

## AFFIDAVIT BY JANET SMITH

The following affidavit is yet another witness D.A. Panosh threaten, in an attempt to encourage her to lie against Ronnie Kimble.

Ronnie,

Please guard this with your life and use it wisely. I'm tired of having to reread this after 400 years. It took a while for me to write because it brought back the most painful chapter in my life. You, more than anyone, know that I lost everything that meant anything to me.

8 August 1999

*This is my, Janet Lynne Smith, account of my relationship with Ronnie Lee Kimble*

*I'm not sure in which month I met Ronnie. It was either August or October of 1997. I believe it to be in October because I was on medical leave during the month of September and upon returning to my job was assigned almost exclusively to his floor.*

*Prior to meeting Ronnie in October of 1997, I had been working mostly on "A" floor which housed female inmates and female pre-trial detainees.*

*Beginning in early March of 1997, I began to have an affair with my platoon Sergeant, Sergeant Mark Faucette. Because he was married and because his wife was pregnant, I was uncomfortable with this relationship from the start. Early on I had asked Sgt. Faucette that, if our relationship ended, would he allow me to seek transfer to another platoon. He told me that he would hate to lose me as an officer but that he was impressed that I would do that for the sake of work relations and he would not stop my request should it arise. Unfortunately, it wasn't long before Sgt. Faucette's attitude at work changed. I believed that it was a way to distance his professional and private life so, at the time, thought nothing of it.*

*During my first few months of working with the Guilford County Sheriff's Department, I learned many facets of the position. Lt. Jeff Rollins gave me an opportunity to work various positions on the ground floor as well as giving me further training on "A" floor. At one point, I was assigned to "B" floor, which housed approximately 112 males, because the department had a new female trainee on "A" floor. Since I had been in the job about two months, I was unsure of my job abilities and asked for a male guard to work with me. My request was denied and various radio transmissions for assistance went unanswered. Eventually, I stayed in the officers office on "B" floor and did not work the blocks at all because the male inmates were refusing to listen to a female officer. When Lt. Rollins and Sgt. Faucette did come to the floor, they would go into the blocks and crack jokes with the male inmates about a female working in a man's job. Later in the shift, I told them that I felt that comments of that sort were unnecessary and that comments such as that to the inmates undermined my job authority with the male prisoners. They laughed and said that I should not take life so seriously and should have thought about the job requirements before I accepted the position.*

*After approximately six months in my position, I received my first job performance evaluation. I thought it was pretty good although it did name areas in which I needed improvement but, being new, I expected that. I was pleased to read in the written comments that Lt. Rollins had committed himself to working with me in those areas so that I could improve.*

*It was also around the time of my review that I decided to formally end my relationship with Sgt. Faucette although we hadn't seen each other in months. Unknown to me, my job was essentially over at that point.*

*Although our platoon had a Corporal, we were instructed to seek out the Sgt. if we needed any type of assistance. This was particularly difficult for me because Sgt. Faucette would not answer my radio calls or my inner office telephone calls. If a detailed report was necessary due to an incident on the floor, I would include that I had tried unsuccessfully to reach the Sgt but that the Lt or Cpl. had answered. These reports always seemed to get lost.*

*By the time that I met Ronnie Kimble, the stress and ostracism created by my entire platoon was beginning to take a toll. I believe that I met Ronnie in October because my doctor's put me on a four week medical leave in September due to complications from stress. Stupidly, I thought that after a four week absence the problems at work would have vanished. To my surprise, they had only intensified.*

*Prior to my medical leave, I had asked for a platoon transfer on several occasions. These were always denied for various reasons. Part of the agreement for my medical leave was that I would visit the department psychologist to determine if I was fit for duty and, upon my return, I was to have a meeting with Sgt. Faucette and Major Nesbit to "work out my differences with Sgt. Faucette". However, regardless of the problem, a transfer would not be granted because Sgt. Faucette refused to agree to it and it was up to me to solve the "personality differences".*

