

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)
)
 v.)
)
 RONNIE LEE KIMBLE)

T R A N S C R I P T

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

A P P E A R A N C E S

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TUESDAY, AUGUST 18, 1998

(Court convened at 9:34 a.m. The defendant was present.
The jury was not present.)

THE COURT: Any matters we need to take care of
before we bring the jury in?

MR. PANOSH: No, Your Honor.

MR. LLOYD: Your Honor, just briefly. In light of
Your Honor's ruling yesterday, Judge, we would simply ask,
the Court's done this for us before, if we could just
interpose a line objection when the next witness -- I don't
know that he's going to be the next witness, but the one
that we talked about, Patrick Pardee, in the hearing, if we
could just interpose a line objection to the first objection
that we had.

THE COURT: The Court will allow that.

MR. LLOYD: Thank you, Your Honor.

THE COURT: Bring them in.

Mr. Nicholes, if you'll return to the witness
stand, please, sir.

(The witness Robert H. Nicholes returned to the witness
stand.)

(The jury entered the courtroom at 9:36 a.m.)

THE COURT: I'm pleased to have the jury panel
back. I hope each of you had a nice evening and feeling
okay. Anyone on the jury panel experiencing any problems

this morning that I should know about, if you'll raise your hand, I'll be glad to talk with you about that.

Okay. I believe -- you may continue with the examination of the witness, cross-examination, Mr. Lloyd.

MR. LLOYD: Thank you, Your Honor.

ROBERT H. NICHOLLES, having been previously duly sworn, testified as follows during CONTINUED CROSS-EXAMINATION by MR. LLOYD:

Q Now, Mr. Nicholes, you told us yesterday that the first several trips, first several stealing trips that you went on with Ted Kimble, where you were stealing building materials from home sites --

A Yes, sir.

Q -- you thought those were legitimate excursions, didn't you?

A Better put, I wanted to believe they were legitimate. Ted was a friend of mine and -- I mean, of course, 3:00 o'clock in the morning, it would cross my mind that maybe it wasn't legitimate. Ted was a friend. I mean, I -- my better judgment, I knew it was wrong. I was there to -- for the money. When he said \$300, I was there for the money.

Q Well, I thought you told us yesterday, Mr. Nicholes, that certainly with respect to that first trip, the one at 3:00 o'clock in the morning, you thought that was a legitimate enterprise?

A I thought it was -- it was legitimate. I mean, it crossed my mind, but at first -- I mean, you believe in a friend, you don't know any different. You go with your judgment at the time. Sure, it crossed my mind.

Q And you told investigators that the first several occasions when you went with Ted to steal these building materials, that you thought that those times were legitimate; is that right?

A Wanted to believe they were legitimate, yes.

Q And you told investigators that you thought they were legitimate?

A That I wanted to believe they were legitimate, yes, I did.

Q When was the first time, Mr. Nicholes, that you realized conclusively that these late-night excursions to people's homes, where you took windows and doors and other building materials, were not legitimate?

A Soon thereafter the first couple I believe -- I knew --

Q Now --

A -- that it was wrong.

Q I didn't mean to cut you off. Are you through with your answer?

A That's okay.

Q Did Ted Kimble pay you the same way he had for the first one at 3:00 a.m. in the morning?

A No.

Q All right. Did he pay you in cash?

A Yes.

Q All right. When you say "No," did he just not pay you

--

A It was -- it was --

Q -- as much?

A Yes, sir, it was not as much.

Q Was that because what you were stealing was not as valuable as the valuable doors and windows that you stole that first time, at 3:00 a.m. in the morning?

A I'm not sure how he came up with his method of payment

--

Q All right.

A -- but it was not \$300.

Q All right. But at any rate, you were satisfied with that, were you not?

A Yes.

Q And at some point, Mr. Nicholes, Ted Kimble actually wrote you checks from the business for the building materials supplies that you had stolen; is that right?

A No, that's not. He had written me checks for building materials that we had stolen.

Q All right.

A It was not checks that I had -- it was -- when we are

out and -- as I had said yesterday, when we were out going to steal stuff, and he told me that he was responsible for the death of Patricia, he told me that everything was there, and if I ever went to the police, that I would be in trouble, and that's why the checks were there, to -- so he would be able to pin it on me. He asked myself and my wife to get the trailer in our name, so it could not come back to him. He's a very smart man. He was not stupid.

Q Well, Mr. Nicholes, did you get the trailer in your name?

A No, I did not.

Q All right. But you accepted the checks, nevertheless?

A Yeah. That was included in my paychecks, for the most part. There was -- then -- when you're talking about receiving checks, you're maybe talking about one or two, and usually, that was put right into my weekly pay at \$6.50 an hour.

Q So you're saying that Ted inflated your hours there at the business, and included that in your paycheck, when he paid you for these building supplies.

A Sometimes. There were checks that were given to me that said "For building materials." And Ted had explained that that was if anything ever came about, it was -- it was -- he had the proof on paper that I brought him the building materials.

Q Okay. So on these checks that were separate from your pay, that said "building materials," you accepted those checks, didn't you?

A Yes, I did.

Q And you cashed them and you negotiated them?

A Yes, I did.

Q All right. Even though you say that Ted Kimble's motive in doing that was to get something on you; is that right?

A To help -- partially, yes. I mean, of course -- I needed the money. I mean, I'll be -- I needed the money. I was a student. Ted had helped me out a lot. He was a friend. But I had gotten into a situation where, you know, when we became friends, that I just knew too much. And he knew. I mean, the reason, you know, that I did this stuff, I was -- that's why I believe precisely why he told me everything he did.

Q Now, Mr. Nicholes, prior to the 3:00 a.m. excursion, when you and Ted stole the windows and doors, had you ever sold any building materials --

A No.

Q -- to Ted Kimble --

A No.

Q -- before that time?

A Huh-uh.

Q Now, over the course of the time that you and Ted were

involved in these thefts, this stealing, as you indicated yesterday in your testimony, this is when this, as you described it, closeness between you and Ted transpired; is that right?

A That's correct.

Q And as this closeness developed, it was at some point when, after that closeness between you and Ted became established, that Ted made this admission to you that you've testified to in court yesterday; is that right?

A That is correct.

Q Now, how long had you known Ted before you got this 3:00 a.m. call and he came over and picked you up and you went out on this first theft excursion?

A Approximately two and a half months.

Q All right.

A It was whenever the first snowfall was. That's how I remember. I don't remember the date.

Q All right. So you -- do you recall telling investigators that it was about three months after you'd known him --

A Yeah. That would put --

Q -- that that occurred?

A -- it in the December --

Q All right.

A -- area.

Q So that would have been sometime in December --

A Correct.

Q -- sometime before the first of the year? And the stealing escalated with time; is that right?

A Yes.

Q And you told police that there were at least 20 occasions when you and Ted went out to steal, by yourselves; is that right?

A Yes.

