

4-13-09

To: N.C. Prisoner Legal Services

Dear Mr. Kressy,

I just got a letter from my father (Rev. Ronnie Kimble) who told me you had been assigned to my case. I would like to start by saying "Thank you" for the time you will spend handling my review. If there is anything I can do please feel free to ask.

As you know I'm not an attorney. I have done the best I can up until this point. I met an inmate late last year (03'), who spoke as if he knew something about the law. I've since learned that he did not know as much as he would have had me to believe. Based on his advice and work I filed several Motions. As the Courts began to "Deny or Dismiss" all of my motions, I began to question the inmate's advice. By the time I filed my last motion (Writ of Certiorari) it seem to me I was being used for what little this man could gain. By the end I found it necessary to re-write everything the inmate wrote, "his work was so bad" you could say I learned a lot about the law from this inmate, and I learned enough to know not every claim he made was the truth. Against his advice I did NOT file my 2254 Habeas Corpus yet, because the "Memorandum in Support of the 2254 Habeas Corpus" was so bad that he wrote.

I pray my case isn't messed-up. I'm scared to do anything, but know I've got a time deadline to file in Federal Court. Please show mercy toward me and my family. For seven long years my wonderful parents have traveled all over the state to visit my brother and I. My mother still cries nearly everytime she sees me, and it breaks my heart.

I and my brother are innocent, but no-one will listen. We are victims of "Prosecutor Misconduct." There is no physical evidence in my case, only circumstantial. Much of which the Prosecutor created. Assistant District Attorney Richard Panosh walked all over my Rights as if I did not have any, and my lawyers let him. Mr Panosh withheld evidence which would clear my brother and I.

Late last year I started reading several newspaper articles on Prosecutor Misconduct. I also read about The N.C. State Bar investigating the D.A.'s for withholding evidence. The inmate helping me wrote a Grievance in the form of a Complaint Brief, in which I "tried" to file with The State Bar. On Jan. 8, 2004 I received a rejection notice, and it stated (3) reasons why I was being denied. I then personally wrote a "New" Brief (Grievance) and tried to leave out anything that would apply to why my first Brief was denied. I sent the second Brief to the State Bar at the end of February.

Just last week I received another rejection notice from the N.C. State Bar. Once again they refer to the Jan 8, 2004 letter they sent me. This is very upsetting because I worked on that Brief (6) weeks. I still don't understand what I'm doing wrong. "Please give me some advice."

About 4.5 weeks ago I sent a copy of my Brief (Grievance) to your office (N.C.P.L.S.) with many other items requested. If you read my Grievance you will see a pattern of misconduct by the Prosecutor, and you will get a general understanding of my case. I did not list everything Mr Panosh did because I was trying to avoid being "denied" by the Bar. Mr Panosh even had the nerve to send me "threats" through my lawyers.

While in prison I'm limited as to whom I can talk to, or what I can do. I was trying to file a Grievance with the State Bar, because I was hoping they would talk with the witnesses who were forced to lie against me and my brother. Since the Prosecutor no longer has pending charges against these witnesses, they might be willing to now tell the truth.

Being unable to prove my innocence at the moment and having no help, I've been attacking my sentence, trying to prove it illegal. As I understand if I can get my sentence set aside, N.C.G.S. 15A-1335 should cause my case to be thrown out of court. Since I can't be sentenced twice

for the same crime my charges would have to be reduced. Most of my charges can't be reduced and therefore would be dismissed.

I've already sent N.C.P.L.S. everything they asked for (I think) and then some. The directions stated I was not to send any transcripts. I feel that it's important for you to review my transcripts because my case is so unusual. Upon your review you would see how my lawyers "ABANDON" me. First, they bullied me to sign a Plea Agreement (Jan 25, 1999). Once I got away from my lawyers I wrote the D.A. and asked to withdraw my pleas and go to trial. When no answer came I wrote the Clerk of Superior Court (Feb 24, 1999). The Court waited until the day I was to be sentenced to give me a Pro-Se. Withdrawal Hearing. At which Counsel refused to represent me. Counsel stated, "I was embarrassing them and that they would sit this one out." I was never advised of my Right to Counsel at the Withdrawal Hearing. My Parents paid these lawyers \$50,000 and they refused to help me. I was forced to represent myself. I had to put myself on the stand and do the best I could. The Judge (Peter Mc Hugh) acted as if he had decided to deny my request before hand. My Sentencing was set and did follow the Withdrawal Hearing as if everyone knew my request was going to be denied.

The letter I sent to the Clerk of Court to withdraw

my Pleas is listed as exhibit "U" in my Motion for Appropriate Relief, which N.C.P.L.S. has at this time.

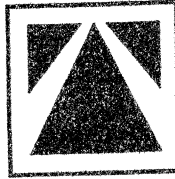
Mr Kressy there isn't anything I wouldn't do to repay P.L.S. for their help, I'm desperate." Please help me. I had an eye witness (James Ogburn) who could verify my brother and I were 15 miles away at the time of the crime. But DA. Richard Panosh threaten James and ran him away. Although detectives and Mr Panosh personally interviewed this witness several times, not a single statement was turned over.

Please remember Counselor Zimmerman was my prior Sentencing Judge, who sent me to prison to begin with. My private detective (Mr Homer Young) has agreed to testify of how harsh my "prior" lawyers spoke to me and placed me under duress. That was the main reason I hired Mr Zimmerman. Also the fact Mr Zimmerman made the claim he could win my case.

With your permission I'd like to send you a copy of my transcripts and the rest of what I have. I've got extra copies so there isn't any problem to do so "Please respond."

I truly believe I've got a winning case and can prove my sentence is illegal. I also believe I can get my case over-turned and go to trial. But if I can get my case thrown out because the sentence is illegal, I won't have to go to trial and face a Death Sentence.

Sincerely, Theodore Kimble 4/13/04



Second Grievance
Rejection

The North Carolina State Bar
Office of Counsel

Donald H. Jones
Director of Investigations

Carolyn D. Bakewell, Counsel
A. Root Edmonson, Deputy Counsel
Fern Gunn Simeon, Deputy Counsel
David R. Johnson, Deputy Counsel
Thomas M. Moffitt, Deputy Counsel
Jennifer A. Porter, Deputy Counsel
Margaret Cloutier, Deputy Counsel

April 6, 2004

Mr. Theodore M. Kimble
1300 Western Boulevard
Raleigh, N C 27606

Re: Richard Panosh

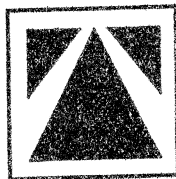
Dear Mr. Kimble:

The N C State Bar has received the information you filed recently against the above listed attorney and this appears to be a matter that the State Bar cannot assist you. On January 8, 2004 we acknowledged your previous correspondence. A copy of that letter is enclosed for your review.

So, in your case this a matters which we cannot assist. We cannot give you advice or otherwise represent you or your interest.

Sincerely,

Donald H. Jones



First Grievance
Rejection

The North Carolina State Bar
Office of Counsel

Carolyn D. Bakewell
Counsel

January 8, 2004

A. Root Edmonson, Deputy Counsel
Fern Gunn Simeon, Deputy Counsel
Bobby D. White, Deputy Counsel
David R. Johnson, Deputy Counsel
Thomas F. Moffitt, Deputy Counsel

Mr. Theodore M. Kimble
1300 Western Boulevard
Raleigh, NC 27606

Re: Your Complaint Against Attorney Richard E. Panosh

Dear Mr. Kimble:

The N.C. State Bar has received the grievance that you filed recently against the above-listed attorney. This appears to be a matter concerning which the Bar cannot assist you. Specifically, the Discipline & Disability Rules of the N.C. State Bar provide that the Bar may decline to investigate grievances involving the following allegations:

- 1) complaints that an attorney provided ineffective assistance of counsel in a criminal case, unless a court has granted a motion for appropriate relief based upon the member's conduct;
- 2) complaints that a plea entered in a criminal case was not made voluntarily and knowingly, unless a court has granted a motion for appropriate relief based upon the member's conduct;
- 3) complaints that an attorney's advice or strategy in a civil or criminal matter was inadequate or ineffective.

See 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0111(f)

Because the grievance that you filed raises one or more of the grounds set out in Rule .0111(f), my office respectfully declines to take further action in this matter. If a court grants relief based on the conduct referred to in your complaint, please let me know and we will reconsider our decision.

