14 propensity to soak into fabrics, and then, as you already  
15 testified to, later on, it gives off the characteristic odor  
16 of gasoline; is that correct?

17 A I'm sorry, counsel. Would you mind repeating that.

18 Q Well, as you've already testified, in -- when you  
19 pulled up the carpet samples, the characteristic odor of  
20 gasoline was given off at that time; is that right?

21 A That -- the odor that I know to have been gasoline was  
22 observed by me, yes, sir.

23 Q All right. Okay. And that's characteristic of fabrics  
24 in general, that they will soak up a liquid material like  
25 that, and if there is an odor, they will give it off; is

1 that right?

2 A That's quite possible.

3 Q Now, you testified on direct examination that there was  
4 a set of keys that were found in the kitchen area; is that  
5 right?

6 A That is correct.

7 Q All right. And Inspector Rich, if you know, where in  
8 the kitchen area were those keys found?

9 A I do not know exactly.

10 Q All right. Do you know whether or not they were found  
11 on the floor or on the counter?

12 A I do not know exactly.

13 Q All right. Inspector Rich, did you try those keys, in  
14 terms of seeing if one of them fit the carport door or the  
15 front door or anything like that?

16 A No, sir, I did not.

17 Q And the gun, were you present when that was found?

18 A Yes, sir, I was.

19 Q All right. And that was in the master bedroom; is that  
20 correct?

21 A That is correct --

22 Q All right.

23 A -- at the foot of the bed.

24 Q And when you say "the foot of the bed," you mean on the  
25 floor, at the foot of the bed?

1 A That is correct.

2 Q You don't mean inside the bed, do you?

3 A No, sir.

4 Q Not on the mattress? All right.

5 A Actually between the foot of the bed and the bathroom  
6 or closet area, on the floor.

7 Q All right. And if you could, for the members of the  
8 jury, Inspector Rich, if you could just turn to the diagram  
9 behind you and mark where that gun was found. If you could  
10 just put a little G, to the best of your recollection.

11 There's a pencil there. Yes, sir.

12 (The witness approached the diagram.)

13 (Mr. Panosh and Mr. Lloyd conferred.)

14 Q Okay. And Mr. Panosh informs me it may be marked.

15 A I do not see a G.

16 Q All right. If you could mark it where it was found, to  
17 the best of your recollection.

18 (The witness complied.)

19 Q Thank you, Inspector Rich.

20 (The witness returned to the witness stand.)

21 Q Now, Inspector Rich, the hole where the body was found  
22 in the crawl space, in your estimation, how deep was that  
23 hole?

24 A Totally?

25 Q Yes, sir.



1 A I'm not sure I understand your question.

2 Q Just, I mean, in terms of, was it two feet down to the  
3 ground, beneath the floor area? Was it three feet?

4 A There was sufficient room to crawl beneath the floor of  
5 that residence and the ground, so that we were able to crawl  
6 up under there and take photographs of the body that was  
7 laying on top of the metal duct work that run the length of  
8 that hallway. The body had actually fallen down on the duct  
9 work, and the duct work had collapsed down on the ground.  
10 Two to three feet minimum, maybe even greater.

11 Q So the body had not actually fallen down to the bare  
12 earth, but was on top of the duct work?

13 A That is correct. And it had collapsed the duct work.

14 Q All right. Now, Inspector Rich, in terms of where the  
15 fire burned through the subflooring, that hole was -- do you  
16 have any -- did you make any measurements on the size of  
17 that hole?

18 A The hole was measured. I did not record the  
19 measurements.

20 Q But basically, pretty much took up the -- it was as  
21 wide -- just about as wide as the hall space; is that  
22 correct?

23 A It was actually wider than the hall space.

24 Q All right.

25 A It --

1 Q And as soon as the fire burned through the subflooring,  
2 that would have let in -- or that would have exposed the  
3 fire, at least from the underside, to oxygen from the crawl  
4 space; is that right?

5 A That is correct.

6 Q And at that time, that would have accelerated the fire?

7 A At that point that it broke through, there would be an  
8 initial acceleration.

9 Q Yes, sir. And as a matter of fact, from that point on,  
10 the fire would be supplied with oxygen from the crawl space,  
11 which was being fed by the open vents that you've previously  
12 testified to?

13 A That is correct.

14 Q All right. So the fire, as soon as it burned through  
15 the subflooring, and into the crawl space, had a new source  
16 of oxygen, correct?