*Close to the end of my medical leave, I visited Dr. Michael Cutler , the staff psychologist, as my agreement stipulated. When I initially sat down with him, I asked him how much of what we discussed in our interview would be reported back to the department. He told me that none of the talk would due to doctor-patient confidentiality but that he was required to report if I was capable of performing my job without putting myself or others in danger. Immediately, I told him that I would waste little of his time and would give him the bottom line and what was causing the problem. I explained in full detail of my affair with Mark Faucette and of the turmoil, duress, and pressure that he was putting me under since I had ended the relationship. Dr Cutler was very frank and stated that I had gotten myself very deep into a situation that was probably going to be impossible to get out of. His advice was that, upon my return, I be forthright with the Major and with Mr. Barnes and tell them what had been happening, why I was continually asking for a transfer, and why Sgt. Faucette kept me under constant harrassment. Although I thought over this line of defense, I quickly discarded it because I was still reluctant to cause any problems either at home or at work for Mark. At the time, it was my belief that the problem could either be worked out or that a transfer could still be generated. Dr. Cutler expressed his doubts over that chosen course but told me that the decision had to be made by me and that I was the one who had to live with the consequences of my actions. He also advised that at some point the relationship would probably be made public because he felt that, since I continued to cover Mark's back in the whole situation, Mark would continue to harrass me on the job and, over time, the harrassment would get worse. It was my sincere belief that Mark was human enough to let the reallionship go and, upon my return, our professional relationship would resume as if nothing had happened.*

*On my first day back in early October, it was immediately evident that the department was working towards forcing me out. I valued my job and my title so greatly*

*that I felt that if I stood my ground and appeared as if they were not bothering me, they would eventually give up.*

*During my absence, there was an employee departmental meeting in which another officer asked about my health. That officer was told by Lt. Rollins that my name was not to be spoken because I was an instigator, a troublemaker, and the county would be better off without the likes of me.*

*When I returned to the job, after entering the secured facility, I and my belongings were immediately searched for contraband. Rather than objecting, I let the incident pass because I felt that it was a test. About 1000 I was summoned, along with Sgt. Faucette, to Major Nesbit's office. Still living on unrealistic expectations, I had envisioned a formal, civil personnel meeting. Obviously being unprepared, I was completely blindsided by Sgt. Faucette. Since he was a platoon leader, Mjr. Nesbit gave him first chance to speak. Sgt. Faucette immediately began by saying that he had refused me a transfer to another platoon because he wouldn't wish that on another Sgt. or Lt. He further stated that I was a bitch, a troublemaker, and that no one on the squad liked me because I constantly tried to instigate confrontations between employees. My eyes welled up with tears and I asked the Mjr. if he was going to allow the Sgt. to speak to me in that manner. The Mjr. said that the Sgt. was speaking his mind and that he had the right to air his dissatisfaction. The Mjr. also wanted to know why I felt the Sgt. might intentionally lie to cause me trouble. At that point, I was very tempted to tell the entire department of the affair but I still held my tongue. Once again, I expressed my desire for a change of squads. Again, it was denied but now the Mjr. stated that I would be placed on probation for another three months and that Sgt. Faucette would be required to do an employee evaluation every month. I expressed my concern that this was unfair because my problem was with Faucette. I would not object,*

however, to a monthly review by Lt. Rollins. The Mjr stated that I had to take the agreement as written or I was out of a job.

Once more, I decided to swallow my anger and let the department have its way. It was now "policy" that every time I entered or exited the building, went to a floor, returned to the main floor from an inmate floor, or when the supervisors felt it necessary, I and my belongings were to be searched. There were several times that I would be on the catwalk making required security checks, return to the "guard shack" and find that someone had searched my belongings in my absence. I wrote a letter of dissatisfaction to the acting jail <sup>CAP 15</sup> Lt. Brenda Pace, that I felt it was an invasion of my privacy and I had never given anyone any reason to suspect me of any wrong or illegal activity. Ms. Pace stated that because I was on a secured property, the department had the authority to search who they wanted, when they wanted, and in any way they felt it necessary. Because of the nature of the business, it was not required that I be present or be notified that my bags, including purse, be searched. Taking note of my surroundings, it was evident that no one else was searched regardless of what they brought in.