Q And that there were another, say, three to five times when Patrick Pardee went with you two to steal?

A Correct.

Q Now, when was the first time that Patrick Pardee was involved?

A I don't recall.

Q Well, with relation, starting with the 3:00 a.m. theft as the first actual theft --

A Right.

Q -- involving you and Ted, can you pinpoint a time when Patrick became involved after that?

A I really can't, no.

Q Now, if you know, Mr. Nicholes, was Patrick Pardee and Ted Kimble involved in stealing building materials before you and Ted became involved in stealing building materials?

A I don't believe so.

Q And when you first -- when Patrick Pardee first became a member of your conspiracy, what did you tell -- you and Ted tell him was the purpose of going out late at night and taking these building supplies from homes?

A I never discussed it with Patrick. They were -- they had been best friends. Patrick just came along.

Q All right. So it was obvious to you that Patrick knew exactly what you and Ted were doing; is that correct?

A Yes.

Q All right. I mean, you were going out late at night. Did you have the scanners operating at that time, Mr. Nicholes?

A There were police scanners.

Q And the purpose of the scanners was, that one of you would listen in on the scanners, to see if the police had any report of a theft going on?

A That is correct.

Q And if they -- if you did hear something on the police scanner concerning a theft in your area, then you would know to leave; is that correct?

A Yes.

Q Now, you told police officers that you were basically a reluctant participant in these thefts involving Ted; is that right?

A As time went on, yes, I was reluctant.

Q All right. And you told police officers that at times, you told Ted that you would not participate --

A That is --

Q -- in the thefts?

A That is correct.

Q And that -- and you told police officers at that time that Ted should -- told you you were going to participate?

A That is true.

Q And showed you his gun?

A Right. And came to my home at 3:00, 4:00, 4:30 in the morning --

Q All right.

A -- several occasions.

Q And you were intimidated?

A Yes, I was intimidated.

Q And you were scared?

A I was very scared.

Q All right. And you went ahead and went on these theft excursions because you were afraid of Ted; is that right?

A On -- I got out of what I could. I would -- there's many times when he'd call or come over and I'd hide, and my wife would tell him I wasn't there. But yes, I mean, I did go on some, for fear. I mean, I had -- it was -- he was my sole source of income. He was threatening me with, you know, my life and my family's well-being, because of the

things I knew, because of the things he told me.

Q So basically, at this time, you were participating almost solely because you were afraid of Ted?

A As the time went on, yes. And I mean, for the first couple months, I'd done it for the money.

Q Now, Mr. Pardee (sic), during that period of time when you say you participated, not for the money, but out of fear for Ted, did you look for another job at that time?

A Yes, I looked for other jobs. It's -- I mean, I was senior year, last semester. There were certain courses I had to take, you know. Many employers are not going to hire you for two hours in the morning and then three in the afternoon. It was -- there was no way I could do it. Plus, I was -- I was told that I could not leave.

Q Did you go to your parents, and tell them that you were in a real bind, and that you only needed enough money to finish up your last semester, and could they please help you out?

A No, I didn't.

Q But you could have, couldn't you, Mr. Nicholes?

A Sure. But why involve even more people, is the way I was thinking. I mean, yeah, I was -- I was -- I was scared, I was frightened. I'm not going to bring in my -- the rest of my family. I didn't know what I was dealing with.

Q Well, Ted wouldn't have known if you'd gone to your

family, would he?

A Sure, if I come up with the money and quit. He told me I was not going to quit, that I was staying there. I was staying there. I mean, the man brought a Glock 19 to my wedding reception. That's how -- that's how it was. That's how the relationship was. And left it at my house. My father made me return it to him that night. That was the kind of situation I was in. This is my wedding reception, and the man brings a gun to intimidate me, inside my home and my parents' home.

Q And this same man who brought the gun to intimidate you, left the gun at your house; is that correct?

A Yes, he did, by accident.

Q All right. But you returned the gun to him; is that correct?

A I returned it. My father told me it could not be at our house.

Q Now, during the time that you worked for Ted Kimble, you developed curiosity about his probable involvement in his wife's death; is that correct?

A Yes.

Q And you even went to the trouble of looking up old news articles on the school's computer; is that correct --

A Yes, I did.

Q -- Mr. Nicholes?

A I did that, I believe, the day after the anniversary.

Q All right. And you read those articles?

A Yes.

Q And you learned something about the facts, at least what was known in the news articles, about -- surrounding Patricia's death; is that right?

A There -- in those articles, there wasn't many facts, because it was still part of a pending investigation. It just said that she was shot and burned, and it looked like an apparent, someone was trying to rob them. There weren't any details.

Q But at any rate, you started essentially badgering Ted, about whether or not he had anything to do with his wife's death?

A Inquiring, yes.

Q All right. So you asked him on a number of occasions?

A A number of occasions.

Q And you told investigators that the response you got from him was usually just no response at all; is that right?

A No response, or he had an alibi.

Q All right. But you persisted?

A Yes.

Q You kept asking him again and again?

A To an extent, yes.

Q All right.

A I mean, it wasn't like daily 30 times, but yes --

Q All right.

A -- I kept on asking him.

Q And according to your testimony here yesterday, finally one night, he basically admitted having involvement in his wife's death --

A Yes.

Q -- is that correct? And Mr. Nicholes, this was the same man that you were very much afraid of; is that right?

A Yes.

Q This was the man that you were too afraid to even quit your job?

A Yes.

Q Too afraid to turn him down on any of these stealing excursions?

A I turned him down on some. I told you that. I did. On most of them I went, though, yes. Yes, I was very afraid.

Q All right. Too afraid to involve your parents?

A Correct.

Q Too afraid to even go to the police; is that right, Mr. Nicholes?

A Yes.

Q Now, on some of these stealing excursions, Mr. Nicholes, when you were with Ted, he spoke to you about your

drinking; is that right?

A Not on the -- on the trips themselves, but he had talked to me about going out and drinking, yes.

Q And basically, he didn't approve of your drinking; is that right?

A No, he did not.

Q All right.

A That was one thing he was -- he did not like drinking.

Q Now, Mr. Nicholes, at that time, did you have a drinking problem?

A Not a drinking problem. I was a senior in college and I would go out and drink, just like -- yes -- I mean, I would not have a drinking problem, I went out and socially drank, yes.

Q Well, have you been convicted of DWI?

A No.

Q All right. Had you been arrested for that?

MR. PANOSH: Object.

THE COURT: Overruled.

A Yes.

Q And had you been arrested more than once, Mr. Nicholes?

A At that time, no. Yes, I have been arrested more than once for that.

Q And Mr. Nicholes, as a result of those DWI arrests, have you had a substance abuse assessment?

A No.

Q Do you feel like, Mr. Nicholes, that you have a drinking problem?

A No.

Q That's despite the fact that you had at least two arrests for DWI; is that right?

A Two arrests, one dismissal.

