

No.

EIGHTEENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

STATE OF NORTH CAROLINA) FROM GUILFORD COUNTY
 VS.) 97 CRS - 39580
 RONNIE LEE KIMBLE) NO. COA99-981
 DEFENDANT)

MOTION FOR EXTENSION OF TIME

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

DEFENDANT, RONNIE LEE KIMBLE, RESPECTFULLY MOVES THE SUPREME COURT OF NORTH CAROLINA PURSUANT TO THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES AND THE GENERAL STATUTES OF NORTH CAROLINA TO EXTEND THE TIME FOR FILING NOTICE OF APPEAL. IN SUPPORT OF THIS MOTION THE DEFENDANT SHOWS THE FOLLOWING:

FACTS

THIS CASE CAME ON FOR TRIAL DURING THE AUGUST 3, 1998 SESSION OF GUILFORD COUNTY CRIMINAL SUPERIOR COURT BEFORE THE HONORABLE C. PRESTON CORNELIUS, JUDGE PRESIDING. THE DEFENDANT WAS TRIED CAPITALLY BEFORE A JURY AND FOUND GUILTY OF FIRST DEGREE MURDER IN 97CRS-39580; CONSPIRACY TO COMMIT MURDER IN 97CRS-23654 AND FIRST DEGREE ARSON IN 98CRS-23485. AT THE SENTENCING PROCEEDING, THE JURY RECOMMENDED LIFE IMPRISONMENT WITHOUT PAROLE AND THE COURT IMPOSED THAT SENTENCE. IN ADDITION, THE COURT SENTENCED THE DEFENDANT TO 55 TO 75 MONTHS ON THE ARSON CHARGE TO RUN AT THE EXPIRATION OF THE LIFE SENTENCE AND 135 TO 171 MONTHS ON THE CONSPIRACY CHARGE TO RUN AT THE EXPIRATION OF THE ARSON SENTENCE. THE DEFENDANT FILED NOTICE OF APPEAL ON SEPTEMBER 3, 1998 BEFORE THE HONORABLE C. PRESTON CORNELIUS TO THE COURT OF APPEALS. THIS CASE WAS HEARD IN THE COURT OF APPEALS IN AUGUST 2000 BEFORE THE HONORABLE SMITH, GREENE AND EDMUNDS, JUDGES

PRESIDING. THE COURT OF APPEALS SLIP OPINION WAS FILED 3 OCTOBER 2000 WITH A FINDING OF NO ERROR. THE DEFENDANT'S ATTORNEYS OF RECORD THROUGHOUT ALL PROCEEDINGS WERE JOHN B. HATFIELD, JR. AND W. DAVID LLOYD. AFTER THE DEFENDANT'S CONVICTION, HE WAS COMMITTED TO THE NORTH CAROLINA DEPARTMENT OF CORRECTIONS AND IS PRESENTLY ASSIGNED TO PASQUOTANK CORRECTIONAL INSTITUTION.