It was sometime in the first two weeks of October that I met Ronnie Kimble. I had gone to "D" floor to relieve an officer for either a dinner break or a quick ten minute break. It was a job requirement that all inmates on suicide watch be monitored every 15 minutes. At this time, Ronnie was on suicide watch. I had never heard of the Kimbles or of their case and was not particularly interested in learning anything about either. When I went by Ronnie's cell, something caught my eye, although 2 years later I have no clue as to what it was. I stopped and asked if he was okay and he assured me that he was, that he was only thinking or writing, I don't remember which. I continued to make my rounds.

I had only been back at work for a short time but the harrasment and alienation was already taking its toll. Although I was routinely called to "D" floor to relieve officers or to "A" floor to assist the officer assigned there, my breaks, including meal breaks, were routinely "forgotten". There was always the excuse

that they (the Lt. or Sgt.) "thought" someone had come to the floor but, since they didn't, it was now too late for any type of break. One evening, I relieved the officer on "A" floor for two and half hours while she and Lt. Rollins played computer golf in Captain Montgomery's office. When the officer finally came back to the floor, I was advised that there was no time left for me to have a dinner break. Another evening, I relieved an officer on "B" floor so that he, Sgt. Faucette, and Lt. Rollins, could hook up HBO in the booking office for porno movies. I was on that floor for over an hour and then was refused any break time for myself. Incident's such as these caused me to begin bringing meals with me and that instigated more searches.

It was during this time that I happened to have a lengthy discussion with Ronnie Kimble one evening. "D" floor was unusually quite and the floor officer had been on break for about an hour. During a regular round, I noticed that Ronnie looked upset and I asked if he was okay. He stated that he was but that he really missed his family and his wife who was pregnant with their second child. Ronnie was particularly concerned about his wife who had already miscarried on baby. I asked him if he would like for me to request a visit from the Chaplain or if he wanted to put in a request to visit the mental health doctor. He said no. I told him that any officer would be glad to talk to him if he had feelings of despair and that he needed to trust in God to help him through his current ordeal. His answer was that other officers had told him that, if he wasn't guilty, he wouldn't be where he was. I told him that that was not my belief that I did not pass judgement on any person in my custody but neither did I want to know any facts of his case. He came back with a smart answer of "Once a cop, always a cop and I've been screwed by too many." I told him whatever but that if he needed someone to talk to he could request that I come to the floor or put in a request for either the Chaplain or the mental health staff.

At some point soon after that, he did request that I come to the floor. He was excited about his family standing outside the jail with a banner and balloons expressing



*their love and concern for him but he was also depressed because he couldn't be with them. We talked for a few minutes and I returned to my floor. There were several incidents such as this but I placed no value on them because I used to talk with my female inmates in the same manner. It also did not occur to me that this was wrong because my Corporal (Ralph Robinson) would spend several hours each evening on the female floor, in the blocks, talking to a girl he went to high school with. This girl was also charged with first degree murder but the Corp. always said that he knew her family and felt that he had to "look out for her."*

*After several times of Ronnie asking for me to come to the floor, the other officers on my platoon, including my Lt. and Sgt., began referring to him as my "boyfriend". I asked them to stop calling him that because it looked bad on me. I pointed out that he was only an inmate, he was married, and that I did no more for him than I did any other charge. I felt that it was part of my job to assist a person who felt the need for help, especially if they would not seek professional assistance, because I would not be too happy to find that one of my charges had committed suicide because I could not take five minutes of my time to offer a kind word. When I expressed views similar to this in my job interview, I was labeled "compassionate"; after my termination, I was told that this view was "not judgemental enough". I did realize that there were lines that could not be crossed but I had no intention of crossing those lines at any time.*

