

*State of North Carolina
General Court of Justice
Eighteenth Prosecutorial District*

Horace M. Kimel, Jr.
District Attorney
(910) 574-4313

P.O. Box 10769
Greensboro, NC 27404-0769

Tuesday, October 28, 1997

Mr. W. David Lloyd
Attorney at Law
101 South Elm St.
Greensboro, NC 27401

RE: Correspondence of October 24, 1997.

Dear Mr. Lloyd:

I am in receipt of your letter which alleges that I am taking advantage of a the scheduling power which rests with the State which to perpetrate a "fundamental unfairness."

As I indicated in our telephone conversation, I have very little control over the court time which is allocated for the trial of this case. I received the court schedule for the first six months of 1998 about two weeks ago. That schedule gave my team two multi-week terms during that six months, both of which are in January of 1998. Therefore, I must schedule major cases during those terms of court. You have obviously chosen not to believe the information that I provided to you and chosen to endorse Mr. Hatfield's position that every date the State proposes is part of a conspiracy to deprive him of one of his unscheduled vacations.

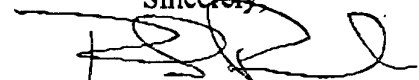
Since I did not have a schedule at the time of our earlier conversation, I find it very unlikely that I would have committed to a May date. My recollection is that Mr. Harrelson, who was then involved in the case, came up with the projection of May of 1998.

I have had conversations with Mr. Hatfield after I sent him the letter he showed you. As I have told Mr. Hatfield, I suggest that all attorneys involved file their proposed vacation plans with the Superior Court and give a copy to the District Attorney's Office. I will then set a trial date which does not conflict with the scheduled vacations and you can file any motions to continue that you deem appropriate. I have also met with the codefendant's counsel and they oppose a January date due to the illness of their investigator.

It is important that you realize that if we are unable to utilize the multi-week terms that are available in January, the case may not be heard until after July 1, 1998. Your client may not consent to that type of a delay and may desire to have the matter heard in January. It would be the position of the State of North Carolina that if the matter is not reached in January, the defendant(s) would not be in a position to object if the trials are not rescheduled until after July 1, 1998.

I am preparing additional discovery for each defendant and I anticipate it will be ready by the end of this week. With the discovery packet, I will suggest that all attorneys involved meet briefly to discuss scheduling and to request any materials that they feel they should have been provided and have not received.

Sincerely,



Richard E. Panosh,
Assistant District Attorney