

1 Q. All right. Do you have an opinion satisfactory to
2 yourself as to the general character and reputation of
3 this defendant, Mr. Ted Kimble, as he sits here now?

4 A. Yes, I do.

5 Q. And what is that, sir?

6 A. Nothing I've heard in this court today represents
7 Ted Kimble. I think he's an outstanding young man.

8 Q. You think what you've heard about this alleged
9 homicide is totally out of character with what---

10 THE COURT: Mr. Wilson, excuse me, would you
11 step down out of the stand for awhile. Then you can come
12 back up.

13 THE WITNESS: Back to my seat?

14 THE COURT: If you'll just have a seat back
15 in the audience, and then you'll be called back around
16 shortly; yes, sir.

17 (Witness stood aside.)

18 **JAMIE LAMONT GAYLES, being first duly sworn, testified as**
19 **follows during DIRECT EXAMINATION by MR. FRED CRUMPLER:**

20 Q. Would you state your full name to the Court,
21 please?

22 A. Jamie Lamont Gayles.

23 Q. Mr. Gayles, my name is Fred Crumpler. I'm a
24 lawyer, and I'm one of the attorneys who represent the
25 defendant, Ted Kimble. Now in starting, have you ever

1 seen me before?

2 A. No.

3 Q. All right. You ever had a spoken word with me
4 ever?

5 A. No.

6 Q. Are you now at the Southern Correctional
7 Institute?

8 A. Yes.

9 Q. Did you know Ted Kimble when he was there?

10 A. No. I seen him.

11 Q. You knew who he was but you were not acquainted
12 with him personally?

13 A. I knew his face. I didn't even know his name
14 until he came to the holding.

15 Q. Now, did you know another inmate whose name was
16 William Stewart?

17 A. Yes.

18 Q. Tell us how well you knew William Stewart?

19 A. Well, I first met him at Polk Youth Center back in
20 '90. I think it was like in '93. I've knowed him
21 through prisons, coming up in prison.

22 Q. Well, first, by knowing him that long, would you
23 tell us what his reputation as to telling the truth?

24 A. Well, he was all right with me, but his thing was
25 stealing, breaking in people stuff, stealing, stealing,

1 going in people's lockers. That's Squirrel. I mean I
2 knew him by Squirrel. You know what I'm saying. He
3 called him -- I guess William Stewart was his birth name,
4 but I know him by Squirrel.

5 Q. Now, did you ever have an occasion to either have
6 a conversation with him or overhear a conversation that
7 he had in reference to Ted Kimble?

8 A. Yeah. I mean I talked with him. He came to me
9 talking about -- I slept in the block with him. I was in
10 the hole. I got out of lock-up. When I came to lock-up,
11 when I got out of lock-up, he was in the block. And Ted
12 Kimble was in the block and William Stewart was in the
13 block. And, uh, William said something about him --
14 William was telling me that, uh, he was trying to, he was
15 trying to go home and the only thing he needed to go home
16 was was he tried to get him a radio so he can go to the
17 hole and go home. So, he was telling me he wanted to
18 break in that white boy's locker. So, I'm asking him
19 what white boy, and he told me Ted Kimble. Whatever his
20 name is. Ted. And, uh, he wanted to get his radio and
21 he wanted to get his stamps so he can just do rest of the
22 little bit of time in the hole and leave. That was the
23 first time I ever talked to him about why. Well, I
24 didn't really talk to him. He just told me, you know
25 what I'm saying. I don't know why he told me.

1 Q. Did he ever have a conversation with you or did
2 you ever overhear a conversation in relation to any
3 statement on his part that dealt with killing someone for
4 Ted, or that he was acting -- going to help Ted escape
5 from prison or anything to that effect?

6 A. All right. I went to the hole. They locked me
7 up. Being in the hole. They locked me up. They say I'm
8 rebellious. So, they put me in the hole. So, it was
9 like in October or something. William Stewart came back
10 there. And, uh, I'm thinking that he was fixing to go
11 home. So, uh, I guess he wanted a cigarette or
12 something. But he came to me, you know, talking to me,
13 you know, beating me out of conversation. And, uh, that
14 Ted name came up. So, uh, first thing he said was I got
15 that cracker. I said what you talking about. He said
16 you remember the white boy I was trying to get in his
17 locker. I said yeah. He said, uh, -- he said, uh, -- he
18 said I got him. I said what you mean you got him. He
19 said that, uh, he fixing to get paid. I said how you
20 going to get paid. He said, uh, do you know who he is?
21 I said no, I don't know who he is. He said he be on the
22 news and all. I said, man, I don't listen to news. So,
23 uh, I'm asking who is it. What's up with him? He told
24 me, man, this dude he's supposed to killed some people.
25 And, uh, he said that, uh, he was trying to get the dude,

1 he was trying to get Ted into thinking, you know, that he
2 was, uh, a expert killer, you know what I'm saying. I
3 said, man, you know you ain't no killer. He like I'm
4 just trying to get him to think I'm a killer, and then
5 I'm going to, you know, I'm going to get his money. And
6 I said I don't know Ted, you know what I'm saying. And
7 I'm trying to jump off the subject. I don't know Ted,
8 and really don't care nothing about him as far as first
9 hearing it. You know what I'm saying? If he wanted to
10 get his money, you know, that's -- I ain't got no problem
11 with him taking his money, you know what I'm saying. I
12 don't let nobody bother me. But, uh, I said how you
13 going to go about getting his money. He say he --
14 something -- he was telling me about him trying to
15 convince Ted that he was a killer and wanted to give him,
16 you know, let him know if he needed anybody killed, then
17 let him know. He said but he getting mad. He said Ted
18 making him mad because he, you know what I'm saying, he
19 saying that he don't want nobody killed. So, basically
20 what he was trying to get me -- what he was telling me
21 was is that, uh, he was trying to get Ted into thinking
22 that he was somebody he ain't. But, uh, he was -- he was
23 -- he was trying to get Ted to think he was somebody that
24 he's not. And, uh, he was also just trying to get him to
25 give him some people's names to, uh, to kill somebody.