Q All right. And was that dismissal as a result of your cooperation in this case?

A No.

Q And have the police or prosecution or anyone made you any promises concerning your other DWI arrests, in exchange for your testimony here against Ted Kimble?

A No. I read yesterday on this, it clearly states that it has nothing to do with anything else but the larcenies and B&E's with Ted Kimble. Everything else is not part of this agreement.

Q Do you expect any help from the prosecution concerning your DWI, even though it's not stated on your written plea agreement?

A Not at all.

Q Did you talk to your lawyer concerning that?

A I don't have a lawyer.

Q All right. In fact, Mr. Nicholes, you don't need a lawyer, do you?

A That's not it at all. There's, I mean, situations that has nothing to do with this really. I mean, if you want the answer, I blew a .07 and was taken in. That's -- I should have been let go at the time, and that's why it's going to go to trial and be dismissed. I was drinking, yes, but I was legally not intoxicated.

Q All right.

A And that's why I don't need an attorney.

Q Well, did the police officer cite you for being intoxicated with some other intoxicants, such as marijuana or some drug?

A No, sir.

Q Now, Mr. Nicholes, were you drinking when you were out with Ted Kimble on these incidences when you were stealing from people's homes?

A Rarely. Rarely.

Q Was that because Ted didn't approve of it?

A Yes.

Q Now, Mr. Nicholes, you and Ted Kimble didn't steal just from people's homes, did you?

A No.

Q You stole from Home Depot --

A Uh-huh.

Q -- is that right?

A That's right. Ted rented a forklift and brought all

his equipment down, and we stole material from Home Depot, with Patrick.

Q All right. So Patrick Pardee was involved in that one?

A Yes, sir.

Q All right. And there was another occasion when Northern Hydraulics was broken into --

A Yeah.

Q -- and items stolen from that? Were you involved in that, Mr. Nicholes?

A Yes.

Q All right. Was Patrick Pardee involved in that one?

A Yes, he was.

Q And what did you all steal from Northern Hydraulics?

A Go-carts.

Q Okay. Anything else that you can recall --

A Yeah.

Q -- Mr. Nicholes?

A There's -- my direct involvement was go-carts. There was just -- some generators taken, a lawn mower taken.

Q And out of that theft, did you get one or some of the go-carts?

A I received a go-cart.

Q Now, Mr. Nicholes, you indicated in your testimony that at some point, Ted Kimble left his Glock pistol at your house; is that right?

A Uh-huh.

Q That was your folks' house at that time; is that right?

A Correct.

Q All right. And your dad was well -- was aware of the fact that the gun was not yours and was Ted's?

A Right.

Q All right. And you told him that, didn't you?

A Yes.

Q And he told you at that time that he wanted you to take it back to Ted, that he didn't want any guns in his house; is that right?

A Yes.

Q Mr. Nicholes, wasn't that the perfect opportunity to bring up to your father the mess you were in, and talk to him about it?

A I believe not. My dad is in a very prominent position in the -- in the city. It's already -- this has brought him a bunch of embarrassment. I knew that bringing him into it at that time would be even worse. I mean, I could not afford to bring my family into that situation. And I didn't know -- you know, I didn't know what I was getting into. Like I said, I was very, very terrified of the situation.

Q Well, you stated that at this time, you feared for your life --

A I sure did.

Q -- did you not? And you thought that that was -- despite the fact that you feared for your life, you could not bring your father into this situation?

A Correct, for fear of his.

Q Now, before you talked to police officers, when you were arrested, did you tell anyone that you were scared to death of Ted Kimble?

A Yes.

Q Did you tell anybody in authority?

A Not at the time, no.

Q All right. You certainly didn't tell your father?

A My father knew before I -- before Ted was arrested, when everything was kind of coming to a head, so to speak.

Q All right. But you didn't tell him on this occasion, when the gun was in the house, did you?

A No, I didn't. That was early February.

Q While you and Ted were still stealing things --

A Yes.

Q -- is that right?

A Yes.

Q Now, you indicated in your testimony earlier, Mr. Nicholes, that you had read the newspaper articles off the Internet, the old newspaper articles; is that right?

A It's not the Internet. It's a microfiche file that has

--

Q Okay.

A -- the Greensboro paper on it, yes.

Q All right. So these -- but these at any rate were the old newspaper articles that covered the course of the investigation of Patricia's death; is that right?

A It was the -- it was the original -- the original article --

Q All right.

A -- is what I had read.

Q So you would have known as much as anybody in the general public knew, at least at that time; is that right?

A That she was shot in the head and burned to death, yes.

Q Okay. So you were certainly armed with enough facts, and you knew that Detective Church was the lead investigator in the case, based on your review of the newspaper articles, that you could have gone to Detective Church and told him about Ted Kimble, and asked for his protection, couldn't you?

A I was in fear of myself, and Ted had all that other stuff. I'm a senior in college, graduating, you know, great grades, have a great future in front of me, Ted's sitting there with -- you know, I mean, I had been in trouble before. I had told you that. At the time, I knew I was doing wrong, and I had been manipulated to the point where I was in between a rock and a hard place. That's precisely

the reason why I was -- why Ted told me those things.

Q But as far as your participation in the theft ring, Mr. Nicholes, some of this was, according to your testimony, was done based on Ted's coercion of you, you were virtually doing these thefts at gunpoint on some occasions; is that right?

A Not at gunpoint, with -- not -- I mean, reference to showing me his pistol, yeah. It wasn't at gunpoint, though.

Q But as far as you were concerned, it was life-threatening intimidation; that's what you've testified to, isn't it?

A That I was afraid for my life, yes.

Q And that's why you did at least some of these thefts; is that correct? That's what you've testified to before, isn't it?

A Some of them, yes.

Q All right. Now, Mr. Nicholes, when was it that you and Ted and Patrick Pardee stole the go-carts from Northern Hydraulics?

A I really don't remember the date. Generally late January, perhaps.

Q Okay. Was it after your wedding, right about your wedding?

A No. It was before.

Q Okay. In terms of when Ted was intimidating you, was

this before or after the intimidation? Was this -- this was after Ted had come to your house on several occasions and shown you his gun and said that you were going out with him; is that right?

A Correct.

Q All right. And isn't it a fact, Mr. Nicholes, that after y'all got the go-carts, that you went out riding on the go-carts?

A No, I actually did not go ride the go-carts. Patrick and Ted rode the go-carts. I had the one at my house, but as far as going and taking them around the shop and taking them out, they did that. Ted had taken them out with his girlfriend a couple times.

Q Well, you certainly drove your go-cart, didn't you?

A I drove my go-cart, yeah.

Q All right.

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

REDIRECT EXAMINATION by MR. PANOSH:

Q You indicated that you cooperated with the police and the sheriff's department prior to making your agreement. Would you give the ladies and gentlemen of the jury the details of that, please.