REASON WHY EXTENSION SHOULD BE GRANTED

1. PLEASE SEE EXHIBIT A. IT IS A COPY OF THE ENVELOPE AND LETTER OF NOTICE THAT I RECEIVED FROM DAVID LLOYD, DATED AND POSTDATED OCTOBER 17, 2000, AND MARKED RECEIVED OCTOBER 24, 2000. FROM THE DEFENDANT'S ERUDITION OF THE LAW HE HAS THE RIGHT TO APPEAL THE DECISION OF THE COURT OF APPEALS TO THE SUPREME COURT OF NORTH CAROLINA PURSUANT TO NCGS § 7A-30.(1) AND HE MUST FILE NOTICE OF APPEAL PURSUANT TO RULE 14, NCR.APP.P. IF THIS IS CORRECT, MR. LLOYD DID NOT INFORM THE DEFENDANT UNTIL AFTER THE DEADLINE FOR FILING WHICH WOULD HAVE BEEN OCTOBER 19, 2000.
 2. THIS CLEARLY VIOLATES THE STANDARDS SET BY THE REVISED RULE OF PROFESSIONAL CONDUCT OF THE NORTH CAROLINA STATE BAR. PURSUANT TO NC REV.RPL RULE 1.3 DILIGENCE, A LAWYER SHALL ACT WITH REASONABLE DILIGENCE AND PROMPTNESS IN REPRESENTING A CLIENT; AND RULE 1.4 COMMUNICATION (A) A LAWYER SHALL KEEP A CLIENT REASONABLY INFORMED ABOUT THE STATUS OF A MATTER AND PROMPTLY COMPLY WITH REASONABLE REQUEST FOR INFORMATION. (B) A LAWYER SHALL EXPLAIN A MATTER TO THE EXTENT REASONABLY NECESSARY TO PERMIT THE CLIENT TO MAKE INFORMED DECISIONS REGARDING THE REPRESENTATION.
 3. THE SIXTH AND FOURTEENTH AMENDMENTS TO THE US CONSTITUTION GUARANTEES AN INDIGENT CRIMINAL DEFENDANT APPOINTMENT OF COUNSEL AND EFFECTIVE ASSISTANCE OF COUNSEL. THIS IS ALSO SUPPORTED BY RULES AND STATUTES OF THE U.S. CODE AND THE N.C. CONSTITUTION, RULES AND STATUTES.
 4. THE DEFENDANT HAS NO FORMAL EDUCATION IN LAW AND HIS RESOURCES ARE LIMITED. THIS WITH HIS INCARCERATION LIMITS HIS ACCESS TO THE COURTS AND PUTS HIM AT MUCH OF A DISADVANTAGE TO THE STATES ATTORNEYS.
- WHEREFORE, THE DEFENDANT RESPECTFULLY PRAYS THE COURT WILL BE JUST IN CONSIDERING THE DISADVANTAGES OF THE DEFENDANT, AND WILL

NOT HOLD THE NEGLIGENT ACTS OF HIS ATTORNEY AGAINST HIM,
AND WILL GRANT HIM SUFFICIENT TIME TO PREPARE AND FILE HIS
NOTICE OF APPEAL.

RESPECTFULLY SUBMITTED THIS FIFTEENTH DAY OF NOVEMBER 2000.

Ronnie Lee Kimble

RONNIE LEE KIMBLE, DEFENDANT
PASQUOTANK CORRECTION INSTITUTION
527 COMMERCE DRIVE
ELIZABETH CITY, NORTH CAROLINA 27906

As: A

W. DAVID LLOYD
ATTORNEY AND COUNSELLOR AT LAW
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DWI/TRAFFIC OFFENSES
FELONIES IN ALL COURTS
ACCIDENTS
PERSONAL INJURY

October 17, 2000

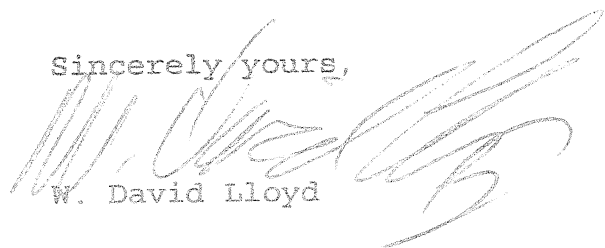
Ronnie L. Kimble 0628799
Odom Corr. Rt. 1 Box 36
Jackson, NC 27845

Dear Ronnie:

Enclosed is a copy of the opinion in your case. As you probably already know, we lost. I have considered the opinion at length and have talked to other lawyers including Jack. I simply see no realistic basis for hope of a reversal in the N. C. Supreme Court. Therefore, Jack and I decline to seek certiorari or discretionary review in your case. If you send your father over, I will be glad to turn over your file to him. You have 35 days from the date of the opinion, October 3, 2000 to seek discretionary review. You would need to file with our Supreme Court in order to exhaust state remedies to preserve any federal habeas options. I wish you well.

I am and remain,

Sincerely yours,



W. David Lloyd

WDL/ld
Enclosure:
cc: Jack Hatfield