17 A Correct.

18 Q All right. And that at that point, as you've already  
19 indicated, the fire accelerated?

20 A Initially accelerated, once it reached that fresh air  
21 input.

22 Q All right. And at that point, of course, with the fire  
23 being accelerated, it started to burn into the joist system,  
24 as well?

25 A Yes, sir.

1 Q All right. And then it spread from that, whatever that  
2 initial point was that it burned through the subflooring, it  
3 spread outward from that area; is that right?

4 A That is correct.

5 Q All right. With the oxygen supply coming from the  
6 crawl space and the open vents; is that correct?

7 A Yes, sir.

8 Q All right. And so, that part of the fire, that part of  
9 the burning, would have been much more rapid than what had  
10 preceded up to that time, where the fire was basically  
11 smoldering, without a ready source of oxygen, correct?

12 A Initially, once the fire burned through that  
13 subflooring and gotten down to that oxygen, fresh air  
14 oxygen, it would have a natural occurrence to intensify in  
15 Btu output. But in this particular case, it was burning  
16 down, as in most fires and as the law of physics of common  
17 chemistry would apply, heat would draw fire up. This is not  
18 natural. This is an abnormal occurrence, if you will.  
19 Unlike a chimney, this was actually more like a bottle that  
20 you were blowing into, because there was no escape hole.  
21 The fire in its intensity was not being released into the  
22 atmosphere. It was actually being confined and contained in  
23 intensity, due to that encapsulation of that residence.

24 Q But, of course, you did have this oxygen inflow from --  
25 for example, you had a vent on one side of the house that

1 was open, you had a vent on the other side of the house that  
2 was open, so you would have a cross-ventilation over the  
3 fire at that point; is that right?

4 A That is correct.

5 Q All right. So the fire could have burned laterally  
6 certainly?

7 A Excuse me. That statement is not actually correct. It  
8 did not burn over the fire; it actually burned beneath the  
9 fire.

10 Q All right.

11 A And quite possibly laterally.

12 Q Okay. But at any rate, you had oxygen, you had an air  
13 source from one side of the building, to the other side of  
14 the building, and the fire could have certainly burned  
15 laterally at that point?

16 A Correct.

17 Q Regardless of which side it came in from?

18 A Correct.

19 Q All right. And so, you had this intensification of the  
20 fire, due to the air input from the vents and the crawl  
21 space? Well, let me ask you this, Inspector Rich. You  
22 didn't run any tests on how long it would take for a floor  
23 joist to burn, even from the top to the bottom, in that  
24 house, with the vents as they were at that time, did you?

25 A I did not conduct any tests, no, sir.

1 Q All right. Okay. So you don't know how long that  
2 would have taken?

3 A I know, based on my experience within the field of fire  
4 investigation, as to the opinion as to how long it took.

5 Q But you -- but that's -- but -- Okay. But every  
6 system is different, because you're talking about how much  
7 oxygen you're getting into the system, what the heat  
8 parameters are, and all those other factors that go into  
9 determining how fast the fire burns; is that correct?

10 A That is correct.

11 Q All right. And you didn't measure those in this case,  
12 in terms of this house in particular, did you?

13 A I measured it based on my observations of the damage  
14 that was done, but chemistry -- by measurements of what  
15 degree? I'm not sure what the question really is.

16 Q Well, you didn't measure the oxygen input into the  
17 system, you didn't set up some sort of system to see how  
18 much air infiltration you had, even with the hole in the  
19 floor, in the crawl space, did you?

20 A No, sir --

21 Q All right.

22 A -- did not do that.

23 Q And in terms of the entire air infiltration, until the  
24 house -- even before the fire burned through the crawl  
25 space, you didn't make a measurement on what kind of air

1 infiltration the house was getting at that time, did you?

2 A Nothing other than my observations.

3 Q All right. Okay.

4 MR. LLOYD: Thank you, inspector. That's all I  
5 have.

6 THE COURT: Mr. Panosh, any additional questions?

7 MR. PANOSH: Yes.

8 REDIRECT EXAMINATION by MR. PANOSH:

9 Q Inspector, were you present when the firefighters  
10 testified that upon initial arrival, they looked in and  
11 could not see any open flames?

