

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILED

97CRS 40740;41;42

STATE OF NORTH CAROLINA

v.

ROBERT H. NICHOLAS,
DEFENDANT

) JUDGE - B. H. H. SE
)
) GUILFORD COUNTY, C.S.C.
) BY RC
)
)

AGREEMENT
and N.C.Gen.Stat. 15A-1054
Disclosure



The Parties to this criminal action hereby stipulate and agree to the following facts:

1. That the defendant is charged with several counts of breaking and entry and larceny and may be charged with related offenses, which are also property crimes..
2. That the defendant has offered and agreed to testify in regard to the death of Patricia Kimble and to the involvement of Theodore Kimble in various crimes related to breaking and entry and larcenies.. That the defendant has been interviewed by his attorney and stated that he has information to offer in these cases, and that said information directly points to the guilt of Theodore Kimble, Ronnie Kimble, or Patrick Pardee and is direct and personal knowledge of the type the State of North Carolina can use in its prosecution of Theodore Kimble, Ronnie Kimble, or Patrick Pardee.

Based upon the foregoing facts, the State of North Carolina hereby agrees that in the event that the defendant, Robert H. Nicholes agrees to cooperate with officers of the Guilford County Sheriff's Department and the Greensboro Police Department and, and testifies if called upon, in a truthful manner, consistent with his previous statements to the Guilford County Sheriff's Department and Greensboro Police Department, the State of North Carolina will recommend that he receive a probationary sentence.

In return, the defendant, agrees Robert H. Nicholes:

1. That he will voluntarily appear and testify in any trial related to the death of Patricia Kimble..
2. That he will voluntarily appear and testify in any trial related to breaking and entry an larceny crimes involving Theodore Kimble or Patric Roy Pardee.
3. That said testimony shall be truthful, complete and not inconsistent with the prior statements of the defendant to the Greensboro Police Department.

The defendant, Robert H. Nicholes understands that if he fails to cooperate as set forth in this agreement the State of North Carolina shall have the option of moving to set aside this plea agreement, and prosecute the defendant to the fullest extent allowed by the law. That the defendant consents and agrees that the State of North Carolina shall have the right to move to set aside his plea agreement and sentence in the event that the defendant willfully fails to comply with this agreement.

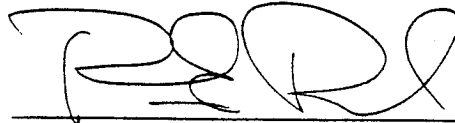
Further the Defendant, Robert H. Nicholes, agrees to take a polygraph or participate in other law enforcement activities designed to corroborate his testimony.

The defendant, Robert H. Nicholes, understands that he must be totally truthful in his cooperation with the State of North Carolina, and that if the defendant, Robert H. Nicholes lies or intentionally omits or misstates the facts of the death of Patricia Kimble, or his knowledge of the facts leading up to the death of Patricia Kimble, or if he refuses to testify or intentionally submits false testimony, the State of North Carolina will not be bound by this agreement and that the State of North Carolina will use his statements to prosecute him to the fullest extent of the law.

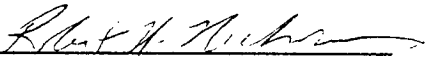
The Defendant understands that this agreement is limited to property crimes, and that if in the course of the investigation it is determined that he has participated as a principle or an accessory in any crime against a person, this agreement does not protect the Defendant from prosecution for that crime against a person. Further, if in the course of the investigation it is determined that he has participated as a principle or an accessory in any crime against a person, his statements and any information gained or uncovered as a result of his statement is can be used to prosecute him to the fullest extent of the law.

Further this agreement only binds the District Attorney's Office of Guilford County and is not intended to bind or affect or hinder the decision of any other prosecutorial agency, state or federal to indict and prosecute the Defendant, Robert H. Nicholes and that this agreement does not prohibit said prosecution.

This the 18th day of April, 1997.



Richard E. Panosh
Assistant District Attorney



Robert H. Nicholes
The defendant



Joel Oakley,
Attorney for the defendant