

VOLUME I - EVIDENCE

1 NORTH CAROLINA  
2 GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 97 CrS 23654  
FILE NO. 97 CrS 39580  
FILE NO. 98 CrS 23485

4 STATE OF NORTH CAROLINA )  
5 v. )  
6 RONNIE LEE KIMBLE )

T R A N S C R I P T

7 Transcript of proceedings taken in the General Court of  
8 Justice, Superior Court Division, Guilford County, North  
9 Carolina, August 3, 1998 Regular Criminal Session, before  
10 the Honorable Preston Cornelius, Judge Presiding.

11  
12 A P P E A R A N C E S

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16 P.O. Box 2378  
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on behalf of the State



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Reported by Marsha M. Garlick, RPR  
Official Superior Court Reporter  
Eighteenth Judicial District  
Greensboro, North Carolina 27402

1                    MONDAY, AUGUST 10, 1998

2            (Court reconvened at 2:45 p.m. The defendant was not  
3 present. The jury was not present.)

4            (The defendant entered the courtroom at 2:47 p.m.)

5            (The jury entered the courtroom at 2:48 p.m.)

6                    THE COURT: I appreciate very much your patience.  
7 We're ready to proceed at this point.

8                    Madam Clerk, would you please impanel this jury.  
9 (The 12 jurors and three alternate jurors were impaneled at  
10 2:49 p.m.)

11                   THE COURT: Members of the jury, you've been  
12 selected and sworn. You're now the trial jurors in this  
13 matter. You have a solemn responsibility ahead of you to  
14 determine the guilt or innocence of Mr. Kimble. You must do  
15 that solely based upon the evidence to be presented here in  
16 this courtroom under oath and the Court's instructions as to  
17 the law.

18                   If at any point during the trial you cannot see or  
19 hear a witness, or experience any discomfort, or need a  
20 short break, just let me know that by raising your hand.

21                   You'll remember the responsibilities that you  
22 signed the sheet on. Please remember those instructions.  
23 Do not discuss this case among yourselves at any time, until  
24 the Court tells you it's proper to begin your deliberations.  
25 Do not talk with the attorneys, parties or witnesses. And

1 do not read or listen to any news or media accounts. When  
2 we recess, from time to time I'll remind you of those  
3 instructions. Just remember those that are on that  
4 responsibility sheet.

5 Does everyone understand?

6 (Jurors nodded their head up and down.)

7 THE COURT: At this point, the attorneys have an  
8 opportunity to make a very brief opening statement to you.  
9 The opening statement is not evidence and is not to be  
10 considered as evidence. It's an opportunity for them to  
11 give you a blueprint or a roadmap or a preview of the  
12 evidence that they'll present to you during this trial.  
13 Please again remember that you're not to consider this  
14 evidence -- these statements as evidence in this case.

15 Mr. Panosh, you may address the jury on behalf of  
16 the State.

17 MR. PANOSH: Thank you.

18 May it please the Court.

19 Mr. Hatfield.

20 Mr. Lloyd.

21 Ladies and gentlemen of the jury, on October the  
22 9th of 1995, Patricia Gail Kimble was 28 years of age. She  
23 had just turned 28 in September of that year. She was born  
24 in Guilford County, grew up here, went to high school at  
25 Southeast High. After that, she went on to study at UNCG.

1 She quickly picked up several jobs, each of those jobs  
2 having more responsibilities or more rewards. She was a  
3 financially stable young lady. By 1990, she owned her own  
4 home. About 1990, she met Theodore Kimble, and they were  
5 friends for a period of time, for about 1990 to 1993. The  
6 evidence will indicate that in late 1993, they began to  
7 date. Shortly thereafter, they were engaged, and married  
8 the third week of December 1993. She was married for about  
9 22 months at the time she was killed. The evidence will  
10 indicate that from all outward appearances, they had a  
11 normal, happy marriage.

12 On October the 9th of 1995, this was a Monday,  
13 Columbus Day, a holiday for some people, she went to her  
14 work at Cinnamon Ridge Apartments, where she was a manager.  
15 She planned to get off at 3:30, that she did get off at  
16 3:30. She planned to return to her home and mow her lawn.  
17 And then after dinner, 6:30, 7:00 o'clock, she was going to  
18 her church, to attend classes at the South Elm Street  
19 Baptist Church.

20 Her home is a typical ranch home, three bedrooms,  
21 brick, and a two-car garage that was in the process of being  
22 added. It was on Brandon Station Court. It's off of  
23 Highway 22, southeast part of the county, a cul-de-sac which  
24 was fairly secluded, heavy trees, barely visible from the  
25 highway. Her home was the only home on that cul-de-sac.

1 Evidence will indicate that she went to her home,  
2 drove into the driveway. This was a two-car garage with a  
3 gravel driveway, plenty of room for two cars, the house  
4 being on the right. For some reason, she pulled all the way  
5 to the left. She got out of her car, entered through the  
6 kitchen door, and she came in through the garage. She left  
7 her keys in the ignition, car unlocked, purse open on the  
8 front seat.

9 The evidence indicates that she entered that  
10 kitchen door, went slightly through the living room and into  
11 the hallway, which gives access to the three bedrooms. She  
12 was going to that back bedroom, where her dog was penned up  
13 in the bathroom. That as she passed that first doorway on  
14 the left, which is a bathroom, a .45-caliber bullet struck  
15 her in the head, left side, went through her brain, and  
16 lodged here, near her ear. (Indicated.) She fell to the  
17 floor. The evidence will indicate she died quickly, if not  
18 instantly.

19 Thereafter, gasoline was poured on her body. A  
20 trailer was left. Splashed gasoline throughout the living  
21 room, kitchen, and her house was set on fire.

22 The evidence will indicate that the back bedrooms  
23 were ransacked. Someone had gone through and made an effort  
24 to make it look like someone is going in there, looking for  
25 something. But the front rooms, the rooms that Patricia

1 would pass through as she went to the kitchen and living  
2 room and into that hallway, were undisturbed. The evidence  
3 will indicate she knew nothing that was out of the ordinary  
4 as she approached that bathroom door, where the shooter was  
5 waiting for her.

6 Her husband was working at a second job, second  
7 shift job, Precision Fabrics. About 8:00 o'clock, he  
8 contacted Patricia's brother, Reuben. And Reuben, based  
9 upon that contact, began to try and find Patricia. And  
10 eventually, around 8:30, 8:45, he goes to the home, sees  
11 it's dark, sees her car, sees her purse, sees this  
12 suspicious situation, sees the lawn mower hasn't been moved.  
13 And he goes to the door, and he -- by the heat and by the  
14 smoke, he knows there's a fire, and he notified the fire  
15 department.

16 At 8:45, the fire department gets there. They go  
17 in, they extinguish the blaze, and they find an extremely  
18 unusual fire. Most of the house is undamaged. But for an  
19 eight-foot space around her body, there's been a long-  
20 burning, intense fire, burning so long and so intensely,  
21 that it burned through the flooring, through the  
22 subflooring, totally burned through the two-by-tens. And  
23 her body in that area, that eight-foot area around her body,  
24 dropped into the crawl space. Shortly after they  
25 extinguished the fire, they found the body and notified the

1 sheriff's department.

2           The sheriff's department began their investigation  
3 by talking to members of the family, including Ted Kimble.  
4 But for some reason, no one points out that Ronnie Kimble,  
5 this defendant, was even in Guilford County. And he was not  
6 interviewed. Several days later, on the 14th, was her  
7 funeral. And Ronnie Kimble went back to Camp Lejeune.

8           It came to the attention of the sheriff's  
9 department in their investigation that not only was he in  
10 Guilford County, but he had been at her home that day, not  
11 once, but twice. And they began their investigation. Their  
12 investigation also centered upon the husband, because it  
13 came to their attention that the husband, Ted Kimble, had  
14 taken out a \$200,000 insurance policy on her, September the  
15 12th. A policy she didn't want, so he forged her name. The  
16 investigation focused on Ted and Ronnie.

17           Eighteen months go by. January of 1997, a  
18 fellow from Lynchburg, Virginia, by the name of Mitch  
19 Whidden, contacted the sheriff's department, and he says,  
20 "Ronnie Kimble has come to me, told me that he killed  
21 Patricia Kimble, his sister-in-law, has told me that he did  
22 it for greed, has told me that he did it for the money, for  
23 the insurance money." So, the insurance -- sheriff's  
24 department did an investigation, and they find out that  
25 Mitch Whidden and Ronnie Kimble were in the Marine Corps

1 together in the late part of 1996, that they were both in  
2 the chaplain's corps, both had administrative duties in the  
3 chaplain's corps, and they were friends. And that after --  
4 in August of 1996, Mitch Whidden went down to Liberty  
5 University, to study for the ministry, and the defendant  
6 came there and visited him, and the defendant in confidence  
7 said to him, "I killed my sister-in-law. I did it for  
8 greed. Will it make any difference if I turn this money to  
9 God's service?" He hadn't gotten the money yet, but he was  
10 planning about it.

11 The sheriff's department took the usual steps to  
12 confirm this. They interviewed the right people, found out  
13 about the relationship, found out that Mitch Whidden was a  
14 very trustworthy witness, who had absolutely no reason to  
15 lie. And on April the 1st of 1997, Ronnie Kimble and Ted  
16 Kimble were arrested.

17 Now, that's not all the evidence we intend to rely  
18 upon in this case. In these few minutes I'm allotted, I  
19 can't tell you about every piece of evidence. I ask you to  
20 pay close attention to the evidence in this case, because  
21 every bit of the evidence will say that there's only one  
22 person in the world who had a motive to kill Patricia  
23 Kimble, and that was Theodore Kimble. And there was only  
24 one person that he could trust to do it, and that was his  
25 brother, his brother, who was supposed to be five miles away



1 from Patricia's house, making repairs to his mobile home.

2 Pay close attention to the evidence, ladies and  
3 gentlemen of the jury. Thank you.

4 THE COURT: Please remember that that opening  
5 statement is not evidence, not to be considered as evidence.

6 On behalf of the defendant, Mr. Hatfield?

7 MR. HATFIELD: Yes. Thank you, Your Honor.

8 May it please the Court.

9 THE COURT: You may.

10 MR. HATFIELD: Mr. Panosh.

11 Mr. Lloyd.

12 Ladies and gentlemen, I suspect that none of us  
13 remembers October 9, 1995 in any way, unless it just happens  
14 to be a birthday of a friend or relative or something like  
15 that. But of course, as you have heard during jury  
16 selection, and as you have just heard from Mr. Panosh, you  
17 will know a lot about that day before this trial is over  
18 with. And you will know what Patricia Kimble was doing on  
19 that day and what Ronnie Kimble was doing on that day. And  
20 you will have to determine, after you've heard all of the  
21 evidence, whether there's any possibility that Ronnie Kimble  
22 could be involved in this in any way, shape or form.

23 It was a Monday, a minor holiday, as was also said  
24 a minute ago, Columbus Day. Patricia got out of her bed  
25 after her husband had already dressed and gone to his place

1 of employment. Because her boss was out of the office that  
2 day, apparently she intended to take it easy, and she got to  
3 the office about 9:40. She planned on leaving at 3:30 that  
4 afternoon. So, by the time she finished her workday, taking  
5 into account an hour and a half lunch, she'd really been at  
6 work hardly any more than four hours.

7 She spent most of the morning out of the office,  
8 doing jobs for her boss, having to do with certifying  
9 apartments for low income people. Her coworker, Nancy  
10 Young, was at the office, and they talked all day long.  
11 You'll hear from Nancy Young during the course of this  
12 trial. Patricia took a long lunch break that day, perhaps  
13 more than an hour and a half, and ate with her husband, Ted.  
14 And when she came back from her lunch break with Ted, she  
15 seemed very happy and content. She had indicated to her  
16 coworker, Ms. Young, earlier that she was upset about some  
17 negotiations that Ted was engaged in, to buy insurance that  
18 she wasn't sure she agreed with. But she had apparently  
19 worked that out with her husband, and they seemed to be  
20 happy on this particular day.

21 She apparently was going to go home that afternoon  
22 and continue mowing the lawn. She indicated that Ted had  
23 done part of the mowing just a few days before.