12 A Yes, sir, I was.

13 Q And what does that indicate to you?

14 A A very intense fire with a lot of smoldering, as a  
15 result of the fire burning. It's not a free-burning fire at  
16 that point.

17 Q So even after the fire had burned through and dropped  
18 to the -- burned through the floor and had dropped down, you  
19 would not characterize it as a free-burning fire?

20 A No, sir. I would at that point characterize it as a  
21 very starved fire, for lack of sufficient oxygen to continue  
22 to burn.

23 Q Based upon your observations there at the fire scene  
24 and your investigation of the structure, could you tell  
25 when, in terms of the length of the fire, the body actually

1 fell through the floor?

2 A It would be rather lengthy, in times of ignition, to  
3 the point that the flooring give away and actually allowed  
4 the floor to collapse with the body on it.

5 Q Now, the two-by-ten flooring was completely burned  
6 through before the body could fall; is that correct?

7 A That is correct.

8 Q You were asked if -- to speculate on the manner that  
9 this gasoline was poured. Did you find any physical  
10 evidence that would indicate that there was spattering on  
11 the person who was pouring the gasoline?

12 A In my opinion, there was.

13 Q And where was that?

14 A All over the body.

15 Q Let me try this again. Not on the deceased. The  
16 question is --

17 A I'm sorry. I misunderstood the question.

18 Q Did you find any physical evidence at the scene of the  
19 crime to indicate that the person who was pouring the  
20 gasoline spilled the gasoline on himself?

21 A No.

22 Q When you were asked if it could have happened that the  
23 gasoline spattered on the person pouring the gasoline, that  
24 was speculation; is that right?

25 A That's correct.

1 Q You were asked about the air conditioning system and  
2 whether or not it was functioning. Do you know at what  
3 point it stopped functioning?

4 A Yes, sir, it did. At what point, no, sir. It would  
5 have to be on the -- after the initial ignition of the fire.

6 Q Because there was damage to the interior?

7 A That is correct.

8 Q In the event that the air conditioning system was  
9 pumping air, it would have been pumping the air from the  
10 inside of the house; is that correct?

11 A That is correct.

12 Q And the air that had been pumping back in would have  
13 been oxygen-deprived air; is that correct?

14 A Yes, it would have been, at that point.

15 Q Based upon your training and experience as an arson  
16 investigator, would the fact that the air conditioning was  
17 running and recirculating the oxygen-deprived air, would  
18 that in any way accelerate the fire?

19 A Initially it would have an impact on the fire, but I  
20 think that duration would have been short-lived, due to the  
21 intensity and the location of the return vent air supply.

22 Q So it would have had a very short duration?

23 A Initially.

24 Q Now, inspector, you made some comments about the stove.

25 MR. PANOSH: May I approach the witness?



1 THE COURT: Yes, sir.

2 MR. PANOSH: Do you have my last number to be 60?

3 THE CLERK: Yes, sir. 61 would be your next  
4 number.

5 MR. PANOSH: 61? Thank you.

6 Q I'll show you now what's been marked as State's  
7 Exhibits 61 through 67. Would you take a look at those,  
8 please. Do you recognize those, sir?

9 A Yes, sir, I do.

10 Q Are those photographs of the stove that you've  
11 previously indicated was in the kitchen area?

12 A That is correct.

13 Q And would you explain to the ladies and gentlemen of  
14 the jury what your --

15 MR. PANOSH: We'd move to introduce those into  
16 evidence, please, Your Honor.

17 THE COURT: The Court'll allow the introduction of  
18 State's Exhibits 61 through 67.

19 Q Would you explain your findings in reference to the  
20 stove and using those photographs, and could you step before  
21 the jury.

22 MR. PANOSH: May he step before the jury, Your  
23 Honor?

24 THE COURT: He may.

25 (The witness approached the jury box.)

1 A This was an electrical stove that was in the kitchen.  
2 What we're showing here --

3 THE WITNESS: Let me lay these out, if you don't  
4 mind.

5 (The witness placed exhibits on the jury rail and held up  
6 some exhibits.)

7 A What you can see here is the knobs that control or are  
8 the controls for the electrical eyes on the stove. You can  
9 see that one is in a position that it would have to be on in  
10 this position.

11 (The witness moved to the other end of the jury box and held  
12 up exhibits.)

