

FILED

NORTH CAROLINA
GUILFORD COUNTY

1998 JUL 14 AM 12
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 97CRS-39580

BY JSR

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

MOTION TO PRODUCE EXCULPATORY
EVIDENCE AND INDUCEMENTS

NOW COMES the defendant, above-named, through counsel, and respectfully moves the Court for an Order directing the prosecution to investigate, disclose and make available to the Defendant and his counsel any and all evidence, information or facts in the possession, custody or control of, or known to, or in the exercise of reasonable diligence could be made known to the prosecution or any investigating officer, which is favorable to or tends to favor the Defendant or which impeaches or tends to impeach any prosecution witness, including, but not limited to, the following:

1. Any facts which tend to exculpate the Defendant;
2. Any witnesses known to the prosecution who have knowledge of facts which might be favorable to the Defendant;
3. Any promises made or action taken by the prosecution or anyone on behalf of the prosecution, either directly or indirectly, which caused or might have caused any witness for the prosecution to testify on behalf of the prosecution;
4. Any inconsistent statements made by any witnesses or potential witnesses for the prosecution or any statements made by any witnesses or potential witnesses for the prosecution which tend to exculpate the Defendant or to negate any element of he crimes charged;
5. Any and all scientific, medical, psychiatric, psychological, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of the prospective witnesses for the prosecution;

6. Any statement, made under oath or otherwise, whether written or oral, previously made by any witness or potential witness for the prosecution which is any way inconsistent with what that witness or any other witness is expected to testify to at trial or with any other statement made by that witness or any other witness;

7. Any and all consideration or promises of consideration given to or made on behalf of any prosecution witness. By "consideration," Defendant refers to absolutely anything of value or use, including, but not limited to, money, food, accommodations, plea bargains, offers of plea bargains, or suggestions of plea bargaining, immunity grants, informant's pay, special witness programs, protective custody, marshal's programs, witness fees, special witness fees, transportation assistance, assistance to members of witness' family or associates of witness, assistance or favorable treatment with respect to any past, present or expected criminal, civil or administrative dispute with the State of North Carolina or any subdivision thereof, and anything else which could arguably create an interest or bias in the witness in favor of the prosecution or against the Defense or could act as an inducement to testify or to color testimony. The defendant specifically requests this information with regard to Mitch Whidden and specifically requests information as to whether or not Mitch Whidden has collected any "crime stoppers" reward money, any discretionary funds from law enforcement or the district attorney's office or any "reward" money of any sort from any source or whether he has made application for any of the above. The defendant understands that Mitch Whidden will be called as a witness and that information he gave officers led directly to charges being filed against the defendant. Mitch Whidden has refused to talk to the defendant's investigator but the defendant believes he continues to talk to investigating officers and the district attorney's office;

8. Any and all prosecutions, investigations, or possible prosecutions pending or which could be brought against the witness and any probationary, parole or deferred prosecution status of the witness;

9. Any intervention in sentencing by anyone connected with the prosecution on behalf of any prosecution witness;

10. Any discussions or representations of any kind by anyone connected with the prosecution to any prosecution witness or to any attorney or agent of any prosecution witness regarding any benefits or possible benefits that any such witness might receive as a result of testifying on

behalf of the prosecution including, but not limited to, any suggestions or threats of possible prosecution which might be withheld;

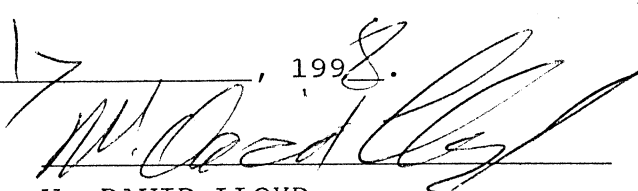
11. Any and all special relationships which any prosecution witness or any member of the family of any prosecution witness has now or has had in the past with the police, including, but not limited to, such relationship as informant, whether paid or unpaid, agent, whether paid or unpaid, or confidant. This request includes both past and present relationships with any law enforcement officer, member of the District Attorney's staff or other person involved in any way in the investigation of this case;

12. Any information or facts encompassed by the foregoing paragraphs which may be in the possession of federal officers, agencies, or any other officers or agencies who have participated in the investigation of this case and made available to the prosecution, directly or indirectly, information or evidence relating to this case.

13. The above request is authorized pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963); *U.S. v. Agurs*, 427 U.S. 97 (1976); *Giglio v. U.S.*, 405 U.S. 150 (1972) and *Kyles v. Whitley*, 514 U.S. 419 (1995).

WHEREFORE, the defendant prays the court to order the district attorney to turn over any and all such as requested above.

This the 4 day of July, 1998.


W. DAVID LLOYD
ATTORNEY FOR THE DEFENDANT

101 South Elm St.
Greensboro, N.C. 27401
Telephone: 910-691-0550


JOHN B. HATFIELD, Jr.,
ATTORNEY FOR THE DEFENDANT

219 W. Washington Street
Greensboro, NC 27401

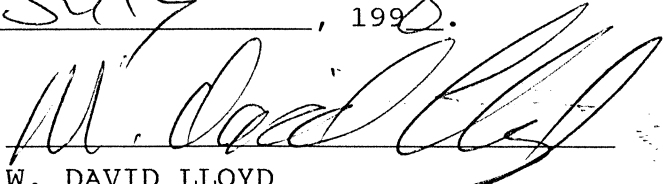
CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned attorney served a copy of the motions listed below or the attached motion on the State of North Carolina by handing ()mailing the same to:

MOTION IN LIMINE
MOTION IN LIMINE RE: JANET SMITH
MOTION TO PRODUCE EXCLULPATORY EVIDENCE

HORACE KIMEL (or representative)
DISTRICT ATTORNEY
JUDICIAL DISTRICT 18
201 South Eugene Street
Greensboro, North Carolina 27401
(910) 334-5606

THIS the 4 day of July, 1998.


W. DAVID LLOYD
ATTORNEY FOR THE DEFENDANT

101 South Elm Street
Greensboro, North Carolina 27401
Telephone: (910) 691-0550