A The details of that were, upon April 1st, when it was brought up about the -- when Ted was arrested, I had worked with the Greensboro Police Department, to show them -- drove

around with them in the car, to show them where items had been stolen. I took them to -- what's the name of that? -- there's a place where trucks -- where you can put stuff inside trucks, and I took them across the street and pointed out everything that was taken there. This is before any agreement or anything. I done this as soon as I knew that Ted was arrested. I felt I had to. And worked with the Greensboro Police Department and then everything out of the city. I had worked with John Davis of the sheriff's department, the Guilford County sheriff, and went through much of the same thing, showing him what stuff on Lyles Building Material property was stolen and what stuff over in the truck had been stolen, and the different job sites where the stuff had come from.

Q What day was it that you showed John Davis the items that were in possession of Lyles Building Supply that were stolen?

A That was the day of the arrest, April 1st.

Q At that time, had you been charged?

A I hadn't been charged.

Q Did you tell Detective Davis of your involvement on that day?

A Yes, I did.

Q Drawing your attention to the agreement, State's Number 115 I believe it is, do you see that in front of you?

A Yes.

Q How many case numbers are on it? Would be --

MR. PANOSH: May I approach the witness?

THE COURT: You may.

A I don't have that one --

(Mr. Panosh indicated on the exhibit.)

Q Do you see that portion of the agreement that makes reference to the case numbers?

A Yes, I do.

Q How many cases were you charged with at the time you made the agreement?

A I was charged with three.

Q And because of your statements, were there subsequent charges that you made reference to, totaling how many?

A Yeah. I was -- I was charged after -- I was charged with additional 25, 26.

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

MR. LLOYD: Your Honor, I'd like to be heard outside the presence of the jury.

THE COURT: All right.

Members of the jury, if you'll step in the jury room a moment, please.

(The jury left the courtroom at 10:10 a.m.)

THE COURT: All right, sir.

MR. LLOYD: Judge Cornelius, Mr. Panosh has handed

us a number of exhibits. They are mainly books or pamphlets. Here's one called "Homemade Detonators, How to Make Them, How to Salvage Them, How to Detonate Them." "Two-Component High-Explosive Mixtures." "Snipers." "Ultimate Sniper, the Video." "Homemade C-4, Closer Look." "Dispensable Silencers." Must be another one called "Silencers" in this. I don't know what it is. Here's another item on silencers.

Your Honor, I would assume that he intends at this time to introduce these items through the testimony of Mr. Nicholes. I would first point out that he certainly had a chance to do that on direct. We've now been through cross-examination, and now he seeks to introduce these.

Obviously, our position on this stuff, Your Honor, is, it's very damaging, from the standpoint of simply smear. I don't know whether it would be admissible against Ted in his trial, under some sort of 404(b) rationale. I think it goes basically to character, Your Honor. And the problem that we have with it, although none of this -- I don't expect Mr. Nicholes to testify that Ronnie Kimble had anything to do with this. It's once again trial by innuendo, trial by character assassination, character assassination on Ted Kimble, and therefore, character assassination on Ronnie Kimble, by virtue of the fact that he is Ted Kimble's brother. And that's why I think it is so

objectionable, Your Honor. If there was ever a body of evidence that failed under whatever else you want to consider, Your Honor, this has to fail under a 403 balancing test. The potential and the danger for unfair prejudice so far outweighs any possible probative value on this, that it just cannot be admissible. And I ask Your Honor to exclude it.

THE COURT: Mr. Panosh?

MR. PANOSH: May I ask questions?

THE COURT: Sir?

MR. PANOSH: May I ask the witness questions?

THE COURT: Yes, you may.

VOIR DIRE EXAMINATION by MR. PANOSH:

Q Drawing your attention to the exhibits that I'm placing before you, are you familiar with these items from working at Lyles Building Supply?

A Yes, I am.

Q And referring to the red sticker number, would you tell the Court for the record what they are.

A State's Exhibit 117 is "How to Build Silencers, an Illustrated Manual." Ted had showed me this, on how to go to Lowe's or Home Depot and build a silencer.

Do you want me to go through them all, Mr. Panosh?

Q Yes. If you can keep them in numerical order, it would be appreciated.

A Okay.

Q If you can find 115 and start with that.

A Start with this, 116, perhaps?

Q All right. Start with 116.

A Okay. 116 is "How to Make Disposable Silencers."

Q Is there more than one book in there?

A Yes, there is.

Q And in the course of dealing with Theodore Kimble, did he show you or discuss those books, which are State's Exhibit 116?

A Yes. I'd seen them all. He was proud of being able to do this and handiwork with guns and whatnot. He would -- we -- a couple times, Patrick and myself and he were at the shop and he'd shoot animals or shoot at billboards and whatnot.

Q Drawing your attention to Number 117, what is that?

A That was the -- 117 was how to build the silencers. And this is where you can go down to Home Depot or Lowe's and buy the materials, in order to not hear the gunshot.

Q Number 118, what is that, please?

A 118 is "Homemade C-4."

Q What is C-4, if you know?

A C-4 is an explosive.

Q Did you discuss that with Theodore Kimble?

A Yes, on -- Yes. He had told me how to -- how to do it

at one point.

Q Number 119?

A 119 is "Ultimate Sniper, the Video."

Q Did he discuss the fact that he considered himself to be a sniper?

A He did not use the word "sniper," but yes, how he could -- often, he had a -- one rifle that you could shoot someone at a half a mile away, and he frequently talked about seeing people on utility poles and whatnot down on Lee Street and how he could shoot them and no one would ever know.

Q 120?

A "Improvised Radio Detonation Techniques."

Q What's that about?

A Again, with explosives, how to, you know, with radio control, how to be able to detonate explosive devices.

Q Did Theodore Kimble discuss with you his ability to make bombs?

A Yes, mailbox bombs, how to put them under a pylon, and when the pylon was moved, the person would be killed.

Q 121?

A "Detonators, How to Make Them, How to Salvage Them, How to Detonate Them."

Q Again, is that referring to his ability to make bombs?

A It is.

Q 122?

A "Two-Component High-Explosive Mixtures."

Q Did you see that in Ted Kimble or did he -- Ted Kimble's presence or did he discuss it with you?

A We discussed this, and he had -- he had made some mixtures on Lyles' premises before.

Q 123?

A "Never Say Lie."

Q What is that?

A It's a book on how to beat a polygraph test, how to act truthful when you're in interviews and whatnot.

Q Did he discuss that with you?

A Yes, in detail. I was taking sociology classes when I started working there, and that's when he disclosed that he had failed a polygraph test in regards to this, and did I know how he could pass it.

Q If you testify in that regard, you're not to mention that he took a polygraph.

A Do not mention that?

Q Do not mention it.

A Okay.

Q 124?

A "How Big Brother Investigates You."

Q Is there a 125?

A I do not have a 125.

Q Did there come a time when you became aware of the fact

that he had a silencer?

A Yes.

Q I show you now 125. Do you recognize that item?