13 A These are two photographs taken at different positions,  
14 showing the combustible material that we found that was  
15 between the oven door and the eyes on top of the stove.  
16 It's the corner of the door in which you can see. It looks  
17 like a rope right here, but it actually was a larger piece  
18 of cloth. It's just been burned to the size that you see  
19 here.

20 (The witness moved to the other end of the jury box.)

21 Q Now, would you explain to the ladies and gentlemen of  
22 the jury how it was those observations led to the findings  
23 in which you said that a possible ignition point was the  
24 stove.

25 A If this were a fire on top of the stove, and the

1 flammable vapors that were being given off as a result of  
2 the fire -- or the liquid being poured onto the floor, as it  
3 released those vapors, the intensity level for the ignition  
4 rise, and once it reached that point that the fire was at,  
5 you had the ignition. (Snapped fingers.)

6 Q Inspector, could you tell the ladies and gentlemen of  
7 the jury what would occur if there was a flammable item,  
8 such as a rag, placed on top an electric eye when the stove  
9 switches are in the position that you've demonstrated.

10 A At the point in which the temperature was sufficient,  
11 it would have ignited.

12 Q Now, you've indicated that when the flammable liquid  
13 was poured throughout the kitchen, it would begin to give  
14 off gasoline vapors and those vapors would bank up?

15 A That is correct.

16 Q Would there be a delay between the time the gasoline  
17 was poured and the time that that banking vapors reached the  
18 top of the stove, as you've indicated?

19 A That is correct.

20 Q And would that be a delay, in terms of minutes or in  
21 terms of hours or --

22 A Minutes.

23 Q And based upon those findings, you listed the stove as  
24 a possible point of the ignition; is that correct?

25 A That is correct.

1 Q Are there other possible points of ignition?

2 A Yes, there are.

3 Q And what would those be?

4 A Any electrical switch that would be throwed off on, if  
5 it were in the flammable range, it would ignite -- an  
6 electrical motor that would start up, for example, on the  
7 refrigerator, quite common, they're down low. It would take  
8 an ignition source such as that, though, to ignite it, that  
9 or a match.

10 Q And when you say "that or a match," what do you mean?

11 A Free-burning fire sufficient to, in heat intensity to  
12 ignite those vapors.

13 Q Is there anything in your findings that would prevent  
14 -- that would indicate that it would be -- not be possible  
15 for a person to have ignited that gasoline from the area of  
16 the kitchen door?

17 A No, sir.

18 Q And that could have been done with a free-burning  
19 source, such as a match; is that correct?

20 A That is correct.

21 Q So those are two possible points of ignition; is that  
22 correct, sir?

23 A That is correct.

24 (The witness returned to the witness stand.)

25 MR. PANOSH: Your Honor, I'd like to stop and see

1 if I can get that videotape working in the morning for him.

2 THE COURT: All right, sir.

3 You may step down, Mr. Rich.

4 (The witness left the witness stand.)

5 THE COURT: Members of the jury, we'll take our  
6 evening recess. You need to be back in the morning at 9:30.  
7 Please report to the jury room. Please remember the juror  
8 responsibility sheet as to what your conduct should be like.

9 Have a nice evening. I'll see you in the morning  
10 at 9:30.

11 (The jury left the courtroom at 4:55 p.m.)

12 THE COURT: Any other matters before the evening  
13 recess?

14 MR. PANOSH: No, Your Honor.

15 THE COURT: For the defense?

16 MR. LLOYD: No, Your Honor.

17 THE COURT: 9:30 in the morning, sheriff.

18 (A recess was taken at 4:56 p.m. until 9:30 a.m. Wednesday,  
19 August 12, 1998.)

20

21

\* \* \* \* \*

22

23

24

25

I N D E XSTATE'S WITNESSES

## REUBEN BLAKLEY

Continued Direct Examination by Mr. Panosh . . . . .	PAGE 92
Cross-Examination by Mr. Hatfield . . . . .	PAGE 95
Redirect Examination by Mr. Panosh . . . . .	PAGE 140
Recross-Examination by Mr. Hatfield . . . . .	PAGE 143

## NANCY YOUNG

Direct Examination by Mr. Panosh . . . . .	PAGE 144
Cross-Examination by Mr. Hatfield . . . . .	PAGE 152
Redirect Examination by Mr. Panosh . . . . .	PAGE 162
Recross-Examination by Mr. Hatfield . . . . .	PAGE 163