*Sometime within the next few days, I was doing a head count in the block during my shift when Ronnie passed me a note under his door. The door was closed and secured. The note was suggestive but I don't remember the exact contents because Ronnie asked that I give it back to him once I had finished reading it. I replied to that letter on the bottom of his letter and returned the paper to him. It was then that we started corresponding by notes. All the notes were sexual in nature and suggested ways that we could have a sexual relationship without getting caught. In one letter I told Ronnie that it would look strange for me to have him out on the floor and suggested that he ask for his cell to be*

*moved to a back block where cameras did not monitor activities. It was in this letter that I told Ronnie how far the camera eye would reach and how we could stay out of its range. This is also the letter that resulted in my being charged with aiding and abetting an escape. The idea that I would try to help anyone, regardless of who it is, escape from the county jail is preposterous. It is virtually impossible to escape from that facility without being caught. Not only would I have to get Ronnie through a secured elevator, I would also have to get him through several remote operated doors - all of which are operated and monitored by another officer in master control.*

*After corresponding with Ronnie for several weeks, Sunday, 16 November, 1997, I was working "D" floor with Officer Joe Bishop. When I went to give the inmates their hour out, I realized that Ronnie was due his hour. As he came out of his room, he told me that he needed soap before he could shower. I knew that I had to take the soap into the day room where Ronnie would be in various stages of undress. After getting the soap from the office, I asked Mr. Bishop to walk back to the block with me so that no one could say that I was alone with Ronnie Kimble. Mr. Bishop and I entered the day room through the main entrance to that particular area and found Ronnie on the phone. He walked toward me and I to him while Mr. Bishop stood in the doorway. As Ronnie took the soap from me, he said "I think I've figured this out. When my hour is up, you come to put me up." I was surprised, excited, scared, and curious but I did as he asked. When I opened the electronic door that goes into the main block of cells, Ronnie did not come through the day room door. I called his name three times and he did not respond. Thinking he was still in the shower, I walked 3/4 of the way down the hall and called his name again. When he did not answer, I stepped into the day room to tell him his time was up and that others were due their time.*

*Ronnie came around the corner of the shower stall and was clothed only in a towel. We exchanged a kiss but he did not touch me in any other way nor did I touch him. He told me that we should not linger because of the risk of getting caught so I went back to the front of the block, with him following me, and locked him in his cell. At no time did I feel threatened or at harm because all other inmates were secured. I believe that we exchanged notes later that day but, as it was Sunday, I was off the next two days.*

*When I returned to work on 19 November 1999, I arrived at the jail early and went to Ronnie's room to take him something (I don't remember what). The female officer working that floor, Denise McLean, saw me and told me that I was not allowed on that floor unless I was working it. I advised her that (1) she was not on my platoon, (2) she was not my supervisor, and (3) it was none of her business. She said that she would see. Ms. McLean had previously been on my platoon and was caught having an affair with Lt. Rollins and had believed that I was the one who initiated her transfer, his transfer to High Point, and had also told Lt. Rollin's wife. I was not the one since I was in a similar situation. When she got off at 0700, she immediately went to my Lt., Lt. Gail Bennett who had replaced Lt. Rollins.*

*Not long after, I was called to Lt. Bennett's office and asked if I had been on "D" floor prior to my shift. I told her yes. She told me to be careful that it did not look good and that it was also unnecessary. I told her that I would refrain from unauthorized visits in the future. Lt. Bennett advised me that I was a good officer and I knew that lines could not be crossed. I expressed my concern over the obvious vendetta that Sgt. Faucette had taken against me. She said that she would not discuss anything about him or personnel issues surrounding him without him being in the room. I told her that I understood but that I was concerned about job safety.*

*Not long after, Sgt. Faucette came to my floor (A), which he had not done in months, stood in the office door and laughed. I asked if he had a problem. He told me that he was "waiting for the showdown". Figuring that he was just being stupid, I went back to the report that I had been writing.*