A Yes.

Q Is that -- what is that item?

A That is a silencer.

Q Is that the one that Ted Kimble showed you, or one of the ones he showed you?

A This is one of the ones he showed me. I've seen them made out of plastic, too, or PVC.

Q I show you now 126. What is that?

A Video, "Deathtrap, the Video." It's --

Q And what does -- does that refer to booby traps?

A It's booby trap devices.

Q Did you and Ted discuss that?

A We discussed not the video per se, but yes, we had discussed different booby traps and whatnot, how to rig up certain things.

Q Based upon your experience at Lyles, did you know he had that in his possession, that videotape?

A No, I did not.

MR. PANOSH: We'd withdraw that one.

Q When you testified to the jury earlier that you were afraid of Theodore Kimble and his ability to harm you, did you know about all these materials?

A Yes. It was made very evident to me at all times.

MR. PANOSH: No further on voir dire.

MR. LLOYD: I don't have any questions, Your Honor.

THE COURT: Do you wish to be heard, gentlemen?

MR. PANOSH: Your Honor, we agree that on direct examination, these items were not relevant, and we would agree with some of counsel's arguments. However, on cross-examination, they spent 20 minutes trying to stake this man out to say how his fears were unreasonable. They specifically pointed out that at one point, he had Ted Kimble's gun, and at that point, he could have gone to the police. But now, in light of that, Your Honor, we're entitled to show why this man had a real, substantial fear of Ted Kimble. He didn't need a gun to kill him. He knew that he knew how to make bombs, remote-control detonating devices. He knew that he was -- considered himself to be a sniper. He had a book on sniping. And he could kill people from a half mile away.

These are the things that went into this man's consideration, when he decided not to go to the police. And we wouldn't have brought it out on direct, but now that they've spent all this time trying to show that his fears were unreasonable, they have opened the door and it should come in.

MR. LLOYD: Judge, in terms of our opening the door, I don't see how my cross-examination opened the door. He'd already testified that he was very afraid of Ted Kimble, scared to death of him, were his words on direct examination. And he went into the reason for that. He told him that, according to his testimony, was that Ted had threatened to kill him if he ever went to the police. Now, certainly we're entitled to probe that.

It doesn't make any difference, Your Honor, in terms of the legal analysis of this -- whether this evidence is admissible. We're certainly entitled to sift him on cross-examination, based on what he said on direct examination, which is what we did.

And, Your Honor, regardless of what Mr. Panosh says about our opening the door on this matter through our cross-examination, you still have to pass this evidence through the final sieve of 403. You've got to determine whether the danger for unfair prejudice substantially outweighs any probative value this might have. And we're not -- from Mr. Panosh's standpoint, the witness has never said, "Well, maybe I wasn't afraid of Ted Kimble." He has been steadfast throughout all my cross-examination that he was very much afraid of Ted Kimble, and that's why he never went to the police or anyone else.

So this is just a subterfuge to gain admission for

this evidence, which wasn't admissible in the first place. Mr. Panosh even admits that. And it's not admissible now, Your Honor.

THE COURT: Do you have any evidence at any point that a silencer was used in this offense?

MR. PANOSH: The silencer was not used in this offense. That silencer was seized on April the 1st at Lyles Building Supply from the desk of Ted Kimble.

THE COURT: The Court's going to exclude the evidence and would find that the probative value -- the prejudicial value -- prejudicial aspects of this evidence would outweigh any probative value it might have to this defendant.

Other questions for this witness?

MR. PANOSH: Your Honor, does your ruling preclude me from asking him the basis of his fear?

MR. LLOYD: It's already been covered, Your Honor. It's gone over.

THE COURT: What is the basis for his fear? What's the question you intend to ask him, sir?

FURTHER VOIR DIRE EXAMINATION by MR. PANOSH:

Q Let me ask you, sir, specifically, in regard to the time that you had possession of Ted Kimble's gun, were you still afraid of him?

A Yes.

Q Why?

A Because he was capable of hurting me, regardless of a gun. He had many other guns. He had taught me how to -- or showed me how -- you know, how to explode things through mailboxes. Or I had gotten in an argument at school once, and he told me to get rid of the guy by putting a bomb under a pylon at the end of his driveway, and when he lifted it up, he would be killed.

MR. PANOSH: Your Honor, that would be the substance of what I'm trying to get in.

MR. LLOYD: We'd raise the same arguments as before, Your Honor. I think now we've got evidence of Ted Kimble supposedly telling this witness that you need to get rid of this -- somebody who's done you wrong at school or whatever, by putting a bomb on his property.

MR. PANOSH: We wouldn't seek to introduce the statements of that in regard to that. We want to introduce the fact that he was afraid at the time that he had possession of Ted's gun, and the reasons being that he knew that Ted Kimble had the ability to use a sniper rifle or use a bomb or use other weapons in his possession to kill him, even though he had possession of his 9mm Glock.

MR. LLOYD: Well, his testimony, Your Honor, has been entirely consistent with that. He's never backed up on that. When I cross-examined him about it, he said he was

still afraid of Ted, regardless of whether he had his gun or not. So I don't even see what the relevance of that is.

MR. PANOSH: The relevance is, they went into it on cross-examination. They asked him again and again and again if it wasn't a reasonable thing for him to do at the time he had Mr. Kimble's gun, was just go turn himself in. They implied, if they didn't state it, there would be no reason for him to be afraid of Mr. Kimble at the time he had Kimble's gun.

THE COURT: The Court'll allow very limited questions in that area, not any specific instance of blowing up someone's -- dealing with this witness, but you may establish the witness's knowledge of Ted's capabilities as to ability to do certain things.

MR. PANOSH: May I instruct the witness, so he doesn't --

THE COURT: Yes, make sure he understands.

(Mr. Panosh conferred with the witness.)

(The jury entered the courtroom at 10:28 a.m.)

THE COURT: Proceed.

CONTINUED REDIRECT EXAMINATION by MR. PANOSH:

Q Drawing your attention to that period of time when you were in possession of Mr. Kimble's gun, Mr. Ted Kimble's gun, were you still afraid of him?

A Yes, very much so.

Q Would you explain to the ladies and gentlemen of the jury why you were still afraid of him.

A Over the period of months working for Ted Kimble, he had shown me that he was capable of being a sniper and proclaimed, you know, being very proud of that, had showed me silencers, how to make C-4 explosives. We had made explosives at work. He made it very evident to me that he was able to take someone out and able to get away with it, and that's why I feared. I could have his gun, I could have two of them, but he had three more and explosives, silencers, everything else, how to get away with it, he knew how. I feared for myself and my family. I couldn't go to anyone else.

MR. PANOSH: No further.

THE COURT: Mr. Lloyd?

MR. LLOYD: Just a few questions, Your Honor.