## BARRY BRASWELL

Direct Examination by Mr. Panosh . . . . .	PAGE 164
Cross-Examination by Mr. Lloyd . . . . .	PAGE 168
Redirect Examination by Mr. Panosh . . . . .	PAGE 172

## CHRISTIE BLAKLEY

Direct Examination by Mr. Panosh . . . . .	PAGE 173
Cross-Examination by Mr. Hatfield . . . . .	PAGE 177

## RICHARD BLAKLEY

Direct Examination by Mr. Panosh . . . . .	PAGE 179
Cross-Examination by Mr. Hatfield . . . . .	PAGE 184
Redirect Examination by Mr. Panosh . . . . .	PAGE 205
Recross-Examination by Mr. Hatfield . . . . .	PAGE 207

I N D E X (CONT'D.)STATE'S WITNESSES (CONT'D.)

## SHEILA BLAKLEY

Direct Examination by Mr. Panosh . . . . . PAGE 208

Cross-Examination by Mr. Lloyd . . . . . PAGE 218

## DAVID ALLEN VICKREY

Direct Examination by Mr. Panosh . . . . . PAGE 219

Cross-Examination by Mr. Lloyd . . . . . PAGE 227

## ALLAN FIELDS

Direct Examination by Mr. Panosh . . . . . PAGE 230

Cross-Examination by Mr. Lloyd . . . . . PAGE 248

## BRADLEY SCOTT FAULK

Direct Examination by Mr. Panosh . . . . . PAGE 252

Cross-Examination by Mr. Lloyd . . . . . PAGE 262

## EDWARD RICH

Direct Examination by Mr. Panosh . . . . . PAGE 265

Cross-Examination by Mr. Lloyd . . . . . PAGE 297

Redirect Examination by Mr. Panosh . . . . . PAGE 318

E X H I B I T S

<u>STATE'S EXHIBITS</u>	<u>IDENT.</u>	<u>INTRO.</u>
3. List of Phone Numbers	93	--
4. Photograph	235	236
5. Photograph	235	236
6. Photograph	236	236
7. Photograph	236	238
7-A. Photograph	236	238
7-B. Photograph	236	238
8. Photograph	237	238
8-A. Photograph	237	238
9. Photograph	237	238
10. Photograph	257	257
10-A. Photograph	257	257
11. Photograph	238	238
12. Photograph	238	238
13. Photograph	238	238
14. Photograph	239	240
15. Photograph	240	240
16. Photograph	241	241
16-A. Photograph	241	241
17. Photograph	241	242
18. Photograph	241	242
19. Photograph *	241	---
20. Diagram	242	242



E X H I B I T S (CONT'D.)

<u>STATE'S EXHIBITS (CONT'D.)</u>		<u>IDENT.</u>	<u>INTRO.</u>
21.	Photograph *	275	---
22.	Photograph	246	247
23.	Photograph	246	247
24.	Photograph	246	247
25.	Photograph	245	246
26.	Photograph	245	246
27.	Photograph	245	246
28.	Photograph	259	259
29.	Photograph	259	259
30.	Photograph	259	259
31.	Photograph	259	259
32.	Photograph	259	259
33.	Photograph	259	259
34.	Photograph	259	259
35.	Photograph	259	259
36.	Photograph	260	260
37.	Photograph	260	260
38.	Photograph	291	291
39.	Photograph	291	291
40.	Photograph	291	291
41.	Photograph	275	276
42.	Photograph	275	276
43.	Photograph	275	276

E X H I B I T S (CONT'D.)

<u>STATE'S EXHIBITS (CONT'D.)</u>	<u>IDENT.</u>	<u>INTRO.</u>
44. Photograph	275	276
45. Photograph *	291	---
46. Photograph	276	276
47. Photograph	276	276
48. Videotape	283	283
49. Photograph	292	292
50. Photograph	292	292
51. Photograph	292	---
53. Photograph	293	293
54. Photograph	293	293
55. Photograph	293	293
56. Photograph	293	293
57. Photograph	293	293
58. Photograph	293	293
59. Photograph	293	293
60. Photograph	293	293
61. Photograph	321	321
62. Photograph	321	321
63. Photograph	321	321
64. Photograph	321	321
65. Photograph	321	321
66. Photograph	321	321
67. Photograph	321	321

E X H I B I T S    (CONT'D.)

\*       Exhibits Not Ruled on by The Court

