

**STATE OF NORTH CAROLINA
COUNTY OF GUILFORD**

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION**

97CRS39580

97CRS23654

98CRS23485

STATE OF NORTH CAROLINA)
)
 v.)
)
 RONNIE LEE KIMBLE ,)
 DEENDANT)

**DISCOVERY
MOTION**

NOW COMES THE STATE OF NORTH CAROLINA and MOVES the Court to issue an order requiring the defendant to **IMMEDIATELY PRODUCE** a copy of an undated tape recording of Mitch Whidden.

In support of this Motion the State of North Carolina submits:

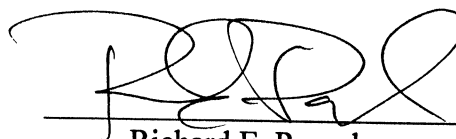
- 1) That on May 1, 1998, the State of North Carolina moved for reciprocal discovery, specifically of :
 - a) All Documents and Tangible Objects. (books, papers, documents, photographs, electronic recordings) which are within the possession, custody, or control of the defendant and which the defendant intends to introduce in evidence at the trial.
 - b) All Documents and Tangible Objects. (books, papers, documents, photographs, electronic recordings) which are within the possession, custody, or control of the defendant's private investigator and which are the basis of the testimony or said investigator.
- 2) That on May 18, 1998 the State's motion was heard by Judge Beale and granted. That the order stated:
 - a) That each defendant permit the State to inspect and copy or photograph any books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects, or copies or portions thereof which are within the possession, custody, or control of the defendant and which the defendant intends to introduce in evidence at the trial.
 - b) That each defendant to permit the State to inspect and copy or photograph results from reports of physical or mental examination or tests, measurements, or experiments made in connection with this case or copies thereof within the possession and control of the defendant which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness who the defendant intends to call at the trial, if the said results of reports relate to his testimony.
 - c) Further, discovery in regard to all documents and tangible objects and in the course of examinations or tests which are now in existence, the Court orders each reciprocal discovery to be completed not later than June 15, 1998.
 - d) That the court extended that date to June 22, 1998 at the request of Mr. Hatfield.

- 3) That on July 31, 1998, in the late afternoon, the defendant delivered a photocopy of the exterior of an audio cassette labeled "Mitch Whidden" along with other documentary discovery.
- 4) That the State of North Carolina has not had an opportunity to hear or copy the contents of that tape recording.
- 5) That the defendant has intentionally failed to comply with the former orders of the court.

Based upon the foregoing, the State of North Carolina requests that the defendant be required to immediately produce a copy of said tape recording, give the state access to the tape and an opportunity to copy it.

Further, the State of North Carolina requests to be allowed to move the court for further, appropriate relief after the contents of the tape recording has been reviewed.

This Monday, August 3, 1998.

A handwritten signature in black ink, appearing to read "R. Panosh", written over a horizontal line.

Richard E. Panosh,
Assistant District Attorney.

CERTIFICATE OF SERVICE

I, Richard E. Panosh, Assistant District Attorney for the Eighteenth Prosecutorial District, hereby certify that I have served a copy of the attached document on the counsel for the Defendant this date by:

- (X) Placing said copy in an official depository of the United States Post office with the first-class postage prepaid and with the same addressed to:

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- (X) This Motion was faxed to W. David Lloyd and John B. Hatfield, Jr. on Sunday, August 02, 1998, so they could bring the evidence to court on Monday, August 3, 1998.

This Monday August 3, 1998.



Richard E. Panosh,
Assistant District Attorney