Thank you for your cooperation.

Very truly yours,

CB/sjb

Carolyn Bakewell
Counsel

THE NEWS & OBSERVER

FILES AT WWW.NEWSOBSERVER.COM • FINAL EDITION, 50 CENTS

FRIDAY, APRIL 9, 2004

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False actions charged in trial

Gells prosecutors face bar inquiry

By JOSEPH NEFF
STAFF WRITER

The N.C. State Bar has charged that two former prosecutors in the Attorney General's Office withheld evidence and made false statements to a judge in the 1998 murder trial that put Alan Gell on death row.

The prosecutors, David Hoke and Debra Graves, withheld a tape recording of the state's star witness saying she had to "make up a story" about the murder for police.

They also withheld eight witness statements that indicated the slaying occurred while Gell was in jail. Still, the prosecutors told the trial judge they had handed over all such witness statements.

The bar's seven-page complaint, obtained Thursday, said: "This representation was false." Hoke and Graves "knew, or should have known from a reasonable examination of the SBI investigatory file in their possession and control," that the representation was false.

Gell spent nine years behind bars, half of it on death row, after his arrest in the murder of Allen Ray Jenkins. He was acquitted at a second trial in February; the withheld evidence played a central role in the outcome of that trial.

A three-member panel of the State Bar's disciplinary committee will schedule a hearing within two to three months. The outcomes could range from dismissal of the bar's charges to revocation of

SEE TRIAL, PAGE 10A

TRIAL

CONTINUED FROM PAGE 1A

Hoke's and Graves' law licenses. In four decades of disciplining lawyers, the State Bar has punished only two prosecutors for withholding evidence. Both were put on a form of probation, in which they could continue to practice law as long as they broke no more laws and consulted with a mentor.

Hoke is the No. 2 administrator in the state court system, as assistant director of the Administrative Office of the Courts. Graves is a federal public defender in Raleigh.

Neither could be reached Thursday evening.

Jim Maxwell, a Durham lawyer, is representing both Hoke and Graves before the State Bar.

Maxwell declined to comment Thursday. He said he planned to answer the State Bar's charges in a written response next week.

At Gell's 1998 trial, Hoke and Graves argued that Gell used a shotgun to ambush and kill Jen-

said had changed their stories in a second round of interviews.

Ransome did not produce statements from people he did not re-interview, the complaint said. Taken in the first hours after Jenkins' body was found, those statements were made by Jenkins' brother, his across-the-street neighbor, a lifelong friend and five others, all of whom said they saw Jenkins alive when Gell was in jail.

Ransome did not return phone calls Thursday.

Staff writer Joseph Neff can be reached at 829-4516 or jneff@newsobserver.com.

15 at the time, Morris and Hall struck plea bargains; they received 10-year sentences for murder in return for testifying against Gell.

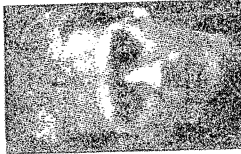
At trial, Hoke and Graves possessed a secretly recorded phone conversation in which Morris is heard talking about how she had to make up a story for police. Hoke and Graves knew about the tape and its contents but didn't turn it over to Gell's lawyers, the bar complaint alleged.

The tape was a central piece of evidence at Gell's retrial. Jurors played it during their deliberation and later said it was strong evidence of the girls' deceit and lack of remorse.

The other part of the bar complaint concerns interviews police conducted with 17 people who said they saw Jenkins alive after Gell had been jailed for car theft. Jenkins' time of death was the central point in Gell's trials, since he was either out of state or in jail for the 11 days before Jenkins' body was found.

The trial judge ordered Hoke and Graves to hand over all such statements to Gell's lawyers. The burden was on them as prosecutors to hand over these materials.

But according to the bar complaint, Hoke and Graves did not check their files but relied on SBI agent Dwight Ransome, whom they supervised, to provide them. Ransome produced statements from nine people who Ransome



Gell spent nine years behind bars after arrest in slaying.



Hoke is now No. 2 official in state court system.

ONLINE

Go to newsobserver.com/gell to read the original series on the retrial of Alan Gell and to view an interactive timeline.

ins, a retired truck driver who lived in the small Bertie County town of Aulander.

Hoke and Graves built their case on the testimony of two girls, Crys- tal Morris and Shanna Hall. Both

Prosecutor Richard Parosh withheld evidence in my case which can clear me.



State of North Carolina
General Court of Justice

CLERK OF SUPERIOR COURT

GUILFORD COUNTY

PO BOX 3008

GREENSBORO, NC 27402-3008

DAVID L. CHURCHILL, CLERK
EX OFFICIO JUDGE OF PROBATE

JUDGE THOMAS W. ROSS, DIRECTOR
ADMINISTRATIVE OFFICE OF THE COURTS

W. DOUGLAS ALBRIGHT
SENIOR RESIDENT JUDGE

THOMAS W. ROSS
RESIDENT JUDGE

HOWARD R. GREESON, JR.
RESIDENT JUDGE

CATHERINE C. EAGLES
RESIDENT JUDGE

HENRY E. FRYE, JR.
RESIDENT JUDGE

When Judge Albright
Denied my M.A.R. He
stated the Pre-Sentence
was on file. This
document proves
He lied.

Date: 18 March 04

Deputy Mr. Theodore Kimble,

This is to acknowledge receipt of your letter, dated _____ . Listed below is the information you requested the information indicated below is needed before your request can be processed. Please return this form to our office once the necessary information has been provided.

- Full name: _____
- Case/File Number(s): _____
- Charge(s): _____
- Date(s) of conviction(s): _____
- Other: _____

The copies you requested are enclosed with this letter. There is no charge for these copies since this is the *first* time they have been requested and made for you. However, should you request additional copies of these documents, you will be required to pay for them. Additional requests will not be forwarded to you until payment has been received. You will be charged \$2.00 for the first page and \$0.25 for each additional page thereafter, per document, as provided by law. (This includes the indictment, judgment and commitment, transcript of plea and arresting information.)

In accordance with the North Carolina General Statutes, the cost for copies is \$2.00 for the first and \$0.25 for each additional page thereafter per document. The copies will not be forwarded to you until payment in the amount of \$_____ has been received. Please send certified check or money order payable to "Guilford County Clerk of Superior Court". No personal checks will be accepted. This letter should be included with your payment.

(Note: Please be advised that *in forma pauper's* status applies only to the waiver of a filing fee and not copies.

Other: You need to contact your attorney for your request on a P.S. I report our files do not have that information.

Michelle Jickel
 Deputy Assistant Clerk of Superior Court

cc: Court File # 97 CLS 34581 #2

STATE OF NORTH CAROLINA

Guilford County

Criminal Records of
those who lied
against me. D.A.
Panosh threaten these
people. Note charges
dismissed by Panosh.

Justice

IN THE MATTER OF:

Name And Address

Joy H. Dyer

CRIMINAL RECORD CHECK

Records Check From This Date To Present

May 1983

This is to certify that I have searched the indices to criminal actions in this office from the date shown above to the present to determine:

only the convictions and pending charges, if any,

the entire criminal record, if any,

which appear in the records under the name given above, and found:

that no record was indexed by the name given above.

the following excerpts from the public records indexed by the name given above.

The criminal records in this office are indexed solely by name and not by any other identifying characteristic. This office cannot guarantee that the records listed herein belong to the individual for whom such record is sought.