*Within minutes, Lt. Bennett and Lt Williamson, came into the office and asked me to get my belongings and report to the conference room. I followed them to the conference room where Lt. Ben Scarborough was waiting for me. In his hands, he had the letters to Ronnie. He asked if I had written them and I said yes. He wanted to know why I wasn't denying it and I told him that it was hard to deny something in your own writing. Lt. Scarborough then pulled out a paperback book and wanted to know when I had given it to Ronnie. I told him that I had never seen that book. He then produced Disney stickers and wanted to know why I had given him those. I told him that I didn't recognize those either. His comment was that "You won't deny something in your writing but you'll deny everything else, huh?" I told him that I refused to admit to something that I didn't do. Inside the book, he had pictures of me that were found in Ronnie's room. He asked how Ronnie got those. I told Lt. Scarborough that they must have planted. He wanted to know who would try to frame me. I gave them Mark Faucette's name. Lt Scarborough just laughed and said that "Mark isn't that kind of officer." I said "Let me tell you the kind of officer he is then." I gave him full detail of our affair, of all the harrasment by Faucette, and everything else that had been happening in the facility. Lt Scarborough said that he didn't believe me. My answer was "I don't give a shit what you believe." He then tried to scare me by telling me that they would give Faucette a lie detector test. I told them to do what they had to do. Scarborough wanted to know how often Ronnie and I had had sex and I told him never. He said that the truth would eventually come out and I said "That is the truth." He walked out.*

*I was left in the conference room alone for about 45 minutes. Eventually Sgt. David DeBerry came in to talk to me. He said that he and his Lt., Grady Bryant, had been going over the letters from me to Ronnie and felt that there was no evidence to prove that we actually had had a relationship. Sgt. DeBerry asked*

*if I still had the letters from Ronnie. I told him that I did but that they were at my house. He left. When he came back in a few minutes, he had Lt. Bryant with him. Lt. Bryant told me that we were all riding to my house to get the letters. When we arrived at my house, Lt. Bryant and Sgt. DeBerry waited in the car while I went in and got the letters. There were six and Sgt. DeBerry gave me a receipt for these. Once this was done, we went back to the jail.*

*Once back at the jail, I was again left in the conference room for about an hour. Then DeBerry came back in and said that Mr. Barnes wanted to speak with me but that he felt that there was no need for any further criminal investigation. I would be terminated but the matter was over. When B.J. Barnes came in he had an advisory staff. I don't remember who was there, except for Scarborough, because I was so upset. Mr. Barnes told me that I had violated the security of the department and had made a mockery of the job in every way. He then informed me that I was fired. Mr. Barnes felt that he needed to protect the staff on duty so he had Capt. Montgomery, Lt. Williamson, and some no name Sgt. escort me to the car.*

*Since October 1995 I had been dating a Sgt. in the personnel division. Sgt. Tim Mabe whom I had met in Jail Officer's Training School. When I was terminated, the department informed him first so that he would not be shocked at any rumors he heard and to give him a chance to decide if he still wanted to date me. After my termination, Sgt. Mabe and I continued to date through April 1998 although our relationship became more strained with time.*

*Through things that Sgt. Mabe would tell me, I knew that he was having a hard time at the department due to rumors, gossip, and general joking concerning me, Ronnie, and Faucette. In early February, Sgt. Mabe called me at work and wanted me to come to his house for dinner. According to him, he had something that he wanted to show me. The dinner invitation was not unusual so I readily accepted and told him that I would be there around 1730. After dinner, Sgt. Mabe and I went to the den to watch television while his daughter cleaned the kitchen. I asked him what the big surprise was and he said that he had a video that he wanted me to watch. As the tape started to roll, I could tell that it was a home video and asked him what it was. He told me to watch closely and pay special attention to everything I saw.*

