

abortion and she did so in part because Ted Kimble coerced her by pointing a gun at her.

2. There is no allegation that Ronnie Kimble was present or knew this was happening.

3. Such evidence is purely and simply character assassination as to Ronnie Kimble and as such violates Rule 404(a).

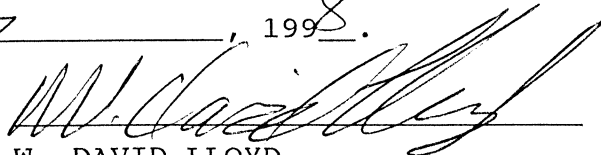
4. Even if the prosecution is able to advance some sort of theory of alternative admissibility to argue admission under Rule 404(b)--and undersigned counsel understands the state will argue admissibility on the theory that such action by Ted Kimble on Ronnie Kimble's behalf later provided a "pay-back" so that Ronnie agreed to murder Patricia Kimble-- such evidence could never pass muster under a Rule 403 balancing test.

5. Such a theory is first, the rankest of speculation. It's potential for unfair prejudice far outweighs any marginal probative value even if the validity of such a theory is accepted without question.

6. What such evidence really does is poison Ronnie Kimble in the eyes of the jury by showing him to be a person of bad character for begetting a child and then abandoning the mother by not marrying her. Even if all the allegations are accepted at face value, it shows nothing else about Ronnie Kimble and is excludable under both Rule 404(a) and 403.

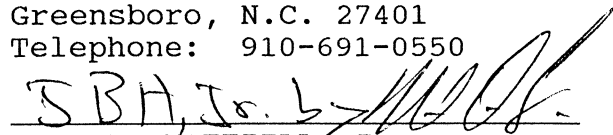
WHEREFORE, the defendant prays the court not allow any evidence of this alleged incident to be presented in the trial of this matter.

This the 14 day of July, 1998.



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