24 At 3:30 p.m. on October 9, 1995, Patricia Kimble  
25 did leave her place of employment, but it's uncertain where

1 she went from there, because a person who knew her from  
2 years before observed her driving away from her apartment  
3 and toward downtown Greensboro at 3:45 p.m. So, no one  
4 knows where Patricia was at approximately 4:00 p.m., when  
5 her coworker, Ms. Young, made a call to Patricia's house.  
6 Ms. Young had taken care of something that hadn't been done,  
7 that Patricia needed to know about, some faxing of documents  
8 to the home office. She wanted to tell Patricia about this.  
9 Perhaps we'll find out in the trial whether Ms. Young  
10 thought that she -- Patricia would actually be in her  
11 kitchen or inside her house to receive that call, because  
12 Patricia didn't wait to put a message on the answering --  
13 rather, Ms. Young did not wait to put a message on the  
14 answering machine. She let it ring four times and then hung  
15 up. We don't know where Patricia was at 4:00 p.m. And we  
16 don't know where she was at any time thereafter.

17 She didn't attend the church gathering. At about  
18 8:30 p.m., as you heard a few minutes ago, firefighters were  
19 called to her residence. Later, her charred body was found  
20 in the wreckage of her house. Near her body, ladies and  
21 gentlemen, was a kitchen knife, that she probably held in  
22 her hand at the instant when the bullet entered her brain  
23 and stopped her life. Why did she have a knife in her hand?  
24 Or did she have a knife in her hand?

25 In the master bedroom, as you were told a minute

1 ago, the remains of a little puppy dog that Patricia had  
2 acquired a few days before was found later by the  
3 firefighters. It seems reasonable to assume that she was  
4 going straight there, to let the little dog out, because she  
5 hadn't seen the dog since 9:30 or so that morning, when  
6 she'd gotten up and left for work, because she had lunch  
7 with Ted. So, she was heading that way, when the bullet hit  
8 her. Or, since the gun was found in the bedroom, was she  
9 even closer to where the little dog was, when someone shot  
10 her in the bedroom, threw the gun down, and then moved her  
11 body into the middle of the house? We don't know, ladies  
12 and gentlemen.

13 The master bedroom was a shambles, as if the  
14 murderer was searching for something. What was the murderer  
15 looking for? Photographs? Love letters? Private papers?  
16 The drawers and things of that sort in the bedroom were all  
17 turned over. The mattresses were turned off of the springs.  
18 But the clothes in the closet were not disturbed. Was this  
19 individual looking for something specific that -- and did  
20 they know basically where to look for it? Will we found  
21 out? We're going to be here four or five weeks. Let's hope  
22 we find out.

23 In the kitchen of Patricia's house were a number  
24 of interesting personal papers that were found, things that  
25 apparently bore her signature or were in her handwriting.

1 Among some of those were plans to have a will drafted, with  
2 the notes of how the money and other property would be  
3 disposed. Her house, which she owned herself, Ted had no  
4 interest in that, would go to her mom. And their joint  
5 interest in the business would go to Ted's dad. The boat  
6 that they both had bought would be disposed of through this  
7 will. And, ladies and gentlemen, \$200,000 in cash was  
8 allocated in Patricia's handwriting. Is that the insurance  
9 money that she disapproved of and didn't know anything  
10 about? Plus another \$50,000 in insurance money, which she  
11 had had for a good, long while.

12 Ladies and gentlemen, the plan for the will  
13 doesn't talk about in the event that Ted dies, or in the  
14 event that Patricia dies. It's a plan for a will in the  
15 event of their joint death. And that's how much money they  
16 would have, if these insurance policies that were being  
17 negotiated for in September of 1995 ever went into effect.  
18 As you will learn in this trial, they did not go into  
19 effect. Because he didn't forge an insurance policy. Ted  
20 wrote her name on an application. That's all. It was not  
21 the same thing as a policy. It's questionable whether he  
22 thought it was the same thing as a policy. The policy never  
23 paid. Nobody in Ted Kimble's family ever received anything  
24 as a result of any life insurance payoffs, certainly not  
25 Ronnie Kimble. It just didn't happen.

1           By all accounts, Patricia was an industrious young  
2 woman, and she was very, very concerned about money.

3           It's unclear whether she and Ted were happy during  
4 the days before her death. Her relatives and friends will  
5 come in this courtroom and to some extent testify that she  
6 was unhappy and concerned about Ted's lifestyle. He left a  
7 lot to be desired, ladies and gentlemen. You will hear  
8 that. Most of you are of the age where you could easily  
9 have a child Patricia's age. You might not want Ted in your  
10 family. But, ladies and gentlemen, there's another side to  
11 the story, because Patricia's deeds speak eloquently of how  
12 she felt. She can't talk to you anymore. Her relatives  
13 will tell you of unhappiness and overreaching and bad  
14 decisions. But let's look at what they did together.

15           She and Ted were avid weekend travelers, and they  
16 had gone on many, many weekend trips, which they thoroughly  
17 enjoyed. She and Ted had established a line of credit based  
18 on the equity in her house, with NationsBank, and had  
19 borrowed some \$18,000 against that line of credit, in order  
20 to buy a two-week timeshare in a Williamsburg condominium, a  
21 place they'd gone and had a wonderful time on the weekend.  
22 Decided to jointly invest money. Was that the behavior of a  
23 spendthrift? If it was, ladies and gentlemen, they were  
24 both spendthrifts.

25           They had recently bought a Jeep Cherokee. Maybe a

1 little -- maybe a little bit too nice a car for the income  
2 level they were at. But they acquired this car jointly,  
3 ladies and gentlemen. They both signed the paperwork. This  
4 is not something that her husband did behind her back.

5 Ted and Patricia had purchased a motorboat, and  
6 Patricia had told more than one of her good friends that she  
7 enjoyed the boat. And she even included the boat in her  
8 will plan, you will see. She knew who she was going to  
9 leave it to.

10 Patricia's coworker -- remember Nancy Young -- saw  
11 Patricia every day. She will testify that she was downright  
12 embarrassed by the open displays of affection, including  
13 excessive kissing and hugging that Patricia and Ted engaged  
14 in, in front of everyone.

15 Ladies and gentlemen, perhaps you will hear that  
16 this was a poor marriage or a marriage lacking in love or a  
17 marriage lacking in the sound, conservative economic  
18 decisions that these young people should have exercised.  
19 But I believe you will also realize that these two young  
20 people were in love.

21 Where Patricia was after 3:45 p.m. on October 9th  
22 is anybody's guess. Was she alive at 4:00 p.m., when Nancy  
23 Young called her house? No one knows. Was she alive at  
24 6:20, when a number of people who drove past her locality  
25 saw what they thought were suspicious vehicles coming and

1 going? No one knows.

2 Of Ronnie Kimble's activities on October 9, 1995,  
3 we also know a great deal. Ronnie drove in with a friend of  
4 his from Camp Lejeune the Friday before this long weekend.  
5 Remember that for some fortunate people, particularly those  
6 who work for the government, Monday was a holiday. It's not  
7 a North Carolina holiday, but it is a federal holiday. So  
8 it was a long weekend for military people, some military  
9 people.

10 Ronnie was a corporal, in his third year, in a  
11 four-year term of duty, and he was finishing up in the  
12 chaplain's office at Camp Lejeune. Most of his friends were  
13 attached to the chaplain's office.

14 Ronnie and his wife, Kim, who will testify in this  
15 case, owned a mobile home just a few hundred yards from  
16 Kim's mom and dad, the Stumps -- they will also testify in  
17 this case -- in Julian, which is a little town right outside  
18 of Greensboro.

19 Kim and Ronnie were purchasing the mobile home and  
20 had rented a lot to put it on. Most weekends, Ronnie worked  
21 around the yard, clearing stumps and rocks and other debris,  
22 trying to start the semblance of a lawn.

23 On the morning of October 9th, Ronnie got up early  
24 and drove his wife's Camaro to Brandon Station Court, where  
25 Ted and Patricia lived, to meet Ted and to borrow a so-



1 called box truck that Ted owned, in order to haul some  
2 trailer underpinning that Ronnie intended to buy that day.  
3 He was going to enclose the bottom of his house trailer, his  
4 mobile home, in order to conceal the wheels and that sort of  
5 thing, and make it better insulation for the wintertime.

6 Patricia did not get out of bed, and Ted left in  
7 his vehicle and Ronnie followed, driving the box truck  
8 toward Ted's business establishment, which is on West Lee  
9 Street in Greensboro. And that business is still there,  
10 although I don't think Ted owns it anymore. Ronnie wasted a  
11 little time around Ted's business, until it was time for a  
12 place called Atlantic Mobile Home Supply to open, so that  
13 Ronnie could go there and buy the materials that he needed.

14 He did, and the salesman attended to this  
15 transaction, helped him load the stuff from underneath the  
16 roof on the shed outside into the box truck. And Ronnie  
17 drove the truck back to Ted's business on West Lee and hung  
18 around until about 12:45 p.m. He called his wife, Kim, at  
19 work, to see if she would like to have lunch, and she said  
20 she was busy. So then Ronnie drove to a Sprinkle station,  
21 where he filled the tank with gas, and then headed back to  
22 his and Kim's mobile home in Julian, where he unloaded the  
23 underpinning out of the truck.

24 At about 1:15 p.m., Ronnie drove the empty box  
25 truck back to Ted and Patricia's house at Brandon Station

1 Court and parked the truck and drove away in Kim's, that's  
2 his wife's, teal green Camaro. He got back to his and Kim's  
3 house about 1:45 p.m. At 1:45 p.m., Patricia was having  
4 lunch with Ted, and she was going to return to her office,  
5 where Nancy Young would see her, and where Patricia would  
6 express her satisfaction and pleasure over the time she'd  
7 spent with Ted.

8 So, you see, ladies and gentlemen, it is of no  
9 bearing whatever on any rational explanation --

10 MR. PANOSH: We object to argument.

11 THE COURT: Sustained.

12 MR. HATFIELD: -- for what happened to Patricia.

13 THE COURT: Just a forecast of the evidence, Mr.  
14 Hatfield.

15 MR. HATFIELD: That she went --

16 Yes, Your Honor.

17 That she went to -- that Ronnie went to her house  
18 twice in the day before 1:45 p.m. simply says nothing about  
19 what happened to her.

20 Ronnie never again went near that house during  
21 Patricia's life.

22 Ronnie fixed a sandwich at his mobile home and  
23 began planning to work on the underpinning, when he realized  
24 that if he cut it with a blade that he had, that he would do  
25 too much damage to the wood -- this is not very high-quality

1 stuff -- and he needed a fine-toothed blade to cut it,  
2 without leaving a lot of marks. So he called Ted's place,  
3 Ted's business, which is called Lyles Building Supply, on  
4 West Lee, and he asked if there was a blade suitable for the  
5 purpose up there, was later told that there was.

6 So he drove back to Lyles about 3:00 or 3:25 p.m.,  
7 when kids are getting out of school, and when he got there,  
8 he talked to a man named James Ogburn, who still lives here  
9 in town and may be a witness in this case, and another man  
10 named Billy Smith, who was a customer. He spent a while  
11 there.

12 Shortly after 4:00 p.m., Ronnie left Lyles and  
13 drove home, where he arrived at approximately 4:40. Minutes  
14 after he got there, at approximately 4:50 p.m., his dad  
15 (sic), James Stump, who's present here (Indicated) and will  
16 testify in this case, came and paid him a visit. And he and  
17 James Stump spent the next 45 minutes or so planning the  
18 appropriate use of the underpinning materials and figuring  
19 out how to put them into place.

20 Shortly after James Stump left to go home, Kim  
21 came home from her job, and Kim and Ronnie were there for a  
22 few minutes together, and then they got in their car and  
23 went over to James and Judy Stump's, which as I think I've  
24 already said, is a matter of a few hundred yards, and  
25 stopped by there, where Judy Stump, who's here in the

1 courtroom, and will also be a witness in the case, was in  
2 the kitchen, and James Stump was watching television. Kim  
3 and Ronnie hung out for the better part of an hour, until  
4 "Wheel of Fortune" came on. And then, they went outside and  
5 talked a little bit on the front porch. It's October. The  
6 weather's not cold. No reason why you can't stand around a  
7 little bit, which is what happened. And then they went to a  
8 Winn-Dixie nearby and bought food supplies for dinner. And  
9 Kim wrote a check, and the check went through the Winn-Dixie  
10 cash register a few minutes after 7:30 p.m.

11 That's where they were, ladies and gentlemen.  
12 Melissa Williford, a young lady who will probably testify in  
13 this case, was there and saw Kim, may have seen Ronnie.