*Sgt. Mabe was involved in producing a show for Guilford County called "Sheriff's Beat". I thought that what I was watching was footage for the upcoming segment. Sgt. Mabe said, "No. You need to see what your angel really did." I asked him what he was talking about. He said that the video that we were watching was crime scene video from Patricia Kimble's house and that I needed to see it to see what kind of person Ronnie Kimble truly was and that he also wasn't smart enough to make it look like a real robbery. At one frame, Sgt. Mabe stopped the tape and asked if I knew what I was looking at and I said no. He advised me that I was looking at the remains of Patricia's body. I asked Sgt. Mabe how he got a copy of that tape and he told me that he was in charge of video production and that he could get tape footage of anything he wanted. Following the crime scene video was an interview with Ted Kimble from channel 2 news. Sgt. Mabe told me to watch Ted's body language and the phrasing of his words and that would be all I needed to prove his guilt. I told Sgt. Mabe that Ronnie Kimble was not my "angel" but that I did like him and would not pass judgement on him or anyone else. Mabe's reply was that the Kimble's had sealed their own fate and got what they deserved.*

*Sgt. Mabe and I broke up for the final time in April of 1998. The reason that he gave for terminating the relationship was that he couldn't handle the rumors and that something big was in the works. About 3 weeks later a formal indictment was handed down for my arrest.*

*I was indicted in May of 1998 and voluntarily surrendered. I met with detective Jim Church to be fingerprinted and have my mug shots taken. Through my first attorney, Richard Panosh stated that I would not be prosecuted if I would testify that Ronnie Kimble had confessed to me. I told Dick Panosh that I would not testify to something that had not happened. My attorney and Panosh told me that Ronnie would do it to save himself if the shoe was on the other foot. My reply was that I doubted it but that I still couldn't, in good conscious, lie. Not long after, Panosh informed me that he was seeking a conviction of 7 years in a state facility.*

*Soon thereafter, I changed from an employment attorney to a criminal defense attorney*

*Since my termination in November 1997, I had written Ronnie once. I mailed him a note the day after I was terminated to let him know the reason for my termination and to tell him to be careful of retaliation by other deputies. This letter was confiscated and, though eventually given to him, Ronnie did not respond. When Ronnie was convicted in 1998, I wrote him again and told him of my concern for him and his family and to tell him that I was sorry because he had his hopes set on an acquittal. The second time I wrote Ronnie was in November 1998 to tell him of my sentencing. He did not respond to either letter and I did not hear anything from him until January 1999.*

*Since my arrest, trial by media and society, and conviction, I have been judged by society and blackballed by the sheriff's department. When I was terminated by the department, Lt. Scarborough told me that I would not work in NC again. I assumed that he meant law enforcement and, therefore, was not surprised when part of my sentencing included having to permanently suspend my license in the state of NC. However, I have been able to get jobs only through temporary placement agencies. If a company asks me to fill out an application for a permanent position, the offer is quickly rescinded when they find out that I worked for the department, was fired, and why. Because of my indictment, I was terminated from two temporary jobs because the companies feared the media publicity. I am a virtual prisoner in my own home because I fear going out, being recognized, and having to face the ridicule that has haunted me for two years. In my current position I was lucky enough to have a supervisor that liked me well enough to tempt the criminal record. However, when she found out who I was, she could quote the case almost verbatim. And when the reference had to come from the department, Human Resources was given information that was really "more than legally necessary."*

*I have been emotionally scarred from this ordeal. Although I did write letters to Ronnie Kimble that were sexual in nature, I am not and never have been guilty of any of the other charges that are associated with my name. The BS that I earned in Law and Policy Studies at Guilford College is basically worth nothing. My salary has been cut by over 14k dollars. I lost a career that I truly loved and strived for. As I was advised, if it had been any inmate but Ronnie, I would never have been prosecuted. My life is completely ruined and the only way to undo that is to leave NC. This case is almost two years old and it hurts as if it were yesterday. I am constantly looking over my shoulder and looking for hidden meanings in conversations with people. There is no one I trust and no one that I will spend any time with for fear that any interaction will be used against me at some point in time. The people that did consider me a friend, or visa versa, will no longer speak to me. If it weren't for the fact that I have to work to support myself, I would never leave the house. Sheriff Barnes has always said that he has a video tape of Ronnie Kimble and I having sexual intercourse but has yet to produce such a tape. With the knowledge of video production that Sgt. Mabe has, it would not surprise me to find that a tape had been edited to look like Ronnie and myself.*

*Janet Smith*  
14 Aug 1999