RE-CROSS-EXAMINATION by MR. LLOYD:

Q Mr. Nicholes, you testified just a moment ago that you were afraid of Ted Kimble because he had shown you silencers and talked to you about how to make C-4. When Ted Kimble talked to you about -- discussed with you how to make silencers and that sort of thing, this was a give-and-take situation, where you discussed back with him, didn't you?

A No, I did not. I was shown. I was told. He was -- at the time, you know, I'd be working, he was my employer. I

would go in and he would show me this stuff. It was, as far as I feel, just straight intimidation. I have no interest in guns. I've never owned one. I've never had any interest in that whatsoever.

Q So is it your testimony, Mr. Nicholes, that during these -- would you characterize them as lectures then?

A Conversations. They weren't lectures. I mean -- I don't know.

Q So there was some response on your part; is that correct?

A Sure there was response. I didn't say there -- sit there and just, you know, not say anything. I'm sure there was a conversation involved, yes.

Q Well, let me ask you this, Mr. Nicholes. Did you ever tell Ted Kimble that you weren't interested in that sort of thing and that you didn't care about it, and, you know, why not let's talk about basketball?

A Yes, I did. I did. Myself and when Patrick Pardee was there, when he would bring out guns and silencers, I did not like them around. He would shoot Michael Jordan's picture off a billboard across the street, and I didn't like that. I do not like guns.

Q All right. Now, this was at Lyles Building Supply?

A Uh-huh.

Q All right. And this was basically, what you're

testifying to was target practice from Lyles across the street? Was this across Lee Street?

A The sign was actually on this side of Lee Street, on the same side, but down the street.

Q Okay. And what kind of gun was this that Mr. Kimble had?

A At the time what we were using was simply a .22.

Q Now, did you fire the gun on these occasions --

A No, I --

Q -- Mr. Nicholes?

A -- did not.

Q Okay. You indicated that Patrick Pardee was there. Did he fire the gun on these occasions?

A No, Patrick didn't fire any guns. Patrick really didn't -- I mean -- No, I don't want to get into that. Never mind. I withdraw that.

Q All right. Well, what is your testimony regarding Patrick Pardee?

A He was a friend of Ted's. I really was -- besides just "Hi, bye" and being around, there's really -- I really don't know anything about Patrick.

Q All right. But did he fire the gun on these occasions, is my question?

A No, he did not fire the gun.

Q All right. Now, you've indicated that there was some

discussion from Ted Kimble involving C-4 explosives; is that right?

A I didn't mention C-4, but explosives, yes.

Q Explosives?

A Uh-huh.

Q And is it your testimony, Mr. Nicholes, that you didn't participate in those discussions with Ted Kimble?

A On -- I was there when he had blown some stuff up. But as I -- as I stated, I believe this was all methods of intimidation, to keep me in line.

Q Did it occur to you at that time, Mr. Nicholes, to go to Detective Church and tell him about this activity?

A No, it didn't, because all I could think about is going home and having my door blow up, or my wife going in her car and having her car blow up. It was made very clear to me that, you know, a gun was a moot point. I mean, it was -- I mean, he had many methods of hurting me. I was very scared for myself and my family.

Q You knew from your research of the death of Patricia Kimble, and you knew from what Ted Kimble had told you, that he was a suspect in his wife's murder; is that correct?

A That is correct.

Q All right. And it didn't occur to you, Mr. Nicholes, to go to Detective Church or some other law-enforcement official and say, "This is the situation. I'm scared to

death. I'm scared to death that this man is going to kill me. Whatever you do in this situation, you cannot let him know that I've been to see you"? It didn't occur to you to do that?

A No, it didn't.

Q Now, when Ted Kimble was talking to you about all these silencer things and explosive things, did you ever tell Kimble that -- Mr. Ted Kimble that you had fought somebody and ripped out somebody's eye?

A No.

Q And that it cost your insurance company a great deal of money, as a result of that?

A No.

Q You never told him anything?

A No, sir.

Q Did that in fact happen, Mr. Nicholes?

A No, sir.

Q You weren't involved in a fight, under those circumstances?

A Not under those circumstances, no.

Q Were you involved in a fight when there was a serious injury?

MR. PANOSH: Objection. He's answered that, please.

THE COURT: Overruled.

A Not when there was a serious injury, no.

Q Did you tell Ted Kimble about that fight?

A What fight? I just said no, that I -- I wasn't involved with a fight with a serious injury.

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

MR. PANOSH: We'd renew our motion in reference to 116 to 124, based upon the cross-examination.

THE COURT: The motion is denied.

You may step down, Mr. Nicholes.

You may stand and stretch, if you'd like, members of the jury.

Next witness, please.

(The witness left the witness stand.)

MR. PANOSH: Mr. Pardee, please.

PATRICK PARDEE, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, sir.

A Patrick Pardee.

Q Mr. Pardee, do you know Theodore Kimble?

A Yes, sir, I do.

Q Do you know Ronnie Kimble?

A Yes, sir, I do.

Q And how do you know Pat-- how do you know Theodore and Ronnie Kimble?

A I know Ted Kimble through church. And I met his

brother, Ronnie Kimble, on several occasions.

Q Are you indicating that you met Ronnie through Ted?

A Yes, sir.

Q Did there come a time when you began to work on a part-time basis at Lyles Building Supply?

A Never officially, sir.

Q Did there come a time when you were there frequently?

A Yes, sir.

Q Why were you there?

A Because at the time, I was unemployed, I was waiting on a company to make me an offer, and he asked me to help him out.

Q Immediately prior to being unemployed, what was your occupation?

A I was a college student.

Q Did there come a time when you received full-time employment, obtained full-time employment?

A After that?

Q Yes.

A Yes, sir.

Q Where did you work?

A A company called PageNet, Incorporated.

Q What were your duties with PageNet?

A I was an account representative.

Q In the course of your duties, was it your

responsibility to sell pagers and pager accounts?

A Yes, sir, and also service current customers.

Q Now, did there come a time when you and Theodore Kimble began to be involved in illegal activities?

A Yes, sir, there was.

Q And was that in the early part of 1997, leading up till March of 1997?

A Yes, sir, it was.

Q And as a result of that, you were eventually charged in those offenses; is that correct?

A Yes, sir, that's correct.

Q Have you reached an agreement with the State of North Carolina in regard to your pending charges?

A Yes, sir.

(Mr. Panosh showed an exhibit to Mr. Lloyd.)

MR. PANOSH: May I approach the witness?

THE COURT: You may.

Q Showing you now State's Number 116, would you look at that, please.

(Time was allowed for the witness.)

Q What is Number 116?

A It's the agreement I had with the State of North Carolina.

Q And do you recognize the date? First of all, do you recognize your signature thereon?

A Yes, sir, I do.

Q And what was the date that was signed?

A Well, it says July 16, 1997, but actually, I believe it was 1998.

Q Do you recall signing that in the last few months?

A Yes, sir, I do.

Q Where were you when you signed that?

A At my attorney's office.