14 They then went home and cooked the food and went  
15 to bed, because Ronnie needed to leave the next morning and  
16 go back to Camp Lejeune, where he had duty. They were  
17 awaked by a telephone call or two. One thing quickly led to  
18 another. And they realized that there was trouble over at  
19 Patricia's house. Eventually everyone, all of Patricia's  
20 loved ones -- and I want to say to you, ladies and  
21 gentlemen, that her loved ones are not just the people  
22 behind the prosecutor. Her loved ones are all through this  
23 courtroom, and they include my client --

24 MR. PANOSH: We object.

25 MR. HATFIELD: -- and the Stumps.

1 THE COURT: Sustained.

2 MR. PANOSH: Argument.

3 THE COURT: Sustained.

4 MR. HATFIELD: And --

5 THE COURT: Just a forecast of the evidence.

6 MR. HATFIELD: And she had a lot of friends. And  
7 you will realize it. This isn't a factional dispute.

8 A few days after Patricia died, law-enforcement  
9 officers began to receive anonymous Crime Stoppers tips from  
10 people who knew Patricia and who suspected that Ted must  
11 have had something to do with her untimely death. Ted's  
12 negotiations with an insurance agent and his efforts to  
13 obtain a life insurance policy on her life generated  
14 suspicion, even though no policy was ever put upon her life.  
15 And Ted Kimble never received any life insurance money as a  
16 result of Patricia's death.

17 So the suspicion was there, ladies and gentlemen.

18 MR. PANOSH: Object to argument, please.

19 THE COURT: Sustained. Just facts.

20 MR. HATFIELD: About six or seven months after  
21 Patricia died, Detective Jim Church -- he's here, he'll  
22 testify -- began to follow some of the leads that other  
23 detectives and officers had gathered in the immediate  
24 aftermath of Patricia's death. Detective Church met a woman  
25 who told him she thought she had seen a person that looked

1 --

2 MR. PANOSH: We object, please.

3 MR. HATFIELD: -- looked like Ronnie Kimble.

4 MR. PANOSH: We object.

5 THE COURT: Sustained.

6 MR. HATFIELD: This is evidence, Your Honor.

7 THE COURT: Well --

8 MR. HATFIELD: He's disclosed it in pretrial. He  
9 knows what I'm talking about.

10 THE COURT: You told me 15 minutes. You've gone  
11 beyond that time.

12 MR. HATFIELD: Well, I believe Mr. Panosh did,  
13 too.

14 THE COURT: No. His was only 15 minutes.

15 MR. HATFIELD: Okay. I'll wrap it up.

16 So, Detective Church decided that Ted was a likely  
17 suspect. And when he heard that someone had seen someone  
18 who looked like Ronnie --

19 MR. PANOSH: We object, now.

20 MR. HATFIELD: -- Kimble at 6:20 --

21 THE COURT: Sustained.

22 Mr. Hatfield, you're going to have to restrict it  
23 to just what your forecast of the evidence is going to show,  
24 not a narrative statement.

25 MR. HATFIELD: The 6:20 sighting, ladies and

1 gentlemen --

2 MR. PANOSH: We'd object. This is not a forecast  
3 of his evidence.

4 THE COURT: This is not evidence, members of the  
5 jury, just a forecast of the witnesses and what you  
6 anticipate showing.

7 Proceed.

8 MR. HATFIELD: Thank you.

9 The 6:20 sighting --

10 MR. PANOSH: We object, Your Honor.

11 THE COURT: Overruled.

12 Proceed.

13 MR. HATFIELD: -- led directly to a resurgence of  
14 the investigation of Ronnie Kimble. And after that, they  
15 just never could stop.

16 MR. PANOSH: We object to argument, please.

17 THE COURT: Well, don't get into that. Just get  
18 the forecast of what your evidence is going to show.

19 Members of the jury, this is not evidence and not  
20 to be considered as evidence in this case.

21 MR. HATFIELD: Judge, I don't object when these  
22 lawyers --

23 THE COURT: Well ---

24 MR. HATFIELD: -- argue in opening statements, and  
25 I don't understand --

1 THE COURT: We've got a long --

2 MR. HATFIELD: -- all this obstructionism.

3 THE COURT: We've got a long trial ahead of us.

4 We need to move along.

5 MR. HATFIELD: All right. Thank you.

6 As a result of this sighting, the Marine Corps  
7 investigators down at Camp Lejeune were asked to do some  
8 checking on Ronnie Kimble, and what resulted, ladies and  
9 gentlemen, was interviewing of every single individual who  
10 he knew or associated with in the Marine Corps, creating a  
11 tremendous amount of embarrassing --

12 MR. PANOSH: We object.

13 MR. HATFIELD: -- suspicion.

14 THE COURT: Overruled.

15 MR. HATFIELD: It was common knowledge among  
16 Ronnie Kimble's associates in the Marine Corps --

17 MR. PANOSH: We object.

18 THE COURT: Sustained.

19 MR. PANOSH: This is not appropriate.

20 THE COURT: Sustained.

21 MR. HATFIELD: Your Honor, that language is all  
22 through the stuff they've disclosed.

23 THE COURT: That's not -- just what your witnesses  
24 are going to testify to or show.

25 MR. HATFIELD: I think Mitch Whidden said it was



1 common knowledge.

2 THE COURT: Well, I don't know whether your  
3 witness is going to show that or not. Just --

4 MR. HATFIELD: Well, I think his will.

5 THE COURT: -- forecast your evidence and move  
6 along.

7 MR. HATFIELD: This gentleman from Lynchburg,  
8 Virginia, that you've heard would testify in this case,  
9 Mitch Whidden, heard all of these suspicions at Camp  
10 Lejeune, ladies and gentlemen. And as you will realize when  
11 you listen to him testify, he formed his own conclusion,  
12 long before he left the Marine Corps and went to Lynchburg,  
13 Virginia, to go to a Bible college up there.

14 Some 15 months after Patricia had died, Ronnie  
15 Kimble's superior officer at Camp Lejeune instructed him to  
16 go to Portsmouth, Virginia, to have a sleep disorder that  
17 Ronnie had been complaining of, evaluated. Ronnie was given  
18 leave and permission to have his wife accompany him, so he  
19 wouldn't spend too much time on the highway, because it was  
20 hard for him to stay awake.

21 Kim and Ronnie set off in January 1997, to drive  
22 to Portsmouth, for Ronnie to take the tests. Ronnie  
23 Kimble's father, Ron Kimble, Sr., took his ministerial  
24 training at Liberty Bible College, so everybody in the  
25 Kimble family was intimately familiar with Liberty Bible

1 College. And the boys, both Ted and Ronnie, had visited  
2 there on occasion.

3 Ronnie Kimble grew up knowing that one of his  
4 career options would be the ministry, and that he might very  
5 well go to Liberty Bible Institute at some point in his  
6 future. Now he was about to leave the Marine Corps, and he  
7 was checking that situation out.

8 Because the Marine Corps had given Ronnie a long  
9 weekend in Virginia, they decided to drive to Lynchburg,  
10 which is where Liberty Bible Institute is located.  
11 Remembering that Mitch Whidden was attending Liberty Bible  
12 Institute, Ronnie called him up. As a result of that  
13 contact, they made arrangements with Mitch Whidden to stay  
14 with them on the night of the 24th of January. They arrived  
15 late, the weather was bad. And Kim and Ronnie were given a  
16 place to stay in this small apartment and immediately went  
17 to bed.

18 The next day, Mitch took Ronnie to some classes,  
19 and Ronnie and Kim then entertained themselves, by visiting  
20 the campus and by going by and seeing Dr. Falwell.

21 In the evening, the Whiddens and their children  
22 and the Kimbles sat around Mitch's apartment, when Judy  
23 Stump called -- that's Kim's mom -- and informed Kim and  
24 Ronnie that Detective Church had contacted her with more  
25 questions about Ronnie's activities and Ronnie's role, if

1 any, in the murder of Patricia. This call from Detective  
2 Church was very upsetting to Judy Stump. And it was obvious  
3 to the Whiddens --

4 MR. PANOSH: Well, object to what was obvious.

5 MR. HATFIELD: -- and to Kim that --

6 THE COURT: Sustained.

7 Disregard that.

8 MR. HATFIELD: It was upsetting to her.

9 We may never know what transpired between Ronnie  
10 and Mitch Whidden, because they disagree about whatever was  
11 said. But as a result of that, Mitch Whidden formed the  
12 unshakable belief that Ronnie is somehow involved in the  
13 death of his sister (sic), although he does not know how,  
14 and so, Whidden reported this to Detective Church. That's  
15 why we're all here today.

16 Ladies and gentlemen, although Mitch Whidden has  
17 an unclear recollection of what happened on that occasion, I  
18 can assure you that Ronnie and Kim have a very clear  
19 recollection. And you will hear the facts of what  
20 transpired on that visit, and you will have an opportunity  
21 to judge for yourselves whether some kind of confession was  
22 given, or whether Mitch simply jumped to conclusions, based  
23 on things that he didn't really know enough about.

24 The State of North Carolina contends, ladies and  
25 gentlemen, that Ronnie Kimble entered into a conspiracy with

1 Ted Kimble, to murder Patricia, and you will hear from  
2 witnesses, many of whom are acknowledged criminals and have  
3 been given --

4 MR. PANOSH: We object, please.

5 THE COURT: Sustained.

6 MR. HATFIELD: -- who will tell you that Ted  
7 admitted to them that he was responsible for Patricia's  
8 death and that Ronnie did it for him. It will be your job  
9 to determine the credibility of these witnesses. But you  
10 will realize when you hear them testify that none of them  
11 heard any communications between Ted Kimble and Ronnie  
12 Kimble concerning murder or anything else. Indeed, there  
13 will be hardly a single item of evidence that Ted and Ronnie  
14 ever communicated about anything.

15 Ladies and gentlemen, in recent years, there's  
16 been a lot about science in these big-time criminal cases  
17 that you hear about in the media, but there will be precious  
18 little science of any kind in this case. Although here we  
19 are in 1998, and we have a fabulous State Bureau of  
20 Investigation crime lab in Raleigh --

21 MR. PANOSH: We'd object.

22 THE COURT: Sustained.

23 That's more of an argument. That's not a factual  
24 forecast of your evidence, sir.

25 MR. HATFIELD: There are no fingerprints. There

1 are no computer enhancements of anything that will help you  
2 understand. There's no proof of how this fire was ignited  
3 that destroyed the interior portions of Patricia's home.  
4 There's no proof whether she was holding that knife that was  
5 found so close to her body or not. There's not even any  
6 scientific proof that the gun that was found in the house is  
7 the gun that killed her.

8           There's not a scientific thing in this case,  
9 ladies and gentlemen. There's suspicion and innuendo and  
10 witnesses who have an agenda, and that's all. We ask you to  
11 weigh the evidence carefully. We ask you to fulfill your  
12 promise to myself and Mr. Lloyd early on that you would not  
13 form an opinion, until you hear everything from all of us  
14 and all the witnesses, and then we ask each of you to  
15 deliberate and decide the case.

16           Thank you.

17           THE COURT: Please again remember, ladies and  
18 gentlemen of the jury, that these opening statements are not  
19 evidence and not to be considered as evidence.

20           You may stand and stretch a moment, if you'd like,  
21 before we begin with the State's first witness. Stand and  
22 take a stretch, if you'd like.

23           (Time was allowed.)

24           THE COURT: The State call its first witness,  
25 please.

1 MR. PANOSH: Mr. Jarrell, please come up. If  
2 you'll go to the bailiff, he'll tell you where to sit.

3 WILLIAM JARRELL, being first duly sworn, testified as  
4 follows during DIRECT EXAMINATION by MR. PANOSH:

5 Q Would you state your name, sir.

6 A William Jarrell.

7 Q Mr. Jarrell, you live in Winston-Salem; is that right?

8 A Yes, sir.

9 Q And what is your occupation?

10 A I'm an agent for Life of Georgia Insurance Company.

11 Q And how long have you been an agent with Life of  
12 Georgia?

13 A 15 years.

14 Q 18, you say?

15 A 15.

16 Q 15?

17 A (The witness nodded his head up and down.)

18 Q In the course of your duties, did there come a time  
19 when you met Patricia Kimble?

20 A Yes, sir.

21 Q Would you tell the ladies and gentlemen of the jury how  
22 you met Patricia.

23 A She had called our office. She was -- her -- she  
24 already had insurance with us, with Life of Georgia, and she  
25 called our office and talked to her agent at that time, and

1 said that she wanted to change the beneficiary on her  
2 insurance, and also, to take out some more insurance. And  
3 so, the agent set up an appointment with Patricia, and --  
4 but did not keep that appointment. She called her back a  
5 few days later and scheduled another appointment, and she  
6 was two hours late or so for that.

7 So, Patricia said, "I don't have time to talk with you.  
8 I don't want to do business with you. You can't keep your  
9 appointments." And the next morning, she called our  
10 district office and talked to our district manager. And our  
11 district manager came back and talked with me and asked me  
12 would I handle that. I said, "Certainly."

