

Think the case law
Argue
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position

FILED

NORTH CAROLINA
GUILFORD COUNTY

1998 JAN 22 PM 1:56
GUILFORD COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 97CRS-39580

STATE OF NORTH CAROLINA)
)
)
VS.)
)
)
RONNIE LEE KIMBLE,)
)
DEFENDANT.)

MOTION TO ALLOW DEFENSE
COUNSEL TO QUESTION JURORS
SUBSEQUENT TO CHALLENGE
FOR CAUSE BY STATE

NOW COMES the defendant, above-named, through counsel,
and moves this court pursuant to the Sixth, Eighth, and
Fourteenth Amendments to the Constitution of the United States
and parallel provisions of the North Carolina Constitution to
allow the defense to question jurors that the state has
challenged for cause as a result of that juror's opposition to
the death penalty. In support of this motion, the defendant
shows the court the following:

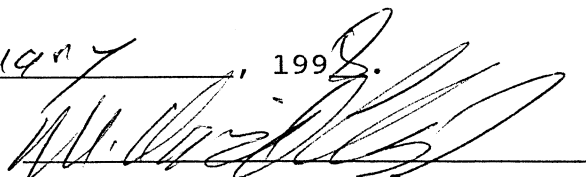
1. The defendant is charged with first degree murder and
the state has indicated it will seek the death penalty.
2. In capital cases, the state is typically allowed to
"death qualify" the jury; thereby excusing certain jurors
based on their views concerning the death penalty.
3. The Sixth, Eighth, and Fourteenth Amendments prohibit
the exclusion of jurors for cause simply because they express
opposition to the death penalty or express scruples against
its infliction.

4. The erroneous removal of even one juror because of his or her opposition to the death penalty constitutes reversible error.

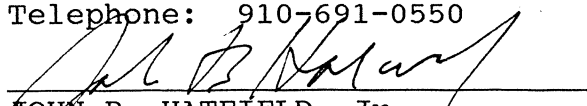
5. The defense should be allowed to questions jurors challenged for cause by the state to clarify their views on the death penalty and to allow appellate courts to be able to determine if said jurors were properly removed for cause.

WHEREFORE, the defendant respectfully prays the court to allow defense counsel to question jurors challenged for cause because of their views on the death penalty.

This the 22 day of January, 1998.


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