

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

97CRS39580

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

ISSUES AND RECOMMENDATION  
AS TO PUNISHMENT

ISSUES

Issue One:

Do you unanimously find from the evidence, beyond a reasonable doubt, the existence of one or more of the following aggravating circumstances?

ANSWER \_\_\_\_\_.

BEFORE YOU ANSWER ISSUE ONE, CONSIDER EACH OF THE FOLLOWING AGGRAVATING CIRCUMSTANCES. IN THE SPACE AFTER EACH AGGRAVATING CIRCUMSTANCE, WRITE "YES," IF YOU UNANIMOUSLY FIND THAT AGGRAVATING CIRCUMSTANCE FROM THE EVIDENCE BEYOND A REASONABLE DOUBT. WRITE, "NO," IF YOU DO NOT FIND THAT AGGRAVATING CIRCUMSTANCE FROM THE EVIDENCE BEYOND A REASONABLE DOUBT.

IF YOU WRITE, "YES," IN ONE OR MORE OF THE SPACES AFTER THE FOLLOWING AGGRAVATING CIRCUMSTANCES, WRITE, "YES," IN THE SPACE AFTER ISSUE ONE AS WELL. IF YOU WRITE, "NO," IN ALL OF THE SPACES AFTER THE FOLLOWING AGGRAVATING CIRCUMSTANCES, WRITE, "NO," IN THE SPACE AFTER ISSUE ONE.

(1) Was this murder committed while the defendant was engaged in the commission of an arson?

ANSWER \_\_\_\_\_ ]

(2) Was this murder committed for pecuniary gain?

ANSWER \_\_\_\_\_ ]

IF YOU ANSWERED ISSUE ONE "NO," SKIP ISSUES TWO, THREE, AND FOUR, AND INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT", ON THE LAST PAGE OF THIS FORM. IF YOU ANSWERED ISSUE ONE, "YES" PROCEED TO ISSUE TWO.

Issue Two:

Do you find from the evidence the existence of one or more of the following mitigating circumstances?

ANSWER \_\_\_\_\_

BEFORE YOU ANSWER ISSUE TWO, CONSIDER EACH OF THE FOLLOWING MITIGATING CIRCUMSTANCES. IN THE SPACE AFTER EACH MITIGATING CIRCUMSTANCE, WRITE "YES," IF ONE OR MORE OF YOU FINDS THAT CIRCUMSTANCE BY A PREPONDERANCE OF THE EVIDENCE. WRITE, "NO," IF NONE OF YOU FINDS THAT MITIGATING CIRCUMSTANCE.

IF YOU WRITE, "YES," IN ONE OR MORE OF THE FOLLOWING SPACES, WRITE, "YES," IN THE SPACE AFTER ISSUE TWO AS WELL. IF YOU WRITE, "NO," IN ALL OF THE FOLLOWING SPACES, WRITE, "NO," IN THE SPACE AFTER ISSUE TWO.

(1) The defendant has no significant history of prior criminal activity.

ANSWER \_\_\_\_\_ ( You are instructed to find this mitigating factor. )

(2) The defendant acted under the domination of another person.

ANSWER \_\_\_\_\_ One or more of us finds this mitigating circumstance to exist.

(3) The age of the defendant at the time of this murder is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this mitigating circumstance to exist.

(4) Ronnie Kimble served his country as a corporal in the United States Marine Corps and was an excellent marine is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(5) Ronnie Kimble taught Sunday school at his father's church on Monnett Road and was a positive influence on younger children in the church is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(6) Ronnie Kimble showed initiative in his youth by starting his own lawn care business is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(7) Ronnie Kimble showed diligence as a good and hard worker from an early age is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(8) Ronnie Kimble did a good job in the chaplain's office in the marine corps is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(9) Ronnie Kimble was responsible for James Dziadaszek quitting drinking and becoming more active in the church is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(10) Ronnie Kimble was deprived of an active and normal father in his early formative years due to his father's alcoholism and absence from the home is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(11) Ronnie Kimble had learning problems and was placed in learning disabled classes in school is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(12) Ronnie Kimble's mother was 18 and his father 20 when he was born and their youth made his upbringing not as effective as it would have been had his parents been older and more mature is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(13) Ronnie Kimble was an active and willing participant in his church is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(14) Ronnie Kimble was honest in his work dealings with those he worked for is a mitigating circumstance.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

(15) Any other circumstance or circumstances arising from the evidence which one or more of you deems to have mitigating value.

ANSWER \_\_\_\_\_ One or more of us finds this circumstance to exist and deem it to have mitigating value.

ANSWER ISSUE THREE IF YOU ANSWERED ISSUE TWO, "YES." IF YOU ANSWERED ISSUE TWO, "NO," SKIP ISSUE THREE AND ANSWER ISSUE FOUR.

Issue Three:

Do you unanimously find beyond a reasonable doubt that the mitigating circumstance or circumstances found is, or are, insufficient to outweigh the aggravating circumstance or circumstances found by you?

ANSWER \_\_\_\_\_

IF YOU ANSWER ISSUE THREE, "YES," PROCEED TO ISSUE FOUR. IF YOU ANSWER ISSUE THREE, "NO," INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT."

Issue Four:

Do you unanimously find beyond a reasonable doubt that the aggravating circumstance or circumstances you found is, or are, sufficiently substantial to call for the imposition of the death penalty when considered with the mitigating circumstance or circumstances found by one or more of you?

ANSWER \_\_\_\_\_

IF YOU ANSWER ISSUE FOUR "YES," INDICATE DEATH UNDER "RECOMMENDATION AS TO PUNISHMENT." IF YOU ANSWER ISSUE FOUR, "NO," INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT."

#### RECOMMENDATION AS TO PUNISHMENT

INDICATE YOUR RECOMMENDATION AS TO PUNISHMENT BY WRITING "DEATH," OR "LIFE IMPRISONMENT," IN THE BLANK IN THE FOLLOWING SENTENCE:

We, the jury, unanimously recommend that the defendant, (*name defendant*) be sentenced to

\_\_\_\_\_.

This \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_ (signature)

Foreman of the Jury