Q And are you indicating that you were there at your attorney's office last month and signed it?

A Yes, sir.

Q Would you tell the ladies and gentlemen of the jury how your involvement in these criminal activities began.

A I was in college until approximately Christmas 1996. The company called PageNet had called, interested in hiring me. I thought they were going to go ahead and hire me, so I went ahead and dropped out before Christmas break, so I could get a full refund for that semester, move back home in Greensboro. Ted was a friend of mine. I'd go up there and frequently visit him at Lyles Building Materials. And one night approximately mid, late January, he asked me if I would help him and Robert Nicholes go pick up some building materials that he had purchased from a job site, that they didn't need, excess building materials, approximately 7:30 at night. So I went and helped him. And at the time, I did

not realize that they were stolen, until probably --

MR. LLOYD: Your Honor, I'm having a hard time hearing. Could you ask the witness to speak up.

THE COURT: A little bit louder, please, Mr. Pardee. Kindly keep your voice up, sir.

THE WITNESS: Yes, sir.

A I didn't find out that they were stolen till approximately about a week later, me and Ted were talking. I thought, I thought, wait a minute, something's not right. And he said that actually, that he did not purchase the building materials that we had just stolen from the job site.

Q Did you receive money or other compensation as a result of assisting him in picking up those stolen property?

A Not at the time.

Q Did you receive money later?

A Yes, sir.

Q And did you thereafter continue in similar criminal activities with Theodore Kimble?

A Yes, sir, I did.

Q And each time you went to construction sites; is that correct?

A Yes, sir.

Q And on each occasion, you stole from those construction sites; is that correct?

A Yes, sir.

Q Did there also come a time when you went to Home Depot and was involved in a theft at Home Depot?

A Yes, sir, there was.

Q Would you tell the ladies and gentlemen of the jury about that, please.

A It was around midnight. Ted had rented a forklift, and he had two big trailers.

Q Speak up, please.

A I'm sorry. It was around midnight one night. Ted had rented a forklift from a forklift company. He had two big trailers. We drove the trailers to Home Depot right off of Battleground Avenue. We used the forklift to load up the trailers, then we drove the stuff -- the stolen materials back to Lyles Building Materials, then we came back and we picked up the forklift and brought it back to his place of business.

Q What type and quantity of materials were stolen from Home Depot?

A It was some pressure-treated fence pickets. I believe he also got a bathtub or shower and various other small pressure-treated items.

Q And how many trailer loads were there of materials?

A If I recall correctly, there was two.

Q And who participated in the theft from Home Depot?

A Myself, Ted Kimble and Robert Nicholes.

Q And do you remember the date of that?

A I do not recall off the top of my head, sir.

Q If the charges allege February the 6th, would that be the approximate time period?

A That could be approximate, yes, sir.

Q What was done with those materials?

A He attempted to sell them through his business.

Q After the theft of the materials from Home Depot, did you go to Lyles Building Supply and see them there on the yard, being offered for sale?

A Yes, sir, I did.

Q And at that time, who was running the business?

A Ted Kimble.

Q And who was running it when Mr. Ted Kimble wasn't there?

A Usually his father would stop by and watch the place.

Q That would be Ronnie, Sr.?

A Yes, sir.

Q Now, in regard to all of the materials that you stole with Theodore and/or Mr. Nicholes, did they all go to Lyles?

A No, sir, they did not.

Q Where did some of them go?

A Ted had rented a tractor-trailer trailer across the street, and a lot of the building materials ended up in that

tractor-trailer.

Q Can you give the ladies and gentlemen of the jury an estimate of whether half of it went to the trailer or what amount went to the trailer, as opposed to going to Lyles?

A I would -- approximately half of it went to the trailer and approximately half of it went to his business for sale.

Q Did there come a time when you also participated in a theft from a business known as Northern Hydraulics on Sandy Ridge Road?

A Yes, sir.

Q What was taken there?

A Several go-carts, I believe it was a couple of generators, and I believe there was also a lawn mower.

Q Do you know what happened to the go-carts?

A Yes, sir.

Q What happened to them?

A Right before they picked up Ted, Ted wanted me to help him hide them or get rid of them, and so --

Q Where did you -- Go ahead.

A We took two of them off, put them under a bridge right off of Highway 220. Two more, at the end of a business park, down just north of Randleman. And then two more out in a field down near Ramseur, North Carolina.

Q Now, on or about April the 1st of 1997, you were arrested; is that correct?

A Yes, sir.

Q And shortly thereafter, did you cooperate with the sheriff's department in locating those particular items?

A Yes, sir, I did.

Q Did you show them where they were hidden?

A Yes, sir, I did.

Q What became of the generators, if you know?

A I do not know for sure, sir.

Q All right.

A Ted --

Q That's fine. Where were the generators the last time you saw them?

A In a storage building at Lyles Building Materials.

Q Would you describe those generators.

A They were in two boxes. They were brand new. I never actually saw them, just the boxes.

Q Were they small, large? Did it take one man, two men to move it? Could you describe them, please.

A One of them, one man could probably move it fairly easily. The other one, it would have to be a really big person or preferably two people to move it.

Q And in the course of breaking into these various building sites, did you also remember taking a garden tub?

A I think so.

Q Okay. Where did --

A I'm not sure --

Q -- that go?

A -- exactly what a garden tub is.

Q Where did that go?

A If it's the tub I'm thinking of, it was at Lyles Building Materials for sale.

Q Do you remember a theft that involved the taking of dishwashers and a Reddy Heater, propane heater?

A Yes, sir, I do.

Q Where did those items go?

A The dishwasher ended up in the tractor-trailer trailer across the street. And the Reddy Heater ended up at Lyles Building Materials.

Q In use or for sale?

A For use.

Q Do you remember the theft of certain Marsh kitchen cabinets and marble work sink and kitchen items?

A Yes, sir, I do.

Q Where did those go?

A Storage building on -- at Lyles Building Materials.

Q For sale?

A No, sir.

Q Did you say "Yes"?

A No, sir, not for sale.

Q When you say a storage building, what do you mean?

A He had several storage buildings throughout the property. He put them in one out near the front and had it locked up.

Q Now, you've indicated that Ronnie Kimble, Sr., Ted and Ronnie's father, was the actual -- was at the business. How frequently was he at the business?

A Approximately several times a week.

Q And when he was there, did he have access to the entire business?

A Yes, sir, as far as I know.

Q And --

MR. LLOYD: Your Honor, we would ask to approach at this time.

MR. PANOSH: Well, that was the last question on that subject. If you want to --

MR. LLOYD: That's fine.

THE COURT: Proceed. Move on.

Q Did there come a time when you began to cooperate with the officers of the Greensboro Police Department and the Guilford County Sheriff's Department in reference to the items that you've stated you and -- Ted and you and Mr. Nicholes stole?

A Yes, sir.

Q When was that?

A Approximately the day after Ted was arrested.

