

NORTH CAROLINA  
GUILFORD COUNTY

FILED THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
1998 JAN 22 PM 4:16 NO. 97CRS-39580

GUILFORD COUNTY, C.S.C.

STATE OF NORTH CAROLINA

BY) gSR  
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VS.

MOTION FOR DISCLOSURE OF  
AGGRAVATING AND MITIGATING  
CIRCUMSTANCES

RONNIE LEE KIMBLE,  
DEFENDANT.

NOW COMES the Defendant, above-named, by and through his undersigned counsel, and respectfully moves the Court for an Order requiring the prosecution to disclose the aggravating circumstances it intends to prove and to disclosed any evidence or knowledge which it has or through reasonable diligence could have relating to the existence of any mitigating circumstances, including, but not limited to, the following:

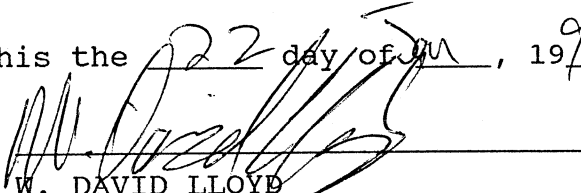
1. A list of the specific aggravating circumstances upon which the State will rely under N.C.G.S. 15A-2000(e);
2. A detailed statement of the evidence which the State contends establishes each of the aggravating circumstances mentioned under paragraph 1 above;
3. The names, addresses, telephone numbers and current occupations of each witness the prosecution expects to call along with a statement of the expected testimony from each such witness;
4. A copy of any statements which the prosecution has obtained from witnesses regarding any aggravating circumstances, whether or not the prosecution intends to call such witness for trial;
5. Any information in the prosecution's files or known to the prosecution or with the exercise of reasonable diligence could become known to the prosecution that establishes or might tend to establish the existence of any mitigating factor or circumstance is enumerated in N.C.G.S. 15A-2000(f).

As grounds for this motion, Defendant shows the Court that under N.C.G.S. 15A-2000, et seq., if the Defendant is convicted of the offense of first degree murder, the jury must then determine whether or not to have an executioner kill him. In making this determination, the jury is required by the Statute to weigh evidence of any aggravating factors against evidence of any mitigating factors. Due process and basic fairness require that a person not be killed as a result of the judicial process without first having full knowledge of

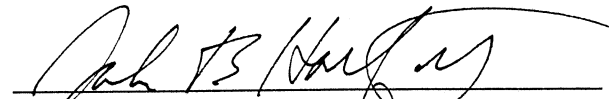
all of the relevant factors that might affect whether he lives or dies. Only by full disclosure by the prosecution of any and all information it has relating to aggravating and mitigating circumstances can be a defendant, and particularly an indigent defendant, effectively defend his life.

WHEREFORE, Defendant prays that the prosecution be required to make full disclosure of information concerning aggravating and mitigating circumstances.

RESPECTFULLY SUBMITTED this the 22 day of Jan, 1975.

  
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