1. Some names that he needed hurt or whatever. So, I asked
2 him did he get any names, did Ted give him any names. He
3 said no. He said but he broke in his locker and he got a
4 whole lot of stuff that belonged to Ted, and he got names
5 and all kind of -- he got radios and whatever. So, you
6 know what I'm saying. Then I told him, I said man,
7 somebody going to kill you. But, you know what I'm
8 saying, what he doing, that's, you know, what he was
9 doing, you know, that's between them until, you know, I
10 found out what was really going on, you know.

11 Q. And I believe you testified that he said that Ted
12 said that Ted did not want to get anyone killed, but the
13 other man was trying to convince him that he wanted him
14 to do it?

15 A. He was telling me -- all right, he was telling me
16 what he was trying to do. Okay? Then he said that, uhm,
17 Ted don't -- you know what I'm saying, Ted said that he
18 don't want him to kill nobody, you know what I'm saying.
19 But that's the only way he can get money. He's telling
20 me the only way -- William saying the only way he can get
21 money out of Ted is to convince him that he needs
22 somebody killed. All right? So, he's saying that Ted
23 don't tell him that he want nobody killed, but he got
24 names from him from where he done been in his locker of
25 where he, you know, stole some of his stuff. So, I don't

1 know what kind of names he got or what all he got, but I
2 know he said he went in the man locker.

3 Q. Do you know whether or not he was released from
4 prison earlier than he was supposed to have been
5 released?

6 A. See, he started talking stupid and then I didn't
7 want to hear no more because he was saying something
8 about SBI's and him getting hurt in the process, and I
9 didn't really -- I really -- I don't know. But, uh, he
10 was saying some -- I don't know. No, he didn't never say
11 nothing about, uh, about, uh, about him getting out of
12 prison or nothing like that. But he did say something
13 about him getting money, you know what I'm saying? He
14 was basically trying to -- he was just trying to get
15 him -- manipulate him into thinking he was somebody he
16 was not so he can get paid.

17 Q. Thank you, Mr. Gayles.

18 MR. CRUMPLER: I have no further questions,
19 Your Honor.

20 THE COURT: Examine him.

21 **CROSS EXAMINATION by MR. RICHARD PANOSH:**

22 Q. What is the hole?

23 A. Lock-up.

24 Q. That's punishment?

25 A. Segregation.

1 Q. Is that punishment?

2 A. I, uh, I don't call it punishment. I guess the
3 people that work in Department of Corrections call it
4 punishment.

5 Q. So, you're saying that Mr. Stewart's plan was to
6 get put in the hole?

7 A. Excuse me?

8 Q. Are you saying that Mr. Stewart's plan was to get
9 put in the hole?

10 A. I mean at what point in time are you talking
11 about?

12 Q. You said that he was planning to break into that
13 white boy's locker, steal his radio, and he wanted to get
14 put in the hole?

15 A. Yes.

16 Q. That was his plan, to get put in the hole?

17 A. Yes. At first.

18 Q. Isn't it a fact that he ended up working in the
19 kitchen?

20 A. Yeah. 'Cause he -- see he, that's why I wanted
21 y'all to know because this is why I was trying to get it
22 understood that, uh, two -- two conversations took place.
23 One conversation took place is when we was in a block
24 together for him to indicate which white boy he was
25 talking about. The second conversation took place in the

1 hole, which he done been through the kitchen and now in
2 the hole. That's where the second conversation took
3 place at. One conversation took place on the yard. The
4 next conversation was like a month and a half apart, and
5 that took place in lock-up.

6 Q. But he did get to work in the kitchen?

7 A. I don't know. But he was on the yard. I don't
8 even really---

9 Q. Didn't you say a minute ago he was working in the
10 kitchen, sir? Was he or wasn't he?

11 A. I mean if you told me he was working in the
12 kitchen, evidently he was. I was in the hole. When I
13 talked to this guy the first time, I talked to him in the
14 block. I want you get a understanding of this. The
15 first time I talked to him was in the cell, was in the
16 block.

17 Q. What were you in the hole for, sir?

18 A. What am I in the hole for?

19 Q. What were you in the hole? Why did you get put in
20 the hole, segregation?

21 A. They said I was too rebellious. They said I got
22 too many infractions to be on the yard and had to put me
23 in the hole.

24 Q. Too rebellious?

25 A. Uh-huh.

1 Q. What have you been tried and convicted for in the
2 last 10 years, sir?

3 A. Excuse me?

4 Q. What have you been tried and convicted for? Tell
5 us what you're in prison for.

6 A. I mean that ain't got nothing to do with what I'm
7 in here for.

8 THE COURT: Just go ahead and answer the
9 question.

10 A. I mean I got locked -- I got convicted for murder.

11 Q. Yeah. Thank you.

12 A. Murder. I got convicted for murder. So, I mean
13 anything else you need to know what happened before that?
14 You need to know about any of the good things I did
15 before I got that murder charge? You need to know any of
16 that?

17 MR. PANOSH: I have no further questions.

18 THE WITNESS: Okay.

19 MR. CRUMPLER: I have no further questions,
20 Your Honor.

21 THE COURT: All right, that's all.

22 (Witness stood aside.)

23 MR. ZIMMERMAN: All right, call Mr. Homer
24 Wilson back.

25 THE COURT: Yes, sir. Mr. Wilson, come