File No.	Race/Sex	DOB	Charge	Date Disposed And Disposition
		9/14/74	See Attached 1 page	

Date Of Search 8/28/00

Signature Melissa Sutton

Deputy CSC Assistant CSC Clerk Of Superior Court

400 BUILFORD-GR
 082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
 CRITERIA- NAME: DYER,JOY? R=RACE: S=SEX: DOB:

DYER,JOY,HEDGECOCK	2323 KERSEY	S=F	R=W	DOB=09141974	96CR 046761	G
OF:052896 (M) SHOPLIFTING CONCEALMENT GOODS				DISMISSED BY DA	022800	CR
DYER,JOY,HEDGECOCK	7016 HEMPHIL	S=F	R=W	DOB=09141974	97CR 027022	G
OF:011897 (T) DWLR				DISMISSED BY DA	022800	CR
DYER,JOY,HEDGECOCK	115 E CARTER	S=F	R=W	DOB=09141974	97CR 057405	G
OF:062797 (T) DWLR				DISMISSED BY DA	022800	CR
DYER,JOY,HEDGECOCK	601D W TERRE	S=F	R=W	DOB=00230000	98CR 090975	G
OF:090295 (M) COMMUNICATING THREATS				DISMISS DEFER PROSC	022800	CR

7 OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, *END*

082800 INFRACTION CHECK PENDING--DISPOSED--MOTOR V.--UNSERVED--RESPONSB-
 CRITERIA- NAME: DYER,JOY? RACE: SEX: DOB:

DYER,JOY,HEDGECOCK	5516 CASCADE	S=F	R=W	DOB=09141974	96IF 020722	G
OF:032396 (I) SPEEDING	045 IN 35 ZONE CHARGED					IF
(I) SPEEDING	044 IN 35 ZONE CONV LESSOR OFFENSE				072396	
PEN/COSTs 60					SATISFIED	
SPEC. COND: AC						

7 OF:OFFENSE DATE, S=SEX, R=RACE, DOB=BIRTH, (T)TRAFFIC, (I)INFRACTION, *END*

STATE OF NORTH CAROLINA

Guilford County

In The General Court Of Justice
Before The Clerk

IN THE MATTER OF:

Name And Address

Robert Harold Nichols

CRIMINAL RECORD CHECK

Records Check From This Date To Present

May 1983

This is to certify that I have searched the indices to criminal actions in this office from the date shown above to the present to determine:

only the convictions and pending charges, if any,

the entire criminal record, if any,

which appear in the records under the name given above, and found:

that no record was indexed by the name given above.

the following excerpts from the public records indexed by the name given above.

The criminal records in this office are indexed solely by name and not by any other identifying characteristic. This office cannot guarantee that the records listed herein belong to the individual for whom such record is sought.

File No.	Race/Sex	DOB	Charge	Date Disposed And Disposition
		10/8/71	See Attached 4 pages	

Date Of Search

8/28/00

Signature

Melissa Sutton

Deputy CSC Assistant CSC Clerk Of Superior Court

NICHOLS, ROBERT, HAROLD
OF: 030297 (F) FELONY LARCENY
CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
GUILTY
043099 CRS

OF: OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-
400 GUILFORD-3R
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: NICHOLS, ROBERT, H? R=RACE: S=SEX: DOB:

NICHOLS, ROBERT, HAROLD * 5665 HORNADA S=M R=W DOB=10081971 97CRS023723 E
OF: 050997 (F) BREAKING AND OR ENTERING (F) NEVER 010200 CRS
SPEC. COND: DISMISS/ADA PANOSH
OF: 050997 (F) LARCENY AFTER BREAK/ENTER NEVER 010200 CRS
SPEC. COND: DISMISSAL/ADA PANOSH

NICHOLS, ROBERT, HAROLD * 5665 HORNADA S=M R=W DOB=10081971 97CR 040741 E
AKA NICHOLS, ROBERT, HAROLD @
OF: 013097 (F) BREAKING AND OR ENTERING (F) TRANSFERRED TO S.C. 110397 CR
OF: 013097 (F) LARCENY AFTER BREAK/ENTER TRANSFERRED TO S.C. 110397 CR
OF: 013097 (F) POSSESSION OF STOLEN GOODS (F) TRANSFERRED TO S.C. 110397 CR
OF: 013097 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
OF: 013097 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
OF: 013097 (F) POSSESSION OF STOLEN GOODS (F) DISMISSED BY DA 043099 CRS

OF: OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-
400 GUILFORD-3F
081800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: NICHOLS, ROBERT, H? R=RACE: S=SEX: DOB:

NICHOLS, ROBERT, HAROLD * 5665 HORNADA S=M R=W DOB=10081971 97CR 040742 E
AKA NICHOLS, ROBERT, HAROLD @
OF: 021097 (F) BREAKING AND OR ENTERING (F) TRANSFERRED TO S.C. 110397 CR
OF: 021097 (F) LARCENY AFTER BREAK/ENTER TRANSFERRED TO S.C. 110397 CR
OF: 021097 (F) POSSESSION OF STOLEN GOODS (F) TRANSFERRED TO S.C. 110397 CR
OF: 021097 (F) BREAKING AND OR ENTERING (F) DISMISSED BY DA 043099 CRS
SPEC. COND: DISMISSED BY ADA RICHARD PANOSH
OF: 021097 (F) LARCENY AFTER BREAK/ENTER DISMISSED BY DA 043099 CRS
OF: 021097 (F) POSSESSION OF STOLEN GOODS (F) DISMISSED BY DA 110597 CRS
SPEC. COND: DISMISSAL-PANOSH (DEFT INDICTED ON 1ST & 2ND COUNTS)

OF: OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, #END#

MORE-

-OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC,
 400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING---DISPOSED---MOTOR V.---UNSERVED---CONVICTED
 CRITERIA- NAME: NICHOLS, ROBERT, H? R=RACE: S=SEX: DOB:

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023714 G
 OF:020397 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023711 51
 OF:020397 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023711 51

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023715 G
 OF:020497 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 FINE/COSTS# REST# 1286.00 SENT:008-010M TYPE: I FROB:060M SUPERVISED
 SEE ALSO: 97CRS023716, 97CRS023717, 97CRS023718, 97CRS023719 PLUS MORE
 OF:020497 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023716 G
 OF:020397 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
 OF:020397 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

MORE-

-OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC,
 400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING---DISPOSED---MOTOR V.---UNSERVED---CONVICTED
 CRITERIA- NAME: NICHOLS, ROBERT, H? R=RACE: S=SEX: DOB:

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023717 G
 OF:022497 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
 OF:022497 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023718 G
 OF:020297 (F) FELONY LARCENY GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023719 G
 OF:031397 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
 OF:031397 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

MORE-

-OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC,
 400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING---DISPOSED---MOTOR V.---UNSERVED---CONVICTED
 CRITERIA- NAME: NICHOLS, ROBERT, H? R=RACE: S=SEX: DOB:

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023720 G
 OF:031797 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51
 OF:031797 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

NICHOLS, ROBERT, HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023721 G
 OF:031997 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023715 51

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 77CRS023704 B
OF:010197 (F) FELONY LARCENY GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
-+-

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023705 B
OF:010197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:010197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
-+-

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023706 B
OF:010197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:010197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
-+-

-OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-
400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: NICHOLS,ROBERT,H? R=RACE: S=SEX: DOB:

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023707 B
OF:010197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:010197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
-+-

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023708 B
OF:010197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:010197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
-+-

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023709 B
OF:010197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:010197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
-+-

-OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-
400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: NICHOLS,ROBERT,H? R=RACE: S=SEX: DOB:

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023711 B
OF:013097 (F) FELONY LARCENY GUILTY 043099 CRS
FINE/COSTS# REST# 6366.00 SENT:008-010M TYPE: I PROB:060M SUPERVISED
SEE ALSO: 97CRS023712, 97CRS023713, 97CRS023714
SPEC. COND: (EAGLES)
-+-

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023712 B
OF:020697 (F) FELONY LARCENY GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023711 51
-+-

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023713 B
OF:021297 (F) FELONY LARCENY GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023711 51
-+-

400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED---MOTOR V.--UNSERVED---CONVICTED
CRITERIA- NAME: NICHOLS,ROBERT,H? R=RACE: S=SEX: DOB:

NICHOLS,ROBERT,HAROLD #11 KELVINGT S=M R=W DOB=10081971 95CR 040123 G
OF:042295 (T) LICENSE NOT IN POSSESSION DISMISSED BY DA 102695 CR
SPEC. COND: ADDED ON 26 102695

NICHOLS,ROBERT,HAROLD 11 KELVINGT S=M R=W DOB=10081971 95CR 066878 G
OF:100595 (T) DWLR DISMISSED BY DA 010596 CR

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023699 G
OF:011497 (M) MISDEMEANOR LARCENY GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023700 G
OF:020497 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
FINE/COSTS# REST# 9545.21 SENT:008-010M TYPE: I PRDB:060M SUPERVISED PLUS MORE
SEE ALSO: 97CRS023699, 97CRS023701, 97CRS023702, 97CRS023703
SPEC. COND: (EAGLES)
OF:020497 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51

OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE--
400 GUILFORD-GR

082800 CRIMINAL CHECK- PENDING--DISPOSED---MOTOR V.--UNSERVED---CONVICTED
CRITERIA- NAME: NICHOLS,ROBERT,H? R=RACE: S=SEX: DOB:

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023701 G
OF:110197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:110197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023702 G
OF:123096 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:123096 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51

NICHOLS,ROBERT,HAROLD 5665 HORNADA S=M R=W DOB=10081971 97CRS023703 G
OF:010197 (F) BREAKING AND OR ENTERING (F) GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51
OF:010197 (F) LARCENY AFTER BREAK/ENTER GUILTY 043099 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023700 51

OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE--
400 GUILFORD-GR

STATE OF NORTH CAROLINA

Guilford County

In The General Court Of Justice
Before The Clerk

IN THE MATTER OF:

Name And Address

Patrick R. Pardee

CRIMINAL RECORD CHECK

Records Check From This Date To Present

May 1983

This is to certify that I have searched the indices to criminal actions in this office from the date shown above to the present to determine:

only the convictions and pending charges, if any,

the entire criminal record, if any,

which appear in the records under the name given above, and found:

that no record was indexed by the name given above.

the following excerpts from the public records indexed by the name given above.

The criminal records in this office are indexed solely by name and not by any other identifying characteristic. This office cannot guarantee that the records listed herein belong to the individual for whom such record is sought.

File No.	Race/Sex	DOB	Charge	Date Disposed And Disposition
		<u>12/4/06</u>	<u>See Attached 3 pages</u>	

Date Of Search

8/28/00

Signature

Melissa Sutton

Deputy CSC Assistant CSC Clerk Of Superior Court

400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
 CRITERIA- NAME: PARDEE,PATRICK? R=RACE: S=SEX: DOB:

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CR 005485 H
 JF:021097 (F) BREAKING AND OR ENTERING (F) DISMISSED BY DA 110697 CR
 JF:021097 (F) LARCENY AFTER BREAK/ENTER DISMISSED BY DA 110697 CR
 JF:021097 (M) SHOPLIFTING CONCEALMENT GOODS DISMISSED BY DA 110697 CR

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CR 005486 H
 JF:011397 (F) BREAKING AND OR ENTERING (F) DISMISSED BY DA 102897 CR
 JF:011397 (F) LARCENY AFTER BREAK/ENTER DISMISSED BY DA 102897 CR
 JF:011397 (F) POSSESSION OF STOLEN GOODS (F) DISMISSED BY DA 102897 CR

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023686 G
 JF:031297 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
 FINE/COSTS\$ 111 REST\$ 6635.00 SENT:006-00BM TYPE: C FROB:024M UNSUPERVISE
 SEE ALSO: 97CRS023687, 97CRS023688, 97CRS023689, 97CRS023690 PLUS MORE
 JF:031297 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-

400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
 CRITERIA- NAME: PARDEE,PATRICK? R=RACE: S=SEX: DOB:

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023687 G
 JF:020497 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
 JF:020497 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023688 G
 JF:013097 (F) FELONY LARCENY GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023689 G
 JF:020697 (F) FELONY LARCENY GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023686 121599 CRS
 OF:020397 (F) BREAKING AND OR ENTERING (F) GUILTY
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
 OF:020397 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023691 G
 OF:020497 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
 OF:020497 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023692 G
 OF:020397 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
 OF:020397 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

OF:OFFENSE DATE, DOB=BIRTH, (M) MISD, (F) FELONY, (T) TRAFFIC, MORE-
 400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
 CRITERIA- NAME: PARDEE, PATRICK? R=RACE: S=SEX: DOB:

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023693 G
 OF:022097 (F) FELONY LARCENY GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023694 G
 OF:020197 (F) FELONY LARCENY GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023695 G
 OF:020297 (F) FELONY LARCENY GUILTY 121599 CRS
 CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023698 G
 OF:031397 (F) BREAKING AND OR ENTERING (F) NEVER 122899 CRS
 OF:031397 (F) LARCENY AFTER BREAK/ENTER NEVER 122899 CRS

OF:OFFENSE DATE, DOB=BIRTH, (M) MISD, (F) FELONY, (T) TRAFFIC, MORE-
 400 GUILFORD-GR
 082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
 CRITERIA- NAME: PARDEE, PATRICK? R=RACE: S=SEX: DOB:

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023710 G
 OF:011497 (M) MISDEMEANOR LARCENY DISMISSED BY DA 051000 CRS
 SPEC. COND: DISMISSAL BY DA PANDSH

PARDEE, PATRICK, RAY 1414 COUNTRY S=? R=? DOB=? 84CRS015169 G
 OF:031084 (T) MISDEMEANOR DEATH BY VEHICLE GUILTY 100484 CRS
 FINE/COSTS\$ 49 REST\$ SENT:001- Y TYPE: PROB:002Y SUPERVISED
 SPEC. COND: SURRENDER DRIVER'S LIC 1 YR; PERFORM 50 HRS COMMUNITY SVC
 OF:031084 (T) SPEEDING GUILTY 100484 CRS
 FINE/COSTS\$ REST\$ SENT: - TYPE: PROB:NONE
 SPEC. COND: CONSOLIDATED FOR JUDGMENT WITH MISD DEATH BY MV COUNT
 OF:031084 (T) DRIVE LEFT OF CENTER GUILTY 100484 CRS
 FINE/COSTS\$ REST\$ SENT: - TYPE: PROB:NONE
 SPEC. COND: CONS FOR JUDGM WITH MISD DEATH BY MV COUNT (ROSS/DEAN)

OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC,

MORE-

400 GUILFORD-GR

082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED

CRITERIA- NAME: FARDEE, PATRICK?

R=RACE: S=SEX: DOB:

FARDEE, PATRICK, ROY 1414 COUNTY S=M R=W DOB=12041966 BSCR 044523 G
OF:070288 (M) SECOND DEGREE TRESPASS DISMISSED BY DA 081688 CR

FARDEE, PATRICK, ROY 1414 COUNTRY S=M R=W DOB=12041966 BSCR 014266 H
OF:101289 (T) SPEEDING 072 IN 55 ZONE DISMISSED BY DA 030690 CR

FARDEE, PATRICK, ROY 1414 COUNTRY S=M R=W DOB=12041966 91CR 063767 G
OF:092191 (T) RECKLESS DRIVING TO ENDANGER CHARGED CR

(I) IMPROPER EQUIP - SPEEDOMETER RESP LESSER OFFENSE 120991

FINE/COSTS# 130 REST# SENT: - TYPE: PROB: NONE PAID

SPEC. COND: HAINES

OF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC,

END

GUILFORD COUNTY
FILED
JAN 28 1999
AT 350
CLERK OF SUPERIOR COURT

STATE VERSUS

Name Of Defendant

THEODORE MEADE KIMBLE

DOB

12-08-1969

Age

29

Highest Level Of Education Completed

12

M. TRANSCRIPT OF PLEA

G.S. 15A-1022

The defendant, having offered a plea of GUILTY and being first duly sworn, makes the following answers to the questions set out below:

Answers

- 1. Are you able to hear and understand me? (1) GKS
2. Do you understand that you have the right to remain silent... (2) yes
3. At what grade level can you read and write? (3) 12th
4. (a) Are you now under the influence of alcohol... (4a) no
(b) When was the last time you used or consumed any such substance? (4b) ever since now
5. Have the charges been explained to you... (5) yes
6. (a) Have you and your lawyer discussed the possible defenses... (6a) yes
(b) Are you satisfied with your lawyer's legal services? (6b) yes
7. (a) Do you understand that you have the right to plead not guilty... (7a) yes
(b) Do you understand that at such trial you have the right to confront... (7b) yes
(c) Do you understand that by your plea(s) you give up these... (7c) yes
8. Do you understand that, if you are not a citizen... (8)
9. (if applicable) Do you understand that upon conviction... (9a)
(b) Structured Sentencing cases... (9b) yes
10. Do you understand that you are pleading (guilty) (no contest)... (10) yes
11. Do you now personally plead (guilty) (no contest)? (11) YES
12. (a) (if applicable) Are you in fact guilty? (12a) 1995 Offenses yes
(b) (if applicable) Do you understand that upon your plea... (12b) N/A
(c) (if applicable) (Alford Plea) (12c1) 1998 Offenses
(1) Do you now consider it to be in your best interest... (12c2) YES
(2) Do you understand that upon your "Alford Plea" you will be treated...
13. Have you agreed to plead as part of a plea arrangement? (13) yes

14. (if applicable) The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea: (See attachment for additional plea arrangements, including voluntary dismissals.) Answers

The State of North Carolina agrees to accept a plea to Second Degree Murder in 97CRS39581. Count 1 of 97CRS23656 shall be dismissed. In return, the Defendant agrees to enter guilty pleas to Second Degree Murder in 97CRS39581, Conspiracy to Commit First Degree Murder in 97CRS23656, First Degree Arson in 98CRS23486, and eight counts of Solicitation to Commit First Degree Murder in Bills of Information which are to be filed this date. The Defendant agrees and understands that he will receive consecutive sentences in each of these cases. Further, the Defendant agrees to return the ashes of Patricia Blakley Kimble to the Blakley family. The State agrees to dismiss any Breaking and Entry or Larceny indictments against Theodore Meade Kimble which are presently pending in Guilford County.