13 And so, I called Patricia. I made an appointment and  
14 went to the appointment, and changed the beneficiary on a  
15 policy that her mother had taken out about 1990, I believe.  
16 And it was with Southland Life Insurance Company, which is a  
17 company that we bought. And so, I did that form. And then  
18 she wanted to take out \$25,000 more of insurance. So, I  
19 filed -- I filled out that application. She signed it. And  
20 that's how I met her.

21 Q Where was it that you spoke to her?

22 A At her office at Cinnamon Ridge Apartments.

23 Q Do you remember the date?

24 A It was in March of '95.

25 Q And you indicated that she had an existing policy that

1 she changed the beneficiary. Do you know the amount of that  
2 existing policy?

3 A Yes, sir. \$25,000.

4 Q And you indicated the beneficiary was her mother, and  
5 she changed it to whom?

6 A To Ted.

7 Q And she applied for a second policy through you; is  
8 that correct?

9 A Yes, sir.

10 MR. LLOYD: Object to the form, Your Honor.

11 THE COURT: Overruled.

12 Q This second policy, would you state the amount, please.

13 A \$25,000.

14 Q And the beneficiary?

15 A Theodore Kimble, her husband.

16 Q Now, at that time, did you go into some discussion with  
17 her about her needs for insurance?

18 A Actually, I talked with her about -- I asked her how  
19 much -- I asked her first what her husband did, and she told  
20 me.

21 MR. LLOYD: Well --

22 A And I said, "How much --"

23 MR. LLOYD: -- objection to what she told him,  
24 Your Honor.

25 A She told me that --



1 THE COURT: Sustained.

2 A -- he owned --

3 THE COURT: Wait a minute.

4 THE WITNESS: Oh, okay.

5 Q Based upon your interview with her, did you then assist  
6 her in applying for a -- that second \$25,000 policy?

7 A Yes, sir.

8 Q And was this a typical conversation that an insurance  
9 agent has --

10 A Yes, sir.

11 Q -- with a prospective candidate?

12 A Yes, sir. We --

13 Q And in doing that, did you do an analysis of the needs  
14 and make a recommendation?

15 A I did not do any --

16 MR. LLOYD: Well, objection to leading --

17 A -- needs analysis.

18 MR. LLOYD: -- Your Honor.

19 THE COURT: Overruled.

20 A I did not do a needs analysis. We do offer that. And  
21 -- I did not ask her about that.

22 Q In any event, you did issue a -- that second policy  
23 sometime in March of '95; is that right?

24 A I believe that policy was issued in April.

25 Q April the 1st?

1 A I don't remember what date. But that's when -- I  
2 delivered it to her in April, to her office in Cinnamon  
3 Ridge.

4 Q Did there come a time when you had contact with  
5 Theodore Kimble?

6 A Yes, sir.

7 Q When was that?

8 A That was in September of '95, the same year.

9 Q Could you describe how that came about.

10 A When I delivered the policy to Patricia, the policy  
11 that she took out, the second policy, she asked me about --  
12 she -- I had mentioned to her -- I had questioned her about  
13 Ted's insurance, and she was to have the policy there, so  
14 that I could look at it, to see what I thought of it. But  
15 she said it was in a lock box.

16 MR. LLOYD: Well, objection to what she said, Your  
17 Honor.

18 A But it was --

19 THE COURT: Sustained.

20 A -- not available. So, she said, "But, I --"

21 MR. LLOYD: Well, objection, Your Honor.

22 A There was --

23 THE COURT: Sustained.

24 A There was --

25 Q As a result of that conversation, did you expect a call

1 from Theodore Kimble?

2 A Yes, sir, because the question came up about dental  
3 insurance, which I said, "Yes, we have." And I left a  
4 brochure and was to hear later from them.

5 The -- sometime in September, I got a call one morning,  
6 and this gentleman said, "Mr. Jarrell, is this --" says,  
7 "This is Ted Kimble."

8 MR. LLOYD: Well, objection, Your Honor.

9 THE COURT: Overruled.

10 A He identified himself to me as Patricia's husband, and  
11 asked me if -- about the dental insurance. I made an  
12 appointment, went to the appointment a couple of days later,  
13 I think it was. And he took the -- he took a dental policy.  
14 Patricia wanted a dental policy. And I questioned whether I  
15 should go to her office at Cinnamon Ridge. I was told that  
16 she would be there in a few minutes.

17 So, in a few minutes, she came and spoke to me. She  
18 was a very friendly person. And signed the application.  
19 Ted paid me the premium, and I left.

20 Q You conducted this interview where?

21 A In -- at Lyles, in the office there at Lyles lumber  
22 company.

23 Q And you sold dental insurance for both of them; is that  
24 correct?

25 A Yes, sir.

1 Q Did you have subsequent contact with Theodore Kimble?

2 A Yes, sir. I had a message when I got home that Mr.  
3 Kimble had called me, and wanted me to call him if I got in  
4 before 5:30. But it was after 5:30 when I got home. But I  
5 called him the next morning. He was interested in buying  
6 life insurance. I was asked, "How much would \$300,000 --"

7 MR. LLOYD: Well, objection, Your Honor.

8 THE COURT: Sustained at this point.

9 Q This is a conversation you had with Theodore Kimble; is  
10 that right?

11 A Yes, sir.

12 Q And this was on the telephone?

13 A Yes, sir.

14 Q And as a result of your conversation with Theodore  
15 Kimble, did you set up an appointment?

16 A Yes, sir.

17 Q And where was that appointment?

18 A The appointment was maybe the next day. I think it was  
19 the next day.

20 Q Again, was this at Lyles?

21 A Yes, sir. As a matter of fact, I offered to come to  
22 their home, and I was told that it would be better to do --

23 MR. LLOYD: Well, objection.

24 THE COURT: Sustained.

25 Q As a result of the conversation you had with Theodore

1 Kimble, you did not go to their home, you went to Lyles; is  
2 that correct?

3 A Yes, sir.

4 Q And when you went to Lyles, who did you meet with?

5 A Ted Kimble.

6 Q And what was discussed?

7 A Life insurance for Patricia Kimble first, in the amount  
8 of \$300,000.

9 MR. LLOYD: Well, objection, Your Honor. This is  
10 just a clever way of getting around hearsay and  
11 confrontation.

12 THE COURT: Sustained.

13 Q What was the next thing that was discussed?

14 A The next thing was \$200,000.

15 MR. LLOYD: Well, objection, Your Honor. It's the  
16 same thing over and over again.

17 THE COURT: Sustained.

18 MR. PANOSH: Your Honor, we'd like to be heard  
19 briefly.

20 THE COURT: Members of the jury, step in the jury  
21 room a moment, please.

22 (The jury left the courtroom at 3:40 p.m.)

23 THE COURT: All right, sir.

24 MR. PANOSH: Your Honor, we would submit that  
25 these are hearsay statements of Ted Kimble that fall under

1 803(1), present sense impression. These are statements  
2 describing or explaining an event or condition made while  
3 the declarant was perceiving the event or condition, or  
4 immediately thereafter. These are statements made to the  
5 life insurance agent, while he is discussing the policy and  
6 statements that -- in response to what Mr. Jarrell said to  
7 him.

8 In addition to that, Your Honor, this falls under  
9 the exception of hearsay statements by a co-conspirator.  
10 We've established prima facie evidence, through the  
11 testimony of Mitch Whidden, that there was a conspiracy,  
12 that the conspiracy was between Ted and Ronnie, and the  
13 conspiracy was to get money. And this is statements of Ted  
14 Kimble in the course of that conspiracy and in furtherance  
15 of that conspiracy, in an attempt to set up the insurance  
16 money, which was going to be obtained as a result of her  
17 death.

18 You have to bear in mind, Your Honor, that this is  
19 on September the 12th through the 14th of '95, just a few  
20 weeks before she was killed.

21 THE COURT: Well, is Ted Kimble here, present?

22 MR. PANOSH: He is here, but whether or not he is  
23 available --

24 Is he in the courthouse?

25 THE BAILIFF: Yes, sir.

1           MR. PANOSH: I believe he is. But whether or not  
2 he is available is not a requirement to the hearsay  
3 exception. If you look at Rule 801, the exception to the  
4 hearsay for conspirators, co-conspirators, falls under  
5 801(D) and 801-- excuse me (E), and it has nothing to do  
6 whether he is available or not available.

7           THE COURT: Mr. Lloyd, do you wish to be heard?

8           MR. LLOYD: Yes, sir, Your Honor.

9           First of all, Your Honor, if what Mr. Panosh says,  
10 in terms of present sense impression exception, is correct,  
11 that -- you could apply that to anything. What that  
12 exception talks about is, if you describe, for example, a  
13 wreck, just after it's happened, you are describing an  
14 event, when you have no motivation to lie. And that doesn't  
15 apply to this situation at all. It simply doesn't apply,  
16 Your Honor. I think -- and I'm not going to waste a bunch  
17 of time on that. I think it's obvious to everyone that it  
18 doesn't. Mr. Panosh is just grasping at straws, as far as  
19 that's concerned.

20           MR. PANOSH: Well, we would object, please.

21           MR. LLOYD: Well, I apologize for the reference to  
22 that. I just don't think it applies, Your Honor.

23           Insofar as the co-conspirator exception goes,  
24 first of all, Your Honor, as far as the jury is concerned,  
25 they've heard no evidence from Mitch Whidden. The

1 conspiracy is not before the jury in this case. The  
2 evidence is not here in this situation.

3 Secondly, even assuming that if you -- if you put  
4 any validity in that, what Mr. Jarrell has testified to is  
5 that the first thing that -- the first contact he had with  
6 Ted Kimble was when Ted Kimble ordered dental insurance for  
7 both himself and his wife. Now -- and according to the  
8 testimony here, that was just a very short period of time  
9 before this. We've heard no evidence, at least not that's  
10 before the jury, Your Honor, that establishes any sort of  
11 conspiracy. You know, I guess Mr. Panosh is entitled to put  
12 on -- of course, he is entitled, if he has that evidence, to  
13 put it on later. I think at the very least --

14 THE COURT: Of course, we're taking this witness  
15 out of sequence, due to the fact that he has a --

16 MR. LLOYD: Well, I understand that, Your Honor.

17 And --

18 THE COURT: With both the consent of --

19 MR. LLOYD: -- I think there's a latitude --

20 THE COURT: -- the State and the defense.

21 MR. LLOYD: I guess, is Your Honor giving some  
22 indication that if Mr. Panosh can prove up the conspiracy at  
23 some later point, then you would be inclined to admit these  
24 statements as the statements of a co-conspirator? If that's  
25 the case, if Your Honor is intending to do that, then I



1 would request that you instructed the jury that these -- at  
2 this point, there's been no evidence of a conspiracy. And  
3 as far as the jury is concerned, I think even Mr. Panosh  
4 would have to concede that. And therefore, they are to  
5 consider these statements only in the event that Mr. Panosh  
6 proves to them beyond a reasonable doubt that a conspiracy  
7 exists at some later time.

8 My problem with that, Judge Cornelius, is, we're  
9 asking the jury to do a lot of mental gymnastics when we ask  
10 them to do something like that, and I just don't see how  
11 they can do it. I don't see how they can sort of  
12 compartmentalize in their minds, "Well, we've got to keep  
13 this stuff separate, until we hear later on some sort of  
14 proof." And I think at this point, it's mere conjecture  
15 that Mr. Panosh is going to establish some sort of proof.  
16 And we would ask that these statements of Ted Kimble not  
17 come in. I mean, he's certainly entitled to testify to the  
18 events surrounding the insurance, but to wholesale let in  
19 these statements is a whole different issue.

20 Finally -- and I'll try to make this brief, Judge  
21 Cornelius -- we still have the problem of confrontation. We  
22 still -- we don't get to cross-examine anybody about these  
23 statements that Ted Kimble made. He's not here. And I  
24 realize, I think the first thing out of Mr. Panosh's mouth  
25 is going to be that, well, you don't have a confrontation

1 problem if they're basically rooted in some firmly-rooted  
2 hearsay exception. I just question, based on the evidence  
3 that we have before this jury now, whether or not that's the  
4 case, Your Honor. And I think quite simply at this point,  
5 they're not admissible.

6 THE COURT: Mr. Panosh --

7 MR. LLOYD: Thank you.

8 THE COURT: -- do you wish to be heard?

9 MR. PANOSH: Your Honor, it is not for the jury to  
10 determine whether there's been a prima facie case of  
11 conspiracy. It's for Your Honor to determine. Your Honor  
12 has heard that evidence. This is a ruling made by the  
13 Court, not by the jury. And if it becomes necessary, we  
14 have the transcript. We can pass that to the jury, and they  
15 can read it, if Your Honor feels that's necessary. But I  
16 think it's very clear that it is for Your Honor to make the  
17 ruling and determine whether or not there has been a prima  
18 facie case and we've made it.