The parties stipulate that the Defendant is a level II offender, and that under the Structured Sentencing Act the maximum sentence he can receive for each B-2 felony is 254 months, for each Class C felony 159 months, and for the Class D felony 108 months.

- (a) Is this correct as being your full plea arrangement? (14a) yes
- (b) Do you now personally accept this arrangement? (14b) yes
- 15. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes? (15) no
- 16. Do you enter this plea of your own free will, fully understanding what you are doing? (16) yes
- 17. Do you have any questions about what has just been said to you or about anything else connected with your case? (17) no

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order to have the Court accept my plea in this case. The conditions of the plea as stated above, if any, are accurate.

SWORN AND SUBSCRIBED TO BEFORE ME		Date <u>1/28/99</u>
Date <u>1/28/99</u>	Signature <u>[Signature]</u>	Signature Of Defendant <u>[Signature]</u>
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Name Of Defendant (Type Or Print) <u>Theodore Mead Kimble</u>

CERTIFICATION BY LAWYER FOR DEFENDANT		
As lawyer for the defendant named above, I hereby certify that the conditions stated above, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charge(s) to which the defendant is pleading.		
Date <u>1/28/99</u>	Name Of Lawyer For Defendant (Type Or Print) <u>Paul W. Zimmerman, Jr.</u>	Signature Of Lawyer For Defendant <u>[Signature]</u>

CERTIFICATION BY PROSECUTOR		
As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, are the terms agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charge(s) in this case.		
Date <u>1/28/99</u>	Name Of Prosecutor (Type Or Print) <u>Richard E. Panosh</u>	Signature Of Prosecutor <u>[Signature]</u>

PLEA ADJUDICATION		
Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant and the District Attorney, the undersigned finds:		
<ol style="list-style-type: none"> 1. That there is a factual basis for the entry of the plea. 2. That the defendant is satisfied with his/her lawyer. 3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly. 		
The defendant's plea is hereby accepted by the Court and is ordered recorded.		
Date <u>1/28/99</u>	Name Of Presiding Judge (Type Or Print) <u>Peter M. McHugh</u>	Signature Of Presiding Judge <u>[Signature]</u>

Name Of Defendant

THEODORE MEADE KIMBLE

PLEAS

Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL	Maximum Punishment
G	97CRS39581	1	SECOND DEGREE MURDER	10-09-1995	14-17	F	B-2	415
G	97CRS23656	2	CONSPIRACY: First Degree Murder	10-09-1995	C.L. & 14-2.4	F	B-2	415
G	98CRS23486	1	FIRST DEGREE ARSON	10-09-1995	C.L. & 14-58	F	D	199
G	99CRS 23241	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23242	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23243	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23244	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23245	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23246	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23247	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261
G	99CRS 23248	1	SOLICITATION : First Degree Murder	11-04-1998	CL. & 14-2.6	F	C	261

WILFORD COUNTY
FILED
 JAN 23 1999
 AS 350 y.m.p.
 BY [Signature]
 CLERK OF SUPERIOR COURT

NORTH CAROLINA - Wilford County
 CERTIFIED A TRUE COPY OF ORIGINAL
 ON FILE IN THIS OFFICE

January 12 2001
 [Signature]

*G = Guilty
 NC = No Contest

TOTAL MAXIMUM PUNISHMENT

3177 mos.

MANDATORY MINIMUM FINES & SENTENCES (if any)

B2: 130 mos., D: 53 mos., C: 80 mos.

GUILFORD

County GUILFORD COUNTY

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name And Address Of Defendant
 THEODORE MEADE KIMBLE
 DEPT. OF CORRECTIONS

FILED
 JAN 23 1999
 AS 350 BY [Signature] M.
 CLERK OF SUPERIOR COURT
 NC25218

WORKSHEET
PRIOR RECORD LEVEL FOR
FELONY SENTENCING AND
PRIOR CONVICTION LEVEL FOR
MISDEMEANOR SENTENCING
(STRUCTURED SENTENCING)

Social Security No. 240-47-9619
 SID No. NC25218
 Race WHITE Sex MALE DOB 12-08-1969

G.S. 15A-1340.14, 15A-1340

NOTE: This Worksheet is provided to assist the attorney for the state in calculating and presenting the defendant's prior record level or prior conviction level. Record the defendant's prior record on the reverse side of this form or attach a copy of the defendant's prior record pursuant to G.S. 15A-1340.14(f). If sentencing for a felony, count the number of prior convictions in each offense class and enter those totals in the chart in section I below. For multiple prior convictions at one session of court, see G.S. 15A-1340.14(d). Class 1 misdemeanor offenses under Chapter 20 are not assigned any points for determining prior record level for felony sentencing except misdemeanor delinquency (G.S. 20-141.4(a2)). First Degree Rape and First Degree Sexual offense convictions prior to October 1, 1994, are Class B1 convictions.

I. SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	TYPE	FACTORS	POINTS
	Prior Felony Class A Conviction	X10	
	Prior Felony Class B1 Conviction	X 9	
	Prior Felony Class B2 or C or D Conviction	X 6	
	Prior Felony Class E or F or G Conviction	X 4	
1	Prior Felony Class H or I Conviction	X 2	2
	Prior Class A1 or 1 Misdemeanor Conviction (see note)	X 1	
SUBTOTAL			2

If all the elements of the present offense are included in the prior offense **+ 1**
 If the offense was committed:
 (a) while on probation, parole, or post-release supervision; or
 (b) while serving a sentence of imprisonment; or
 (c) while on escape

CERTIFIED A TRUE COPY OF ORIGINAL
ON FILE IN THIS OFFICE.
 January 13, 2004
 [Signature]

II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL

MISDEMEANOR

NOTE: If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.

No. Of Prior Convictions	Level
0	I
1-4	II
5+	III

PRIOR CONVICTION LEVEL **I**

FELONY

NOTE: If sentencing for a felony, locate the prior record level which corresponds to the prior record determined in section I above.

Points	Level
0	I
1 - 4	II
5 - 8	III
9 - 14	IV
15 - 18	V
19+	VI

PRIOR RECORD LEVEL **II**

The Court has determined the number of prior convictions to be _____ and the level to be as shown above.

The Court finds the prior convictions, prior record points & the prior record level of the defendant to be as shown herein.

Date 1-28-99 Name Of Presiding Judge (Type Or Print) Peter M. McHugh

Signature Of Presiding Judge [Signature]

SUPREME COURT OF NORTH CAROLINA

(State v Theodore Mead Kimble)

State of North Carolina

v

Theodore Mead Kimble

RECEIVED

APR 10 2001

From NC Court of Appeals

(COA99-1518)

(97CRS23658)

(97 CRS 39581)

(98 CRS 23486)

(99CRS23241-48)

ORDER

Upon consideration of the petition filed by Defendant in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Denied by order of the Court in conference, this the 5th day of April 2001.

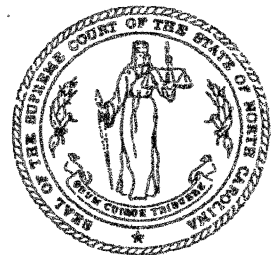
s/ Butterfield, J.
For the Court"

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 6th day of April 2001.

Christie Speir Cameron
Clerk, Supreme Court of North Carolina



Carol B. Templeton
Assistant Clerk



- Copy to:
- North Carolina Court of Appeals
- Ms. Danielle M. Carman, Assistant Appellate Defender, For Kimble
- Mr. Edwin W. Welch, Special Deputy Attorney General, For State
- Mr. Horace M. KimeI, Jr., District Attorney
- Mr. David Churchill, Clerk of Superior Court
- Mr. Ralph A. White, Appellate Court Reporter
- West Publishing Company
- Lexis-Nexis

No. COAP03-956

North Carolina Court of Appeals

STATE OF NORTH CAROLINA

V

THEODORE MEAD KIMBLE

From Guilford
(97CRS23656, 97CRS39581, 98CRS23486,
99CRS23241-48)

03/10/24 P1 3:35
OFFICE OF THE CLERK
OF THE NORTH CAROLINA
COURT OF APPEALS

ORDER

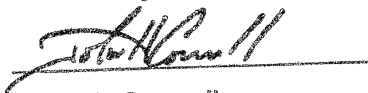
The following order was entered:

The motion filed in this cause on the 27th day of October 2003 and designated "Motion For Relief From The Judgment" is dismissed.

By order of the Court this the 24th day of November 2003.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 24th day of November 2003.



John H. Connell
Clerk of North Carolina Court of Appeals

CSC Orig

cc:

Mr. Theodore Kimble

Ms. Kathleen U. Baldwin

No. COAP03-956

North Carolina Court of Appeals

STATE OF NORTH CAROLINA

V

THEODORE MEAD KIMBLE

From Guilford
(97CRS23656, 97CRS39581, 98CRS23486,
99CRS23241-48)

COURT OF APPEALS
OF NORTH CAROLINA

03 NOV 24 PM 3:35

ORDER

The following order was entered:

The motion filed in this cause on the 3rd day of November 2003 and designated "Motion in Arrest of Judgment" is dismissed.

By order of the Court this the 24th day of November 2003.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 24th day of November 2003.



John H. Connell
Clerk of North Carolina Court of Appeals

CSC Orig

cc:

Mr. Theodore Kimble

Ms. Kathleen U. Baldwin

No. COAP03-956

North Carolina Court of Appeals

STATE OF NORTH CAROLINA

V

THEODORE MEAD KIMBLE

From Guilford

(97CRS23656, 97CRS39581, 98CRS23486,

99CRS23241-48)

STATE OF NORTH CAROLINA
COURT OF APPEALS

03 NOV 24 PM 3:35

ORDER

The following order was entered:

The petition filed in this cause on the 7th day of November 2003 and designated "Petition For Writ Of Mandamus" is Denied.

By order of the Court this the 24th day of November 2003.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 24th day of November 2003.



John H. Connell
Clerk of North Carolina Court of Appeals

CSC Orig

cc:

Mr. Theodore Kimble

Ms. Kathleen U. Baldwin

No. COAP03-956

North Carolina Court of Appeals

STATE OF NORTH CAROLINA

v

THEODORE MEAD KIMBLE

From Guilford
(97CRS23656, 97CRS39581, 98CRS23486,
99CRS23241-48)

03 NOV 21 PM 3:37
OFFICE OF THE CLERK
OF THE NORTH CAROLINA
COURT OF APPEALS

ORDER

The following order was entered:

The petition filed in this cause on the 18th day of November 2003 and designated "Petition for Writ Of Mandamus" is Denied.

By order of the Court this the 24th day of November 2003.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 24th day of November 2003.



John H. Connell
Clerk of North Carolina Court of Appeals

CSC Orig
cc:
Mr. Theodore Kimble
Ms. Kathleen U. Baldwin

No. COAP03-956

North Carolina Court of Appeals

STATE OF NORTH CAROLINA

V

THEODORE MEAD KIMBLE

From Guilford
(97CRS23656, 97CRS39581, 98CRS23486,
99CRS23241-48)

FILED
04 JAN 13 PM 2:09
COURT OF APPEALS
OF NORTH CAROLINA

ORDER

The following order was entered:

The petition filed in this cause on the 16th day of December 2003 and designated "Petition For Writ Of Certiorari" is denied.

By order of the Court this the 13th day of January 2004.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 13th day of January 2004.



John H. Connell
Clerk of North Carolina Court of Appeals

CSC Orig
cc:
Mr. Theodore Kimble
Ms. Kathleen U. Baldwin

In Case # 97 CRS 39581 an aggravated sentence for second degree murder of 204 months to 254 months to begin at the expiration of any sentence now serving;

In Case # 97 CRS 23656 a presumptive sentence for conspiracy to commit murder of a 163 months to 205 months to begin at the expiration of the second degree murder sentence in 97 CRS 39581;

In Case # 98 CRS 23486 an aggravated sentence for first degree arson of 82 months to 108 months to begin at the expiration of the conspiracy sentence in 97 CRS 23656;

In Case # 99 CRS 24241 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the first degree arson sentence in 98 CRS 23486;

In Case # 99 CRS 24242 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24241;

In Case # 99 CRS 24243 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24242;

In Case # 99 CRS 24244 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24243;

In Case # 99 CRS 24245 a presumptive sentence for solicitation to commit murder of 96 months to 125 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24244;

In Case # 99 CRS 24246 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24245;

In Case # 99 CRS 24247 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24246;

In Case # 99 CRS 24248 a presumptive sentence for solicitation to commit murder of 96 months to 125 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24247;

DEFENDANT'S ASSIGNMENTS OF ERROR

Defendant assigns as error the following:

1. The trial court's findings of fact, conclusions of law, and ruling waiving attorney Zimmerman's conflict of interest and allowing Zimmerman to represent defendant, on the grounds that the findings were not supported by the evidence, and the conclusions and rulings were erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights.

Dec. 3, 1998 Motions Hearing, Tpp. 46, line 6 through 49, line 14

2. The trial court's action in misinforming defendant about the consequences of his guilty pleas and *Alford* pleas, on the grounds that the court's statements to defendant about the mandatory minimum sentences and possible maximum sentences were erroneous under North Carolina statutory and common law, violated G.S. 15A-1022, and rendered defendant's pleas involuntary in violation of defendant's State and Federal constitutional rights. Defendant asserts plain error.

Jan. 28, 1999 Pleas Transcript, Tpp. 9, line 15 through 10, line 7
Jan. 28, 1999 Pleas Transcript, Tp. 12, lines 8-16
Rpp. 17-20

3. The trial court's acceptance of defendant's guilty pleas and *Alford* pleas, on the grounds that the pleas were not freely, voluntarily, and understandingly entered, and that the court's action was erroneous under North Carolina common law and G.S. 15A-1021 and 15A-1022, and violated defendant's State and Federal constitutional rights. Defendant asserts plain error.

Jan. 28, 1999 Pleas Transcript, Tp. 18, lines 4-14
Rp. 18

4. Defendant's attorneys' ineffective assistance of counsel at the hearing on his motion to withdraw his pleas, on the grounds that the attorneys had a conflict of interest and that their performance was deficient in violation of defendant's State and Federal constitutional rights.

Mar. 4, 1999 Motion to Withdraw, Tpp. 3-39

5. The trial court's ruling denying defendant's objection to State documentary exhibit number 1 and admission of that exhibit into evidence at the motion to withdraw hearing, on the grounds that the evidence was inadmissible and incompetent, and that the court's ruling was erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights.

Mar. 4, 1999 Motion to Withdraw, Tpp. 29, line 23 through 30, line 14

6. The trial court's findings of fact, conclusions of law, and Order denying defendant's motion to withdraw his guilty pleas and *Alford* pleas, and entry of judgment and commitment in all cases, on the grounds that the trial court's statements about the mandatory minimum and possible maximum punishments were erroneous in law and violated G.S. 15A-1022; that defendant's pleas were involuntary, coerced, and uninformed in violation of G.S. 15A-1021 and 15A-1022 and North Carolina common law; that defendant received ineffective assistance of counsel at the motion to withdraw hearing; and that the court's findings are not supported by the evidence, the conclusions are not supported by the findings and are erroneous in law, and the Order is erroneous under North Carolina statutory and common law, and violative of defendant's State and Federal constitutional rights. To the extent this error is not preserved, defendant asserts plain error.