19 His statements about present sense impression are  
20 not the way I understand the law. What he's referring to is  
21 an excited utterance. It's true it needs a startling event  
22 for an excited utterance exception. But this is present  
23 sense impression. He is discussing an insurance policy with  
24 this man, and based upon his present sense impressions of  
25 that conversation, he is making statements. There is

1 absolutely no motivation here for Ted Kimble to deceive this  
2 man or to say anything but the truth. He's talking about  
3 taking a life insurance policy on himself, a dental policy  
4 on himself, a dental policy on his wife, and a dental policy  
5 -- and a life insurance policy on his wife. And we just  
6 feel that it's clearly part of the conspiracy and it also  
7 falls within the present sense impression.

8 THE COURT: Objection's overruled. The Court will  
9 allow in the hearsay exception to a conspiracy.

10 Bring them back.

11 (The jury entered the courtroom at 3:49 p.m.)

12 THE COURT: You may proceed.

13 MR. LLOYD: Your Honor, if you'd just note my  
14 objection to it --

15 THE COURT: Okay. Noted.

16 MR. LLOYD: -- a continued line. Thank you, Your  
17 Honor.

18 CONTINUED DIRECT EXAMINATION by MR. PANOSH:

19 Q Would you describe your conversation with Theodore  
20 Kimble in reference to the life insurance that he discussed  
21 with you.

22 A Yes, sir. He was interested in taking out a policy on  
23 Patricia and also himself. First one he asked me about was  
24 one on Patricia. And he first asked for 300 -- about  
25 \$300,000. I ran it on the computer, sitting in front of

1 him, and told him what -- he was interested in the price,  
2 and I let him know what the price is. I was told then by  
3 him to see what \$200,000 would cost. That was the amount  
4 that he settled on.

5 On himself, he said that -- well, I was told that he  
6 wanted a \$25,000 policy, because he owed that to his father,  
7 on the purchase of that lumber company, that Lyles lumber  
8 company. And he was interested in his father being paid  
9 back, should something happen to Ted. I ran that on the  
10 computer and told him what that would be. And that was  
11 agreeable.

12 I was then asked, what would \$150,000 of term insurance  
13 on him would run, on Ted. And I gave him that price. And  
14 that was agreeable.

15 So I wrote the policies up on Ted. And then I asked,  
16 "Should I go to Patricia's office at Cinnamon Ridge?" I was  
17 told, "No. She'll be here shortly." And that appointment  
18 was about -- I started that appointment about 4:00 in the  
19 afternoon, was interrupted several times with people coming  
20 in, I guess that worked for him, and he would pay them money  
21 and they would leave, so I assume that he worked for them  
22 (sic).

23 And so, it was about dusk dark and -- by that time, and  
24 so, I filled out the front portion on Patricia's policy,  
25 which was her name, her Social Security number, her date of

1 birth, which was all in my computer already, since she was a  
2 current client.

3 At one point, I was asked -- oh, also, he -- I talked  
4 with him, while we were waiting, about a cancer policy, and  
5 it was very reasonable, and it was a million dollar cancer  
6 policy. It was something like \$15 to \$20 a month. And he  
7 said, "I'll take that." And I had told him the benefits.  
8 And so, I filled out that application. And on that  
9 particular application, only one person has to sign of the  
10 couple. The insurance was on both of them, but only one has  
11 to sign that application.

12 And so, we set there and talked, and he said, "Do you  
13 have a brochure on that cancer policy?" And I said, "Yes.  
14 I'm sorry." I said, "I'll get one." So I went out to my  
15 car. And as I went out the door, Patricia was coming in,  
16 and spoke to me, "Hi, Mr. Jarrell." And I, of course, spoke  
17 back to her and went on to my car. And I've got a file in  
18 my trunk, where I keep brochures and forms, application  
19 forms. And so, it was dusk dark and I could hardly see in  
20 there, but I finally found that brochure. And as I closed  
21 the trunk and started around my car, I heard the door slam  
22 on that office, and Patricia came out and went right  
23 straight to her vehicle. And I hollered to her and said,  
24 "Patricia, you're not leaving, are you?" And she didn't  
25 recognize me, didn't say anything, didn't look at me, and

1 got in her vehicle and left.

2 So I walked in and asked Ted if she was coming back,  
3 and he said, "No." And I said, "I got to get her to sign  
4 the application, her life insurance application." And he  
5 pushed it over to me and he said, "She signed it." So,  
6 everything fit in my mind. And I said, "Well, there's some  
7 things I need to ask her," which were health questions, and  
8 I said -- but I just said, "There's some things I needed to  
9 ask her, but I'll take care of that."

10 And so, at that time, I said, "Now, you both have to  
11 have a blood profile, because of the amount of insurance."  
12 And I was told that she could not do that, because she  
13 fainted if she was stuck with a needle. I told him it would  
14 have to be done, that's a prerequisite, that's part of the  
15 application. I told Mr. Kimble that I would have it set up  
16 at Porta-Medic, that they would be prepared, should she  
17 faint while they're taking blood from her. And he agreed  
18 then.

19 He asked me about the \$25,000 policy. He said, "Should  
20 --" "If something happens to me before I get the policy  
21 back, am I insured?" Well, on the -- on the application, on  
22 the conditional receipt, it states three criterias for when  
23 that policy is effective. And those are, that the person  
24 has qualified medically for that application, under the --  
25 under the rules of the insurance company. And at that

1 amount, he needed no physical, no blood profile. And that  
2 money is placed at least for the first month. And that the  
3 application has been completed. And I said, I told Ted that  
4 "If that application is received by the home office, they  
5 have found you insurable, and something happens to you, then  
6 yes, it will pay off. If it is your death of natural  
7 causes, that they may require an autopsy," before making  
8 payment to his father.

9 So, we left the office that we were in and went to  
10 another little building there. And he walked behind, I  
11 think it was a big desk, and there was an area there that  
12 had marked off, and I asked -- he said, "Excuse the place."  
13 He said, "This is where Mom keeps her dog when she comes,"  
14 or something. I don't know. And so, he pulls the drawer  
15 out of the desk, opens the drawer, and pulls out a handful  
16 of money and pays me in cash. And I give him a receipt, and  
17 I leave.

18 And that's my dealings with the insurance with him.

19 Q On the next day, or thereafter, did you call Patricia  
20 in reference to those medical questions?

21 A The next morning, I called Patricia, because the health  
22 questions had not been answered. I asked the health  
23 questions. And some are kind of personal. And when I  
24 finished, I was asked, "Why --"

25 MR. LLOYD: Well, objection to what he was asked,

1 Your Honor.

2 THE COURT: Overruled.

3 A I was asked, "Why do you need this information for a  
4 cancer insurance?" I said, "This is not on your cancer  
5 insurance. This is on your life insurance." She said, "How  
6 much life insurance?" I said, "200 --"

7 MR. LLOYD: Objection, Your Honor.

8 THE COURT: Overruled.

9 A I said, "\$200,000." She slammed the phone down.

10 Well, I didn't know what was going on, and so I  
11 thought, I'll call Ted. So I called Ted and was told -- and  
12 told what happened, and was told that she was mad at him for  
13 some reason. He didn't explain. And I said, "Is everything  
14 all right, Ted?" And I was told that it was.

15 I told him that the paramedic office, Porta-Medic,  
16 would be calling him, to set up the appointment for the  
17 blood profile on each one of them.

18 I notified Porta-Medic, and they told me -- and I  
19 requested that they notify me when that appointment would  
20 be, just to follow up. The manager there called me back  
21 later that day and told me that he had set up the  
22 appointment. And I don't remember what day it was. And so,  
23 I had reiterated my statement to him that she fainted when  
24 she was stuck with a needle, and they needed to be prepared.  
25 I was concerned about that.



1           So, Monday night, my wife and I were watching  
2 television, and a report -- Oh, I'm sorry. That was later  
3 on. The night before the blood profile was -- appointment,  
4 about 9:30, I got a call from Ted Kimble and was told that  
5 they could not make that appointment the next day. And I  
6 stated that they needed to be contacted, the Porta-Medic  
7 needed to be contacted, and that appointment rescheduled.

8           When I got to my office the next morning, I called  
9 Porta-Medic myself, to see if he had done so, had  
10 rescheduled. And they told me that he had.

11           So, then, on a Monday night, after that, my wife and I  
12 were watching television news, and on a channel we were  
13 watching, there were no pictures, it was just stated that a  
14 Pleasant Garden resident, Pat Kimble, was burned in a --  
15 found dead in a burned home. And -- but I just assumed that  
16 it was not her, because she did not like to be called Pat,  
17 is what she told me. So --

18           Q     You had a number of dealings with Patricia?

19           A     Sir?

20           Q     You had a number of dealings with Patricia?

21           A     Yes, sir.

22           Q     And what was her general demeanor?

23           A     She was a strong Christian girl.

24                     MR. LLOYD: Objection, Your Honor.

25                     THE COURT: Overruled.

1 A She had told me she loved the Lord. And --

2 Q Was she --

3 A And she was -- she was -- she was very business and --  
4 you know. And her demeanor was fine. I mean, it --

5 Q Based upon your prior contact with her on those other  
6 occasions, would you describe her slamming the phone down as  
7 being in character or out of character?

8 A Oh, that was --

9 MR. LLOYD: Well, objection to leading, Your  
10 Honor. Calls for a --

11 THE COURT: Sustained.

12 Don't answer, sir.

13 THE WITNESS: Yes, sir.

14 Q In the course of your dealings with her, your other  
15 conversations, did she ever exhibit any similar conduct, in  
16 slamming down the phone?

17 A No, sir. I was quite shocked when that happened.

18 MR. LLOYD: Well, objection to what the witness  
19 was shocked about, Your Honor.

20 THE COURT: Overruled.

21 Q Now, there came a time when you were notified that it  
22 was Patricia Kimble that was killed?

23 A The next -- Let's see. On Monday night, we saw that,  
24 and I told my wife that I had written an application on a  
25 Patricia Kimble.

1 MR. LLOYD: Well, objection to what the witness  
2 told his wife.

3 THE COURT: Sustained.

4 Q Without going into that conversation --

5 A Okay.

6 Q -- did there come a time when you learned that she was  
7 killed?

8 A Yes, sir. The next night.

9 Q Okay.

10 A And on the news, it showed her picture. And --

11 Q All right. Without going into what was said on the  
12 news, did you have any subsequent contact with Ted Kimble?

13 A Yes, sir. I believe it was the following morning.  
14 Well, actually, the following morning, as soon as I got to  
15 the office, I notified our legal department in Atlanta what  
16 was going on there, that the lady had been murdered. And I  
17 -- later on, I received a phone call from Mr. Kimble, and I  
18 -- because I didn't know what was going on. And so, I did  
19 not state that I knew anything at all, even that Patricia  
20 was murdered. And I was told that she was killed. And I  
21 said, "In an automobile accident?" And I was told, "No.  
22 Shot." I was also told that it was -- that they believed  
23 that she walked in on a burglar.

24 And so, I was asked if -- about the insurance on that  
25 policy, on that application that I had just written on her.

1 Q Now, again, you're speaking to Theodore Kimble?

2 A Yes, sir.

3 Q And what did he ask you?

4 A He asked me if the 200-- said, "Well, the insurance  
5 will pay off, won't it?" And I said, "Did you have the  
6 blood -- Did you all have the blood profile done?" I was  
7 told, "No." I said, "It will not pay off, because that's  
8 part of the application."

9 And he stated that, "You told me that if my -- if  
10 something happened to me, that my father would get that  
11 \$25,000." I said, "That's true." But that policy did not  
12 require a blood profile, and that application was complete.  
13 There was no question asked at the purchase of that  
14 insurance about her policy paying off in that same  
15 circumstance -- under the same circumstances. So I told  
16 him, "No."

17 And then I was -- he said he was -- he seemed -- well,  
18 he seemed concerned about that. And I -- he said, "Well,  
19 now, the policies that she's got on her, the other two  
20 policies, are double indemnity policies, and it'll pay  
21 double, won't it?" And I said, "Ted, I'm going to get the  
22 home office phone number for you, and you need to call and  
23 find out." Because at that point, I was getting a little  
24 afraid. And so, I gave him that phone number.

25 And -- but he still called me back several times, and I

1 -- and he stated, when could he get the money, and I was  
2 told -- I told him, when he got the death certificate, to  
3 call me, and that I would come over to his office and file  
4 the claim, which I did when he called me back, which was  
5 probably two weeks later.