Mar. 4, 1999 Motion to Withdraw, Tpp. 30, line 19 through 39, line 14
Rpp. 27-36, 54-75

7. The trial court's admission of State witness James Bowman's testimony at the sentencing hearing, on the grounds that the evidence was inadmissible and incompetent hearsay and that the court's action was erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights. Defendant asserts plain error.

Mar. 4, 1999 Sentencing Hearing, Tpp. 56, line 11 through 67, line 1

8. The Trial Court's finding of the non-statutory aggravating sentencing factor that "defendant acted with premeditation and deliberation in committing this offense" in case number 97 CrS 39581 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law, not supported by any competent record evidence, inherent in the offense, and supported by the same evidence used to prove an element of the offense in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 220, line 5 through 221, line 10
Rpp. 38-39, 54-55

9. The Trial Court's finding of the non-statutory aggravating sentencing factor that "defendant acted for pecuniary gain" in case number 97 CrS 39581 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law and not supported by any competent record evidence in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 220, line 5 through 221, line 10
Rpp. 38-39, 54-55

10. The Trial Court's finding of the non-statutory aggravating sentencing factor that the "offense was committed for the purpose of avoiding detection in the murder of Patricia Gail Kimble and for the purpose of covering up the murder" in case number 98 CrS 23486 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law, not supported by any competent record evidence, inherent in the offense, and supported by the same evidence used to prove an element of the offense in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 221, line 25 through 222, line 23
Rpp. 40-41, 58-59

11. The trial court's findings of both statutory aggravating sentencing factors 5(a) and 5(b) in case numbers 99 CrS 23241, 23242, 23243, 23244, 23246, and 23247 and imposition of greater-than-presumptive sentences in those cases, on the grounds that the factors were not adequately proved in law, not supported by any competent record evidence, supported by the same evidence used to prove an element of the offense, and supported by the same evidence used to prove each other in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 222, line 24 through 226, line 20
Rpp. 42-53, 60-73

STATE OF NORTH CAROLINA

FILED

File No.

See attached

Guilford County

DEC 8 1997

In The General Court Of Justice

District Superior Court Division

STATE VERSUS

AT 4:00 O'CLOCK P M

Name Of Defendant

Theodore Meade

BY [Signature] CLERK OF SUPERIOR COURT

TRANSCRIPT OF PLEA

DOB 12/8/69 Age 28 Highest Level Of Education Completed 12th

G.S. 15A-10:

The defendant, having offered a plea of Guilty and being first duly sworn, makes the following answers to the questions set out below:

Answers

- 1. Are you able to hear and understand me? (1) Yes
- 2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? (2) Yes
- 3. At what grade level can you read and write? (3) 12th grade
- 4. (a) Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants? (4a) No
- (b) When was the last time you used or consumed any such substance? (4b) Prescription med. Presently
- 5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? (5) Yes
- 6. (a) Have you and your lawyer discussed the possible defenses, if any, to the charges? (6a) Yes
- (b) Are you satisfied with your lawyer's legal services? (6b) Yes
- 7. (a) Do you understand that you have the right to plead not guilty and be tried by a jury? (7a) Yes
- (b) Do you understand that at such trial you have the right to confront and to cross examine witnesses against you? (7b) Yes
- (c) Do you understand that by your plea(s) you give up these and your other constitutional rights relating to a trial by jury? (7c) Yes
- 8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law? (8) N/A
- 9. (if applicable) Do you understand that upon conviction of a felony that you automatically forfeit any licensing privileges as defined by G.S. 15A-1331A for the full term:
 - (a) (FSA cases only occurring on or after May 1, 1994) of the maximum sentence of imprisonment imposed at the time of conviction if: (1) you are offered a suspended sentence on condition that you accept probation and you refuse probation, or (2) your probation is revoked or suspended and the Court makes findings that you failed to make reasonable efforts to comply with the conditions of probation. (9a) No
 - (b) (Structured Sentencing cases committed on or after October 1, 1994) of the period you are placed on probation if: (1) you are offered a suspended sentence on condition you accept probation and you refuse probation, or (2) your probation is revoked or suspended. G.S. 15A-1331A(b). (9b) Yes
- 10. Do you understand that you are pleading (guilty) (no contest) to the charges shown on the attached sheet, which carry the total punishments listed. (10) Yes
- 11. Do you now personally plead (guilty) (no contest)? (11) Yes
- 12. (a) (if applicable) Are you in fact guilty? (12a) Yes
- (b) (if applicable) Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt? (12b) N/A
- (c) (if applicable) (Alford Plea)
 - (1) Do you now consider it to be in your best interest to plead guilty? (12c1) NA
 - (2) Do you understand that upon your "Alford Plea" you will be treated as being guilty whether or not you admit that you are in fact guilty? (12c2) NA
- 13. Have you agreed to plead as part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval? (13) No

14. (if applicable) The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea: (See attachment for additional plea arrangements, including voluntary dismissals.)

Answers

- None -

- (a) Is this correct as being your full plea arrangement? (14a) NA
- (b) Do you now personally accept this arrangement? (14b) NA
- 15. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes? (15) No
- 16. Do you enter this plea of your own free will, fully understanding what you are doing? (16) Yes
- 17. Do you have any questions about what has just been said to you or about anything else connected with your case? (17) No

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order to have the Court accept my plea in this case. The conditions of the plea as stated above, if any, are accurate.

SWORN AND SUBSCRIBED TO BEFORE ME		Date
Date	Signature	Signature Of Defendant
12/8/97	<i>Christina D. Dan</i>	<i>Theodore M. Kimble</i>
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court
		Name Of Defendant (Type Or Print)
		Theodore M. Kimble

CERTIFICATION BY LAWYER FOR DEFENDANT

As lawyer for the defendant named above, I hereby certify that the conditions stated above, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charge(s) to which the defendant is pleading.

Date	Name Of Lawyer For Defendant (Type Or Print)	Signature Of Lawyer For Defendant
12/8/97	Robert L. McClellan	<i>Robert L. McClellan</i>

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, are the terms agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charge(s) in this case.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor
12/5/97	Richard E. Panosh	<i>REP</i>

PLEA ADJUDICATION

Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant the District Attorney, the undersigned finds:

1. That there is a factual basis for the entry of the plea. ✓
2. That the defendant is satisfied with his/her lawyer. ✓
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea is hereby accepted by the Court and is ordered recorded.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
12/8/97	H. W. Zimmerman, Jr.	<i>H. W. Zimmerman, Jr.</i>

STATE OF NORTH CAROLINA

GUILFORD COUNTY

FILED

DEC 8 1997

File No.

See Transcript

In The General Court Of Justice

District Superior Court Divisor

STATE VERSUS

AT 4:00 O'CLOCK P M
BY na
CLERK OF SUPERIOR COURT

Name And Address Of Defendant

Theodore M. Kimble

WORKSHEET

PRIOR RECORD LEVEL FOR
FELONY SENTENCING AND
PRIOR CONVICTION LEVEL FOR
MISDEMEANOR SENTENCING
(STRUCTURED SENTENCING)

G.S. 15A-1340.14, 15A-1340.2

Social Security No.

SID No.

NC 0725218A

Race

Sex

DOB

W

M

12/8/69

NOTE: This worksheet is provided to assist the attorney for the state in calculating and presenting the defendant's prior record level or prior conviction level. Record the defendant's prior record on the reverse side of this form or attach a copy of the defendant's prior record pursuant to G.S. 15A-1340.14(f). If sentencing for a felony, count the number of prior convictions in each offense class and enter those totals in the chart in section I below. For multiple prior convictions at one session of court, see G.S. 15A-1340.14(d). Class 1 misdemeanor offenses under Chapter 20 are not assigned any points for determining prior record level for felony sentencing except misdemeanor death by vehicle [G.S. 20-141.4(a2)]. First Degree Rape and First Degree Sexual offense convictions prior to October 1, 1994, are Class B1 convictions.

I. SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	TYPE	FACTORS	POINTS
	Prior Felony Class A Conviction	X 10	
	Prior Felony Class B1 Conviction	X 9	
	Prior Felony Class B2 or C or D Conviction	X 6	
	Prior Felony Class E or F or G Conviction	X 4	
	Prior Felony Class H or I Conviction	X 2	
	Prior Class A1 or 1 Misdemeanor Conviction (see note)	X 1	
		SUBTOTAL	0
If all the elements of the present offense are included in the prior offense		+ 1	
If the offense was committed: (a) while on probation, parole, or post-release supervision; or (b) while serving a sentence of imprisonment; or (c) while on escape		+ 1	
		TOTAL	0

II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL

MISDEMEANOR

FELONY

NOTE: If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.

NOTE: If sentencing for a felony, locate the prior record level which corresponds to the prior record determined in section I above.

No. Of Prior Convictions	Level
0	I
1-4	II
5+	III

PRIOR CONVICTION LEVEL

Points	Level
0	I
1 - 4	II
5 - 8	III
9 - 14	IV
15 - 18	V
19 +	VI

PRIOR RECORD LEVEL

The Court has determined the number of prior convictions to be _____ and the level to be as show above.

The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.

Date 12/2/97 Name Of Presiding Judge (Type Or Print) M. A. Zimmerman Jr

Signature Of Presiding Judge [Signature]

PLEAS

Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL	Maximum Punishment
G	97CRS23655	1	Possess ATTEMPT TO BY CLERK OF SUPERIOR COURT	4/1/97	14-288.8	F	F	59
G	97CRS23658	2	Larceny	1/2/97	14-72	F	H	30
G	97CRS23659	1	Breaking / Entry Bully	1/11/97	14-54	F	H	30
G	"	2	Larceny	"	14-72	F	H	30
G	97CRS23660	1	Larceny	"	14-72	F	H	30
G	97CRS23662	1	Breaking / Entry Bully	"	14-54	F	H	30
G	"	2	Larceny	"	14-72	F	H	30
G	97CRS23664	1	Breaking / Entry Bully	"	14-54	F	H	30
G	"	2	Larceny	"	14-72	F	H	30
G	97CRS23665	1	Breaking / Entry Bully	"	14-54	F	H	30
G	"	2	Larceny	"	14-72	F	H	30
G	97CRS23666	1	Misdemeanor Larceny	1/4/97	14-72	M	L	4
G	97CRS23667	1	Larceny	1/30/97	14-72	F	H	30
G	97CRS23668	1	Larceny	2/6/97	14-72	F	H	30
G	97CRS23669	1	Larceny	2/12/97	14-72	F	H	30
G	97CRS23670	1	Breaking + Entry	2/3/97	14-72	F	H	30
"	"	2	Larceny	"	14-54	F	H	30
G	97CRS23671	2	Misdemeanor Larceny	2/4/97	14-72	M	M-L	30
G	97CRS23672	1	Breaking / Entry Bully	2/4/97	14-54	F	H	30
		2	Larceny	"	14-72	F	H	30
G	97CRS23673	1	Breaking / Entry Bully	2/4/97	14-54	F	H	30
		2	Larceny	"	14-72	F	H	30
G	97CRS23674	1	Larceny	2/20/97	14-72	F	H	30
G	97CRS23679	1	Breaking + Entry Bully	2/7/97	14-54	F	H	30
	97CRS23679	2	Larceny	"	14-72	F	H	30

*G = Guilty
NC = No

TOTAL MAXIMUM

see page 3

MANDATORY MINIMUM FINES & SENTENCES (if any)

FILED

Plea*	File Number	Count No.(s)	Offense	Date Of Offense	G.S. No.	F/M	CL	Maximum Punishment
G	97CRS23676	1	Larceny AT 4:00 O'CLOCK P M	2/1/97	14-72	F	H	30
G	97CRS23677	1	Larceny BY NO CLERK OF SUPERIOR COURT	3/1/97	14-72	F	H	30
G	97CRS23678	2	Larceny	2/7/97	14-72	F	H	30
G	97CRS23680	1	Breaking / Entry Bldg	3/13/97	14-54	F	H	30
G	"	2	Larceny	"	14-72	F	H	30
G	97CRS23681	1	Breaking / Entry Bldg	3/12/97	14-54	F	H	30
	"	2	Larceny	"	14-72	F	H	30
G	97CRS23682	1	Breaking / Entry Bldg	3/17/97	14-54	F	H	30
		2	Larceny	"	14-72	F	H	30
G	97CRS23683	1	Breaking / Entry Bldg	3/19/97	14-54	F	H	30
G	"	2	Larceny	"	14-72	F	H	30
G	97CRS23684	1	Larceny	3/22/97	14-72	F	H	30

*G = Guilty
NC = No

TOTAL MAXIMUM

1,059 months

MANDATORY MINIMUM FINES & SENTENCES (if any)

STATE OF NORTH CAROLINA

File No. 97CR 4

GUILFORD

County

GREENSBORO

Seat of Court

In The General Court Of Justice Superior Court Division

NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-301 on DWI offense(s).)

STATE VERSUS

JUDGMENT AND COMMITMENT

Defendant

THEODORE MEAD KIMBLE

ACTIVE PUNISHMENT FELONY

Race

White

Sex

M

DOB

12-08-1960

CLERK OF SUPERIOR COURT (STRUCTURED SENTENCING)

G.S. 15A-1301, 15A-1340.13

Attorney For State

RICHARD PANOSH

Def. Found

Not Indigent

Def. Waived

Attorney

Attorney For Defendant

ROBERT L. MCCLELLAN

Appointed Retained

The defendant pled guilty to: was found guilty by a jury of: pled no contest to:

File No.(s) And Offense(s)

97CRS 23655 POSSESS WEAPON OF MASS DESTRUCTION

Date Of Offense

04-01-1997

G.S. No.

14-288.8

F./M.

F

CL.

F

The Court:

- 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be -0-
 2. makes no prior record level finding because none is required for Class A felony, enhanced firearm penalty, violent habitual felon, or drug trafficking offenses.

PRIOR

I III V

RECORD LEVEL: II IV VI

The Court:

- 1. makes no written findings because the prison term imposed is: (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c). (b) for a Class A felony. (c) for enhanced firearm penalty (G.S. 15A-1340.16A). (d) for an adjudication as a violent habitual felon. G.S. 14-7.12. (e) for drug trafficking offenses.
 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.
 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
 5. adjudges the defendant to be an habitual felon pursuant to Article 2A of G.S. Chapter 14.
 6. finds enhanced punishment from a Class 1 misdemeanor to a Class I felony. G.S. 90-95(e)(3) (drugs); G.S. 14-3(c) (race)
 7. finds no Extraordinary Mitigation.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned

for a minimum term of:

015

months

for a maximum term of:

018

months

in the custody of the:

Class A Felony: Life Imprisonment Without Parole Death (see attached Death Warrant and Certificates)

N.C. DOC.

Sheriff pursuant to G.S. 15A-1352(b).

Other

Class B1 Felony: Life Imprisonment Without Parole

Violent Habitual Felon: Life Imprisonment Without Parole

The defendant shall be given credit for 32 days spent in the confinement prior to the date of this Judgment as a result of this charge.

- The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
 The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

(NOTE: List the case number, date, county and court in which prior sentence imposed.)

12/16/97 BCKD

(check all that apply)

1. The defendant shall pay the costs.

2. The defendant shall pay a fine of \$ _____

The Court recommends:

3. Substance Abuse Treatment Unit pursuant to G.S. 15A-1351(h).

4. Psychiatric and/or psychological counseling.

5. Work Release

6. Payment as a condition of post release supervision, if applicable, or from work release earnings, if applicable, of the items and amounts set out below.

Fine	Costs	Restitution*	Reimbursement For Atty Fee & Other Expenses	Total Amount Due
			\$1,850.00	\$1,850.00

*Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:

The Court further recommends:

The Court does not recommend:

1. Restitution as a condition of post release supervision or work release. 2. Work release.

AWARD OF FEE TO COUNSEL FOR DEFENDANT

A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
12-08-1997	H. W. ZIMMERMAN, JR.	

ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and commit the defendant to the custody of the official named in this Judgment and furnish that official two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment marked below is a true and complete copy of the original which is on file in this case. Appeal Entries (AOC-CR-350) Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317) Commitment Information Statement (DC-600)

Date	Signature And Seal

Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
12-16-97	