6 Q So, two weeks later approximately, you filed the claim  
7 in reference to the --

8 A Yes, sir.

9 Q -- \$25,000?

10 A When I went over to -- when I went to his office, and I  
11 asked him how things were going. And he said, "The police  
12 are bothering me." And so, he said -- I said, "Oh,  
13 really?" And -- because Ted was a -- was a -- is a likable  
14 -- was a likable guy. I mean, I -- the first time I met  
15 him, you know, the gentleman seemed fine to me.

16 And then, I asked him how things were going. He told  
17 me the police were giving him a tough time. And so -- but I  
18 saw that he had -- I saw a motorcycle over there, and I  
19 said, "Is that your motorcycle?" And was told, yes, that it  
20 is. And gosh, I think I'll get in the lumber business,  
21 because he had a Grand --

22 MR. LLOYD: Well, objection to whether he's in the  
23 right business --

24 A -- Cherokee.

25 MR. LLOYD: -- or the wrong business, Your Honor.

1 THE COURT: Sustained.

2 Q All right. During that conversation, did you file a  
3 claim on the two insurance policies --

4 A Yes, sir, I did.

5 Q -- that were in effect --

6 A I sent --

7 Q -- on Patricia?

8 A -- those to Atlanta. And -- but the rules and  
9 regulations of the insurance industry is that they do not  
10 pay claims to a beneficiary that is a suspect. And so, that  
11 claim's never been paid.

12 Q Did you have further contact with him?

13 A Yes, sir. He called me several times, concerning  
14 payment of the two -- the first two policies that she had.

15 And then, I received phone calls from an attorney, I  
16 don't remember his name, but he sent me a booklet, a letter,  
17 and I read the first -- part of the first page, and then  
18 turned around and sent it to our legal office in Atlanta.  
19 And it was stating that who the beneficiary was that should  
20 be paid, and it should pay double, because it was double  
21 indemnity.

22 MR. LLOYD: Well, objection to what the letter  
23 stated, Your Honor.

24 THE COURT: Sustained.

25 MR. LLOYD: Ask for an instruction.

1 THE COURT: Members of the jury, disregard the  
2 last response by the witness, as to what any letter may have  
3 said.

4 (Mr. Panosh showed exhibits to Mr. Lloyd and Mr. Hatfield.)

5 MR. PANOSH: May I approach the witness?

6 THE COURT: You may.

7 Q I show you now what's been marked for identification as  
8 State's Exhibit Number 1. Do you recognize that, sir?

9 A Yes, sir.

10 Q And who is that?

11 A That's Patricia Kimble.

12 Q And I'm going to show you now a series of documents  
13 which have been marked as State's Exhibit Number 2. Do you  
14 know what State's Exhibit Number 2 is? And just identify it  
15 for the record, please. Is this the application for  
16 insurance?

17 A Yes, it is.

18 Q Okay. And that's a two--

19 A On Patricia Kimble, yes.

20 Q Okay. And 2-A is actually the application form; is  
21 that correct?

22 A That's correct.

23 Q 2-B, what is that, sir?

24 A That is the --

25 Q Is that --

1 A -- agreement.

2 Q -- Page 4 of the form?

3 A That's Page 4. That's the agreement and authorization.  
4 By Patricia signing that, or the insured signing that, it  
5 gives you the authorization to do a medical check and credit  
6 check and anything.

7 Q And submit the application?

8 A Yes, sir.

9 Q And 2-C?

10 A 2-C is the accelerated benefit, which, this was given  
11 to Ted, to take to Patricia to sign and mail to me, which I  
12 did receive in the mail.

13 Q Okay. And 2-D?

14 A They are receipts for cash received on payment of  
15 premium.

16 Q Okay. And this is cash from Theodore Kimble to you, as  
17 representative of your company?

18 A Life of Georgia, yes, sir.

19 Q Okay. And 2-E?

20 A I don't know what that is.

21 Q All right.

22 A I really don't. That's -- that comes from the home  
23 office, and that's the codings --

24 Q All right.

25 A -- that they give when they're --



1 Q These exhibits, 2-E, 2-F, 2-G and 2-H, you don't  
2 recognize? These are home office documents?

3 A Okay. It's saying -- well, what it's saying here, this  
4 is home office documents. I never see these.

5 Q Okay.

6 A And this is just saying --

7 MR. LLOYD: Well, objection, Your Honor, if he's

8 --

9 THE COURT: Sustained.

10 MR. LLOYD: -- never seen them.

11 MR. PANOSH: I'm not going to submit them, if he  
12 doesn't recognize them.

13 A I don't recognize them.

14 MR. PANOSH: Your Honor, we'd seek to introduce  
15 into evidence State's Exhibit Number 1, State's 2, which  
16 consists of 2-A, B, C and D. Do you need to see them before

17 --

18 THE COURT: The Court'll allow the introduction of  
19 State's Exhibits --

20 MR. LLOYD: We would object, on grounds previously  
21 raised, Your Honor.

22 THE COURT: Overruled. The Court will allow the  
23 introduction of State's Exhibits 1, 2, 2-A, B, C and D.

24 Q Now, drawing your attention to State's Exhibit 2-A, do  
25 you recognize the handwriting on Page 1 --

1 A Yes, sir.

2 Q -- which is 2-A?

3 A That's my handwriting.

4 Q Okay. And is this the application for the \$200,000  
5 insurance that you've previously made reference to?

6 A Yes, sir.

7 Q And is this the information that you said you took off  
8 your computer?

9 A From here (Indicated) and the phone number and the  
10 address. And the only thing I did not take off of the  
11 computer was her height and weight.

12 Q All right. And then drawing your attention to Page 2,  
13 which is State's Exhibit 2-A, Page 2, what is that, sir?

14 A Okay. It states at the top what insurance she has  
15 currently in force. And then, it asks questions that are  
16 pertinent to authorizing issuance of a policy. It's health  
17 questions, and also driving record.

18 Q Okay. Are these the health questions that you went  
19 over with Patricia on the phone?

20 A Yes, I did. And she told me that she had, in 3 of '95,  
21 that she went to her Dr. Juan --

22 Q Fernandez.

23 A -- Fernandez and -- for an exam, and birth control  
24 pills.

25 Q Okay. And 2-B, this is the place where the insured

1 signs; is that correct?

2 A Yes, sir, it is.

3 Q And is this the document that you left with Ted Kimble  
4 when you went to your car to get that brochure?

5 A All of these sheets are in one form. And -- but that  
6 was turned out, when I came back in. And I told him, "I've  
7 got to get her to sign that." And so, I went out to my car  
8 to get the brochure, I came back, and I said -- asked if she  
9 was coming back, and was told she was not. And I said,  
10 "I've got to get her to sign the application." He said,  
11 "Here. It's signed."

12 Q All right.

13 A She signed it.

14 Q All of the handwriting on these forms is your  
15 handwriting, except for the signature of Patricia Kimble?

16 A Yes, sir.

17 Q Okay. And the same on --

18 A Same on --

19 Q -- 2-C?

20 A -- accelerated benefit, yes, sir.

21 Q And 2-D, the receipts, that's all in your handwriting;  
22 is that right?

23 A Yes, sir.

24 Q Now, as you said, sir, the originals are in a packet  
25 form; is that correct?

1 A That -- the application comes in a form that you can  
2 tear off the edge and -- because we tear it off, it's tear  
3 off -- it's torn off and turned in to our office in Winston-  
4 Salem, where that it is checked, to make sure everything is  
5 entered in there that should be. And then it's sent to the  
6 home office.

7 Q And the home office is in Atlanta, Georgia; is that  
8 right?

9 A Yes, sir.

10 Q And these are copies that were obtained through you  
11 from the home office; is that correct?

12 A Yes, sir.

13 Q Now, there were other applications, as you've  
14 previously stated, for the other policies, is that right,  
15 cancer and dental?

16 A Yes, sir. As a matter of fact, the policy on Mr.  
17 Kimble was issued. He did go have his blood profile.

18 Q Excuse me?

19 A He went at a later date and had his blood profile. And  
20 that was, of course, forwarded on to our home office, where  
21 they did a blood check. And that policy was approved, along  
22 with the \$25,000 policy. But those policies are no longer  
23 in effect.

24 MR. PANOSH: May I approach?

25 MR. LLOYD: Well, objection, Your Honor. None of

1 this is responsive to the question.

2 THE COURT: Sustained.

3 You may approach.

4 Q Drawing your attention then to State's Exhibit 2, on  
5 the back page, and you've made reference to another policy  
6 there?

7 A Yes, sir. That's cancer, the cancer policy.

8 Q Okay. And in --

9 A The question in that -- on that line is, are there any  
10 other applications on this individual being applied for, any  
11 other insurance. And I answered that by stating that it was  
12 a cancer policy and gave the application number.

13 Q And again, that's in your handwriting?

14 A Yes, sir.

15 MR. PANOSH: No further questions. Thank you.

16 THE COURT: Mr. Lloyd, do you wish to cross-  
17 examine him?

18 MR. LLOYD: Thank you, Your Honor.

19 CROSS-EXAMINATION by MR. LLOYD:

20 Q Mr. Jarrell, have you ever seen this man over here,  
21 right here? (Indicated.)

22 A Never before.

23 Q So, you've never had any dealings with Ronnie Kimble,  
24 have you?

25 A No, sir.

1 Q Don't even know who he is?

2 A No, sir. I didn't even know Ted had a brother.

3 Q Now, the first person in the Kimble household to  
4 contact you was Patricia Kimble; is that right?

5 A Yes, sir. That was in March of '95.

6 Q All right. And this was after Patricia became upset  
7 with the first agent who dealt with her; is that right?

8 A Yes, sir.

9 Q All right.

10 A Yes, sir.

11 Q And so, basically, Mr. Jarrell, you were sort of sent  
12 out to smooth things over and get things going on an even  
13 keel --

14 A Yes, sir.

15 Q -- at that point? And when you talked to her about  
16 that, she was pretty upset about that, wasn't she?

17 A In fact, it did not even come up.

18 Q But as you understood it, before you went out there,  
19 that she was --

20 A I understood from that my district manager, that she  
21 did not want to do business with that young lady.

22 Q And she had been upset enough to call on your district  
23 manager and specifically request that another agent handle  
24 her insurance needs; is that right?

25 A Quite honestly, I don't know whether she requested

1 another agent or not. I don't know what their conversation  
2 was, between my district manager and Mrs. Kimble.

3 Q But you do know that she called your district manager?

4 A Yes, sir.

5 Q And as a result of that conversation, you were sent out  
6 to deal with --

7 A Well, what he did, he asked me to make contact with  
8 her.

9 Q All right.

10 A Which I did.

11 Q And her first policy had been issued through your  
12 company? She had a then existing policy; is that right?

13 A Yes, sir.

14 Q All right.

15 A It was issued with Southland Life.

16 Q All right. And which -- and your company bought out --

17 A Bought out, yes.

18 Q -- South-- So you inherited that policy?

19 A That's right.

20 Q All right. And when she talked to you at that time,  
21 and I believe you indicated that was in -- was that in --

22 A March.

23 Q -- March? She indicated to you at that time that she  
24 wanted to purchase additional insurance?

25 A Yes, sir.

- 1 Q On top of what she already had?
- 2 A Yes, sir.
- 3 Q Now, and as a matter of fact, Mr. Jarrell, you wrote up  
4 the new policy, according to --
- 5 A I wrote up the application.
- 6 Q The application?
- 7 A (The witness nodded his head up and down.)
- 8 Q You explained to her, as you do all your clients, that  
9 that was an application --
- 10 A Yes, sir.
- 11 Q -- is that right? All right. But you wrote that up  
12 and submitted that on her behalf?
- 13 A Yes, sir.
- 14 Q All right. And that was in addition to the insurance  
15 that she already had?
- 16 A Yes.
- 17 Q And you said at that time, you mentioned to her that  
18 you had a dental plan; is that correct?
- 19 A Not at that time. I think -- I think I mentioned that  
20 to her when I delivered that policy.
- 21 Q Okay. But shortly thereafter, you mentioned the next  
22 contact --
- 23 A The next month --
- 24 Q -- you had --
- 25 A -- yes, sir.



1 Q -- with her? You mentioned about the dental plan?

2 A Yes, sir. Well, she asked me about it.

3 Q All right. And after that, you got a call from Ted  
4 Kimble concerning the dental policy?

5 A Several months later. It was in September.

6 Q All right. And you went and talked to Ted Kimble about

7 --

8 A Yes, sir.

9 Q -- the dental plan? And he purchased the dental plan?

10 A Yes, sir.

11 Q And got it for both himself and Patricia at that time?

12 A That's right.

13 Q All right. Do you know what the premiums were on that  
14 dental plan?

15 A You know, I don't remember whether he paid annual or  
16 not. I don't believe he did. It ran about 28 or 29 dollars  
17 a month apiece.

18 Q All right. And was it at that time, Mr. Jarrell, that  
19 you mentioned to him about the \$1 million cancer policy?

20 A Let me see.

21 (Time was allowed for the witness.)

22 A I don't remember.

23 Q Okay. But at any rate, Mr. Jarrell, on one of those  
24 early visits to Ted Kimble, you did mention to him about the  
25 \$1 million cancer policy?

1 A Yes, sir.

2 Q And he in fact purchased a \$1 million cancer policy?

3 A Yes, sir. The -- when I mentioned that cancer policy,  
4 I'm sure that it was while we were waiting on Patricia to  
5 come by to sign her life application.

6 Q All right. And he purchased that --

7 A Yes, sir.

8 Q -- cancer policy?

9 A Yes, sir.

10 Q And that policy, Mr. Jarrell, though it covered both  
11 spouses, would cover both Ted and Patricia, as you wrote it,  
12 it required the signature of only one person --

13 A Yes, sir.

14 Q -- is that correct? Now, when you first talked to Ted  
15 about additional life insurance, the first thing he asked  
16 you about was the possibility of a \$300,000 life insurance  
17 policy on Patricia; is that right?

18 A Actually, the first time I talked with him about life  
19 insurance on either one of them was over the phone, when I  
20 called him back -- after he'd called my home the night  
21 before, the afternoon before, it was -- and asked me to  
22 return his call, if I got in before 5:30. And the next  
23 morning when I got to the office, I called him, and that's  
24 when we first talked about it. And I -- he gave me some  
25 figures at that time, and I ran them on my computer and gave

1 them to him, but then recommended that we -- you don't buy  
2 insurance that way. I use the old insurance cliché, you  
3 don't buy insurance like you do hamburger, by the pound.  
4 And so, I told him that, you know, "You can buy too much or  
5 too little. We can do a need analysis. I can get with you  
6 and Patricia at your home." He said, "No, we can't do  
7 that." He said, "Just come by -- can you come by here?"  
8 Which I did.

9 Q So, he suggested that you come by Lyles?

10 A Yes, sir.

11 Q All right. And that was at your suggestion to talk  
12 about the needs of Patricia and Ted, in terms of their term  
13 life insurance; is that correct?

14 A Yes, sir. That was the secondary plan.

15 Q Yes, sir.

16 A I mean, my plan was actually to go and get them both  
17 involved in how much they really needed.

18 Q Well, your plan, Mr. Jarrell, was to sell them  
19 insurance; is that right?

20 A My plan is -- was to take care of their needs, and  
21 ultimately when you do, you do sell insurance.

22 Q All right. And when you went and talked to Ted at  
23 Lyles, he explained to you that Patricia -- and of course,  
24 you already knew this -- currently had \$50,000 insurance on  
25 her; is that right?

1 A I don't believe that was discussed, about the other  
2 insurance that she had. I'm -- you know, I know he -- you  
3 know, he's the beneficiary, and I'm sure he knew about it.  
4 The insurance that we talked about was the new insurance  
5 that he wanted.

6 Q Well, did Ted not tell you, Mr. Jarrell, that he had  
7 \$100,000 insurance on him at the time?

8 A His wife told me that.

9 Q All right. So you knew that?

10 A Yes.

11 Q And you discussed that, when you went over this need  
12 analysis with Ted; is that right?

13 A Yes, sir.

14 Q And that what he wanted to do was to do -- get \$150,000  
15 in additional insurance on himself?

16 A Yes, sir.

17 Q And get \$200,000 on Patricia?

18 A Yes, sir.

19 Q So that they would both have \$250,000 on each one of  
20 them; is that correct, Mr. Jarrell?

21 A That is right. And then he wanted a \$50,000 policy to  
22 take care of that loan, should something happen, to his  
23 father.

24 Q You said \$50,000. That was actually \$25,000?

25 A 25. I'm sorry. It is 25.

1 Q So that was a separate situation?

2 A Yes.

3 Q And he explained to you why he wanted that?

4 A Yes, sir.

5 Q Because his dad would be the beneficiary on that?

6 A That's right.

7 Q And that was to cover, as he told you, the loan that  
8 had been taken out for Lyles -- that he bought the business  
9 --

10 A Yes, sir.

11 Q -- with; is that right?

12 A Yes, sir.

13 Q And so that the -- when you did the final need  
14 analysis, what you came up with was a figure of \$250,000 on  
15 Patricia and Ted both, where they would each be the  
16 beneficiary of the other; is that right?

17 A No, sir. We did not do a need analysis. He gave me  
18 the figures. He first started with \$300,000 --

19 Q Yes, sir.

20 A -- on Patricia, and because of the premium, he said, "I  
21 can't do that." He said, "Try \$200,000."

22 Q All right.

23 A Which I did. And that was agreeable.

24 Q All right. Well, you didn't at that time, Mr. Jarrell,  
25 say to Ted Kimble, "You don't need this insurance, Mr.

1 Kimble," did you?

2 A The policies on him?

3 Q Policy on him or on Patricia.

4 A Well, I assumed that that was to be between them both,  
5 whether they did that or not on her. And -- because her  
6 application is a separate entity there, in connection with  
7 his. What I'm saying is that, he cannot make a decision on  
8 her having that insurance policy. But he told me that they  
9 wanted that.

10 Q All right.

11 A And so, then we waited for Patricia to come and --

12 Q So you wrote the application --

13 A Yes, sir.

14 Q -- for them; is that right?

15 A Yes, sir.

16 Q All right. So that the total insurance, as you  
17 discussed it with Ted, would be \$250,000 on Ted and \$250,000  
18 on Patricia; is that right?

19 A That's right.

20 Q Now, when you were discussing insurance with Ted, you  
21 understood that Ted's business at that time was Lyles  
22 Building Supplies?

23 A Yes, sir.

24 Q And of course, you were well aware that what Patricia's  
25 job was --

1 A Yes, sir.

2 Q -- running Cinnamon Ridge Apartments; is that right?

3 A Yes, sir.

4 Q All right. And you were aware, Mr. Jarrell, that  
5 Patricia had a hand in doing the books for Lyles business,  
6 Lyles Building Supply?

7 A No, sir, I did not.

8 Q All right. And when you filled out the applications,  
9 the -- first of all, you filled out an application for  
10 Patricia's additional insurance, and you filled out an  
11 application for Ted's additional insurance, didn't you?

12 A I filled out Ted's first, and got him to sign --

13 Q All right.

14 A -- both of his applications, and also the accelerated  
15 benefit. And then I asked him, "Should I go to Patricia's  
16 office, for her policy?" He said, "No. She'll be by here  
17 in a few minutes."

18 Q All right. And in fact, in a few minutes, she did come  
19 by, didn't she?

20 A Well, yes, sir. I went ahead and filled out the  
21 application, just the information I had already in my  
22 computer.

23 Q Yes, sir.

24 A And -- but he also -- I had talked with him about the  
25 cancer policy, while we were waiting for her, and he said,

1 "I'll take that."

2 Q All right.

3 A And which he did. And then, later on, he said, "Do you  
4 have a brochure on that cancer policy?" I said, "Ted, I'm  
5 sorry." And I went to my car. And that's when I saw -- met  
6 Patricia coming in the door as I went out.

7 Q And you spoke to her at that time?

8 A Yes, sir. And she spoke to me.

9 Q All right. Now, Mr. Jarrell, it was after you came  
10 back in inside that Ted indicated to you that Patricia had  
11 signed the policy; is that right?

12 A Yes, sir.

13 Q And Mr. Jarrell, the guidelines for your company  
14 require that you witness the signatures of all the persons  
15 filing an application for insurance; is that right?

16 A That's right. And to use common sense. And --

17 Q All right.

18 A -- which, she was there in person, and you would have  
19 -- I would -- I was led to believe that she signed it. She  
20 was there in person. And also, there was some other things  
21 that had to happen before that policy was issued, one being  
22 a blood profile, and another, her answering those health  
23 questions. So I was not concerned -- that never entered my  
24 mind, that she did not sign that application.

25 Q And in terms of the guidelines of your company, you



1 explained to Ted that these were applications, and you  
2 explained to him what had to transpire in the --

3 A Yes, sir.

4 Q -- future --

5 A Yes, sir.

6 Q -- for these to actually become --

7 A Policies.

8 Q -- in effect policies?

9 A Yes, sir.

10 Q All right.

11 MR. LLOYD: That's all I have, Your Honor.

12 THE COURT: Mr. Panosh?

13 REDIRECT EXAMINATION by MR. PANOSH:

14 Q Regardless of any explanations you gave him, he did  
15 file a claim on the \$200,000 policy; is that right?

16 A There was no claim filed on the \$200,000 policy. The  
17 claim was filed on the two \$25,000 policies, due to the --  
18 because he was told that that policy, there was not even a  
19 policy issued. And so, he could not file a claim on that  
20 \$200,000, after I told him on the phone that the policy was  
21 not in force.

22 Q So he didn't file a claim through you?

23 A No, sir.

24 Q Are you aware of whether he filed a claim through the  
25 home office?

1 A I'm not aware of it, sir.

2 Q But you did give him the home office number?

3 A Yes, sir.

4 MR. PANOSH: No further questions.

5 THE COURT: Mr. Lloyd, any additional questions?

6 MR. LLOYD: No, Your Honor.

7 THE COURT: Step down, sir. Watch your step.

8 (The witness left the witness stand.)

9 THE COURT: You may stand and stretch a moment, if  
10 you'd like, members of the jury. Stand up and take a  
11 stretch.

12 Do you have a short witness, Mr. Panosh?

13 MR. PANOSH: We could probably finish today.

14 THE COURT: All right. I have a juror that needs  
15 to leave at 5:00.

16 MR. PANOSH: I'll do my best, Your Honor.  
17 Whatever you say.

18 THE COURT: All right. Proceed.

19 MR. PANOSH: Reuben Blakley.

20 Your Honor, may Mr. Jarrell be excused?

21 THE COURT: Any objection, gentlemen?

22 MR. LLOYD: No objection, Your Honor.

23 MR. HATFIELD: No objection.

24 THE COURT: You may be excused, sir.

25 REUBEN BLAKLEY, being first duly sworn, testified as follows

1 during DIRECT EXAMINATION by MR. PANOSH:

2 Q Would you state your name, please.

3 A Reuben Blakley.

4 Q And what relationship are you to the deceased, Patricia  
5 Blakley?

6 A I am her brother.

7 Q Now, where do you live, sir?

8 A 6965 Lawrence Farm Lane in Randleman, North Carolina.

9 Q How far is that residence in Randleman from Patricia's  
10 home on Brandon Station Court?

11 A About five miles.

12 Q Did there come a time on October the 9th of 1995 when  
13 you were contacted at your home?

14 A Yes, sir.

15 Q Who called you?

16 A Ted Kimble did.

17 Q And what was the purpose of Ted Kimble calling you?

18 MR. HATFIELD: Objection.

19 THE COURT: Sustained.

20 Q Without stating what he said, what action did you take,  
21 after Ted Kimble called?

22 A My wife and I went to Patricia and Ted's house.

23 Q And what was the purpose of going to Patricia's house?

24 A To check and see where Patricia was.

25 Q Before you actually went there, did you take any other

1 action?

2 A Yes. I tried to contact Patricia at the church, at  
3 South Elm Street Baptist Church. And then I tried to page  
4 her. And then I tried to call the house, as well.

5 Q You said you tried to call. Did you try to call her  
6 home first? Is that what you said?

7 A Yes.

8 Q When you called her home, about what time was that?

9 A About 8:20, 8:15 in the evening.

10 Q When you called her home, was there any answer?

11 A No.

12 Q And after you called her home, what action did you  
13 take?

14 A I tried to page her -- or I did page her, and put my  
15 home phone number in.

16 Q And after you paged her, did you take any further  
17 action?

18 A Yes. We -- I called the church, and I didn't -- did  
19 not get an answer at the church. The answering machine  
20 picked up. So I just -- I did not think that that would be  
21 any benefit to me, so I just hung up. And after that, my  
22 wife and I decided to ride to the house, to see if she was  
23 there. And on the -- right before we left, I paged her and  
24 put my car phone number in, for my car phone, so she could  
25 call us, in case she could call us on the way to the house.

1 Q And what number did you put in, when you paged her?

2 A The first time when I paged her, it would be my house  
3 number, it would be 674-6426. And the second time, when we  
4 were on the way to the house, I did my car phone number, and  
5 that is 314-3303.

6 MR. PANOSH: The Court's indulgence for a moment.

7 (Time was allowed for Mr. Panosh.)

8 Q After you attempted to call her on her pager and  
9 telephone, what action did you take?

10 A We rode over to her house.

11 Q And about how long does it take you to get to her  
12 house?

13 A Something less than 10 minutes, probably eight, eight  
14 or nine minutes maybe.

15 Q And when you arrived there, what did you observe?

16 A When we pulled in the driveway, I had -- I smelled a  
17 faint smell of smoke, and begin worrying at that point. But  
18 I drove on up in the driveway, and Patricia's car was parked  
19 on the left side of the driveway, and I pulled up to the  
20 right and turned on my bright lights, so I could see what  
21 was going on, because there wasn't -- there was not any  
22 light on in the house or around the house, so it was real  
23 dark. I turned on my bright lights, so we could see what  
24 was there, what was in front of us. And we got -- left the  
25 truck running, so the lights would be on, and got out of the

1 truck and went up to the door inside the garage and smelled  
2 smoke and seen smoke inside the garage, and felt of the  
3 door, and it was -- it was hot. So I turned around and told  
4 my wife, Christie, to go to the front door and see if it was  
5 hot, as well. And she said it was. So at that time, I went  
6 back to the truck and called 911.

7 Q And when you say you approached the door, which door  
8 was that?

9 A The door going to the kitchen, that enters from the  
10 garage.

11 Q And after your wife called 911 for the fire department,  
12 what action did you take?

13 A I called 911 from my cellular phone, and I -- after  
14 that, after talking with the operator there, my wife left  
15 and went down the road to get my dad, he lives about two to  
16 three miles down the road, and -- to pick him up and tell  
17 him what was going on. And I stayed there and waited for  
18 the fire department to arrive.

19 Q And when you say your dad, are you talking about  
20 Richard Blakley?

21 A Yes, sir.

22 Q And what did you observe about Patricia's car and the  
23 house, other than what you've already stated?

24 A There was no lights on around the house. The car was  
25 parked. It was unlocked. Once the fireman arrove (phon.),

1 he asked me if I could move the car, and I -- it was  
2 unlocked, so I looked in it, and her keys to the car were in  
3 it. So I tried to start it, and I couldn't get the car  
4 started, to move. And he told me, "Well, don't worry about  
5 it." So I left the car where it was and just waited on  
6 everybody else to get there.

7 Q Did you make any observations about the contents of her  
8 car?

9 A Her pocketbook was on the front seat. I believe her  
10 pager -- her pager was clipped on -- clipped on her  
11 pocketbook.

12 Q When the firefighters arrived and they made entry, what  
13 occurred?

14 A Well, we tried to stay out of the way as much as  
15 possible, but we told them what we had found and told them  
16 that the door was hot, so I did not open it. They felt of  
17 it and said it was hot, as well. And we went out to the  
18 front yard and pretty much just let them do what they needed  
19 to do, to take care of the fire.

20 Q And eventually, the firemen did fight the fire and  
21 discover your sister's body; is that correct?

22 A Yes.

23 Q And thereafter, you and the rest of your family members  
24 went to the South Elm Street Baptist Church; is that right?

25 A That's correct.

1 Q Now, going back to the period of time immediately  
2 before her death, did you and Patricia have any  
3 conversations?

4 A Yes. The last time I talked to Patricia was that  
5 Saturday afternoon before her death, and I just talked  
6 briefly, not very long, but just general, how things were  
7 going. And the week before that, we had went out to lunch  
8 with Ted and Patricia and I, and on the way back to Cinnamon  
9 Ridge Apartments, I talked with her some, because she had  
10 expressed some concern about an insurance policy.

11 MR. LLOYD: Well, objection, Your Honor.

12 THE COURT: Overruled.

13 Q What did she say to you?

14 A She -- I asked her a question about some insurance,  
15 question she had, and she said that she was upset, because  
16 --

17 MR. LLOYD: Well, objection, Your Honor. Ask to  
18 be heard on this matter.

19 THE COURT: Well, members of the jury, I'm going  
20 to let you go ahead and take the evening recess. You'll  
21 need to be back in the morning at 9:30. Please report to  
22 the jury room. Again, remember the instructions on the jury  
23 responsibility sheet. Do not discuss the case with your  
24 family or friends. Do not read, watch or listen to any news  
25 or media accounts. Keep an open mind.



1           Have a nice evening. I'll see you in the morning  
2 at 9:30.

3 (The jury left the courtroom at 4:50 p.m.)

4           THE COURT: All right. I'll hear you.

5           MR. LLOYD: Judge Cornelius, this is precisely  
6 what we filed a motion about. First of all, I don't see how  
7 -- what we're going to get is a factual recitation from the  
8 victim in this case. We're not -- I don't think we're about  
9 to get into anything where we have words like, "I am afraid"  
10 or anything like that. We're about to get a bunch of  
11 statements about facts or beliefs, which the rule, then  
12 existing mental or emotional condition, specifically  
13 excludes. It says, "but not including a statement of memory  
14 or belief to prove a fact remembered or believed." And then  
15 it talks about a will. But that doesn't apply in this case,  
16 obviously. And we -- once again, we have the problem of  
17 confrontation. We don't get a chance to cross-examine  
18 Patricia Kimble about this. And it doesn't fit within one  
19 of the firmly-rooted hearsay exceptions. And I think it's  
20 clearly inadmissible, Your Honor. It's inadmissible  
21 hearsay, and it runs afoul of the confrontation rule, both  
22 on state and federal constitution.

23           THE COURT: Let me see your rule book, please.

24           MR. LLOYD: Yes, sir.

25 (Mr. Lloyd handed a book to the Court and indicated.)

1 THE COURT: All right. The State wish to be  
2 heard?

3 MR. PANOSH: Your Honor, I previously handed up  
4 the Westbrook case. I don't know if you still have it or  
5 not. But in that case, they specifically analyze the rule,  
6 and they specifically said that that is not what the rule  
7 meant.

8 (The Court handed the book to the bailiff, and the bailiff  
9 handed the book to Mr. Lloyd.)

10 MR. PANOSH: And they went back and looked at --  
11 Your Honor, do you have that case?

12 THE COURT: Yes, it's -- well, I don't have  
13 Westbrook here.

14 MR. PANOSH: Okay. In that case, they  
15 specifically said that the victim could -- the victim did  
16 describe to her brother -- Excuse me. The victim did  
17 describe to his sister and to his father specific things  
18 about -- that he was concerned on about the marriage, and  
19 those included credit card bills, telephone bills, specific  
20 things that were concerning him. And then the victim went  
21 on to say that -- expressed his specific concerns about the  
22 welfare of their marriage. At no time did the victim say in  
23 that case that he was afraid, but the Court allowed those  
24 hearsay statements in, and the Supreme Court held that that  
25 was admissible and proper. And I'm sorry I didn't bring it

1 with me. I thought it was still on your bench. But I think  
2 it covers this 100 percent.

3 THE COURT: How close a point in time to the death  
4 are we talking about? This statement, he said was made on  
5 Saturday, before --

6 MR. PANOSH: Your Honor --

7 THE COURT: -- her death on when, sir?

8 MR. PANOSH: -- my recollection is that this was  
9 the Pizza Hut, it was on September the 27th, and she was  
10 killed on October the 9th.

11 THE COURT: Well, I hadn't heard what the witness  
12 is going to say. You may need to put in the record at this  
13 point what he's going to say, and then we'll hear you.

14 MR. PANOSH: All right.

15 VOIR DIRE EXAMINATION by MR. PANOSH:

16 Q Tell the Court what Patricia said to you on that day at  
17 the Pizza Hut. First of all, what day was it, if you  
18 recall?

19 A I believe it was -- it was on a Thursday, I believe the  
20 week -- not the week before, but the week before that. She  
21 was killed on October 9th. I believe it was the Thursday  
22 week before that.

23 Q If I hand you a calendar, can you --

24 A Sure.

25 Q -- pick the date?

1 A Sure.

2 (Mr. Panosh handed a document to the witness.)

3 A I believe it was the 28th.

4 Q 28th of September of '95?

5 A Yes.

6 Q And what did she say to you at that time?

7 A I had questioned her about some concerns she had about  
8 Ted's getting the insurance policy on her, and she was kind  
9 of not real avid to talk to me about it, but she did tell me  
10 that she was real worried and real concerned, didn't  
11 understand why he -- they needed more insurance, but that  
12 she had talked with him since then, and he had said --  
13 apologized and said he would not do it again. And she  
14 pretty much just left it at that, that he had smoothed it  
15 over, per se, I guess, and apologized.

16 Q Did she say whether or not the life insurance policy  
17 was going through?

18 A She did not say.

19 Q Did she indicate to you whether she had any concerns  
20 about their financial condition?

21 A She had -- she was a real thrifty money person. She  
22 had ongoing concerns. She wanted --

23 Q Did she give you specific examples of that?

24 A She was always wanted to save money, and she would --

25 Q I want you to limit your answers now to this

1 conversation that you had at the end of September of 1995.

2 A Okay.

3 Q Did she tell you about specific concerns she had?

4 A No, she didn't, not at that time.

5 MR. PANOSH: Your Honor, that would be the  
6 evidence -- the statements on voir dire.

7 THE COURT: Do you wish to be heard again?

8 MR. LLOYD: Well, Your Honor, I think it's -- I  
9 think Mr. Panosh talks about the Westbrooks case. I cited  
10 cases in the motion. I don't have it with me. Pickens  
11 comes to mind. But I think whatever the Supreme Court said  
12 in Westbrooks, our case is distinguishable here. What we're  
13 talking about is -- in terms of what she said was that she  
14 was real worried. This isn't a specific item. Didn't know  
15 why they needed more insurance. Well, that's a -- that's a  
16 -- I guess that's a very -- when you get right down to it,  
17 Your Honor, that's a very technical opinion, that without  
18 analyzing their entire financial position or putting that in  
19 front of the jury, we're not in a position to make. It's  
20 basically speculation. I don't think you'd allow the  
21 witness to state that if she were here and we could cross-  
22 examine her. You wouldn't allow the witness to say, "I  
23 don't -- I didn't know why we needed more insurance."

24 And the rest of the statement, that they talked  
25 about it, and that at some point, Ted apologized, I think

1 once again, we get into the same situation that we talked  
2 about before, where you're just giving a recitation of  
3 facts, and it doesn't fit within one of the hearsay  
4 exceptions, and therefore, you've got a double problem with  
5 it. It's hearsay that doesn't fit within an exception, and  
6 you have got the confrontation problem. So --

7           The other thing, Your Honor, I think we tend to  
8 lose sight of here, and I think what would clearly  
9 distinguish our situation from the Westbrooks situation is,  
10 we're -- this case, Mr. Panosh's case is against Ronnie  
11 Kimble. It's not Ted Kimble that we're trying here. And we  
12 all seem to lose sight of that with respect to all these  
13 statements. And I think that's another thing the Court has  
14 to consider. And when you finally take it all into  
15 consideration, and put it through the 403 balancing test, I  
16 think it just doesn't measure up.

17           But that's our position.

18           THE COURT: Well, objection overruled. The Court  
19 will allow those statements as an existing mental state  
20 within two weeks of her death.

21           Restrict it to what you've just put into evidence  
22 here.

23           MR. PANOSH: Yes, sir.

24           THE COURT: I assume that's all you intend to ask  
25 him about her statements?

1 MR. PANOSH: Yes, sir.

2 THE COURT: Any other matters before the recess?

3 You may step down, sir.

4 Start here in the morning. Anything before the  
5 recess?

6 MR. PANOSH: No, sir.

7 THE COURT: 9:30 in the morning, sheriff.

8 (The witness left the witness stand.)

9 (A recess was taken at 5:01 p.m., until 9:30 a.m. Tuesday,  
10 August 11, 1998.)

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I N D E X

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NORTH CAROLINA  
GUILFORD COUNTY


IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 97 CrS 23654  
FILE NO. 97 CrS 39580  
FILE NO. 98 CrS 23485

STATE OF NORTH CAROLINA )  
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                                  )  
RONNIE LEE KIMBLE          )

C E R T I F I C A T E

I, Marsha M. Garlick, Official Superior Court Reporter, Eighteenth Judicial District, do hereby certify that the foregoing 89 pages constitutes the complete and accurate transcript of my stenograph notes of the proceedings in this matter on August 10, 1998, at the August 3, 1998 Regular Criminal Session of Superior Court, Guilford County, North Carolina, and were transcribed by me personally.

This the 17th day of October, 1998.

  
\_\_\_\_\_  
Marsha M. Garlick, RPR  
Official Superior Court Reporter

Transcript Ordered: September 8, 1998  
Transcript Delivered: November 9, 1998