Q Ted was arrested on April 1st; is that correct?

A I believe so.

Q When were you arrested?

A The following morning.

Q The following --

A Following morning.

Q And after you were arrested, were you interviewed by those officers?

A Yes, sir, I was.

Q And in addition to pointing out the items you've already told me you pointed out, did you do anything else?

A I'm not sure if I understand.

Q Did you tell them about the various homes that -- under construction and businesses you'd broken into?

A Yes, sir, I did.

Q At that time, did you have any type of agreement?

A No, sir, I didn't.

Q Did you tell them at that time about Ted's involvement or any knowledge you had of Ted's involvement in the murder of Patricia Kimble?

A No, sir, I didn't.

Q Did there come a time when you had knowledge of Ted's involvement in the murder of Patricia Kimble?

A Yes, sir.

Q What, if anything, did he tell you? And describe the

circumstances.

A I'm not sure if I understand.

Q All right. When was the first time that Ted Kimble made statements to you in reference to the murder of Patricia Kimble?

A It was approximately mid, late January of '97. Me and him were either loading or unloading some lumber from the truck, and I could tell something had been bothering him for a while. I asked him what was bothering him. He said he felt the police were closing in on him. And I asked him "Well, what do you mean?"

MR. LLOYD: Objection, Your Honor, on the grounds previously raised.

THE COURT: Overruled.

A I asked him what he meant. And he felt -- he said that the police were closing in on him. And I said, "What do you mean?" He said that -- he said that -- he said they were closing in on him for the death of his wife. I asked him if he had any -- if he did it. He said no, his brother Ronnie did it.

Q During that conversation, did he discuss with you his -- where he was on the night of her death?

A He had told me where he was, yes, sir.

Q What did he tell you?

A He told me that he had closed up Lyles Building

Materials approximately 5:30, and then he had drove to his part-time job at Precision Fabrics at approximately 6:00 o'clock.

Q Did he tell you why he had obtained that part-time job?

A He told me it was for an alibi.

Q Did he explain what he meant by that?

A He had said that basically, so he'd have an alibi and the police wouldn't think he was a suspect.

Q Did he give you more details as to how the murder was accomplished?

A He had told me that his brother had went to the house and had shot her in the head, and then poured gasoline on the body and lit it.

Q Did he tell you why the murder was committed?

A For the insurance money.

Q Did he give you details about the insurance money?

A He had told me later that he wished that the policy would have been in effect.

Q What did he mean -- or what did he say about that?

A He said that he didn't think he was going to collect, because she hadn't taken her physical yet and that the policy wasn't in effect.

Q Did he indicate to you what weapon or -- was used or any other details of the offense?

A His Glock .45.

Q Did he indicate whose weapon that was?

A He told me it was his.

Q Were you familiar with that particular weapon?

A I'd seen it a couple of times.

MR. PANOSH: May I approach?

Q Showing you now State's Exhibit 84-A, is that the weapon that you said you'd seen a couple of times?

A Yes, sir.

Q And when you saw it, where was the weapon or how were you shown it?

A One night, his wife had a Bible study at their home, and it was just for the girls, so me and Ted and several other people had went out and got something to eat that night. And when we came back, he was showing it to me, because it was dark, and it's got a laser pointer on it. He was showing me how you could point to a window and on the wall. And I'd seen it at his business a couple of times.

Q When you saw it at his business, where was it?

A On his desk.

Q When you saw it this evening that you've previously referred to, where was it before he showed it to you?

A He was carrying it.

MR. PANOSH: May I approach?

Q I show you now State's Exhibit 95. Do you recognize that, sir?

A It appears to be Ted's holster.

Q Ted's holster?

A Yes, sir.

Q And when you indicated that he was carrying the gun, was he using that holster?

A I believe so. He usually kept it in the holster.

Q When you say he usually kept it in his holster, how frequently did you see him with the gun?

A This particular one?

Q Yes.

A Not very often. At the time, we didn't hang out a whole lot, because he was married.

Q Okay. On the occasions that you did see him, how frequently did he have the gun?

A Often.

Q Excuse me?

A Often.

Q In the course of your acquaintanceship with him, prior to the death of Patricia, did you and he ever go looking or shopping for guns?

A Yes, sir.

Q Would you tell the jury about that, please.

A One time we went to a place called Cherry's Fine Guns up on Wendover Avenue. When we were in there, he was looking at some handguns. I don't know too much about the

handguns. He was asking the salesperson about one particular gun and asked about a silencer or -- of some sort, if a silencer would fit on the end. And when I heard that, I was like, "Well, why don't you just go to Wal-Mart and get a silencer a lot cheaper?" And that's when they both looked at me real funny and said, "Those are illegal," and then kind of dropped it after that. And we left the store shortly thereafter.

Q Did there come a time when Theodore Kimble made any statements to you in reference to disclosing the information he had told you?

A He told me if I told anybody, that he would kill me.

Q Did you believe him?

A Yes, sir, I did.

Q Why did you believe him?

A Because he was a very intimidating person.

Q What, if any, physical objects did you see in his possession, on his person or at Lyles, that reinforced your belief that he could kill you?

A I saw at least two other handguns, and he also had a high-powered rifle which I'd saw on numerous occasions.

Q Did he make statements in regard to that rifle?

A He told me that he could kill a man from a half a mile away. I asked him why he wanted it, and he said it was an investment.

THE COURT: How much longer are you going to be with the witness, Mr. Panosh?

MR. PANOSH: About five, 10 minutes.

THE COURT: All right, sir.

MR. PANOSH: Keep going?

THE COURT: Yes. The jury needs a break shortly.

MR. PANOSH: Yes, sir.

THE COURT: But if it's only going to be five minutes, proceed.

MR. PANOSH: Yes, sir.

Q Did he ever make statements to you in reference to Detective Church?

A Yes, he did.

Q What did he say?

A He told me he'd like to kill Detective Church, because he was standing in his way of him collecting the insurance money.

Q Now, did there come a time when you became aware of Ted Kimble's financial status?

A Yes, sir, there was.

Q And did there come a time when you loaned him money?

A Yes, sir, I did.

Q How much money did you loan him?

A \$5,500.

Q And was that loan repaid to you?

A Not all of it.

Q And was that loan on or about August the 16th of '96?

A Yes, sir, it was.

Q After the death of Patricia Kimble, did there come a time when you obtained any property from Theodore Kimble?

A Yes, sir, there was.

Q When was that?

A Approximately, very end of December or first of January of '95-'96. I had purchased a ski boat.

MR. PANOSH: May I approach?

THE COURT: Yes.

Q Showing you now what has been previously marked as State's Exhibit Number 104, the estate file of Patricia Kimble, and showing you a check which is attached thereto, dated December the 29th of 1995, for \$1,000. Is that your check?

A Yes, sir, it is.

Q And it was made payable to whom?

A Ted Kimble.

Q Would you explain why that was made payable to Ted Kimble.

A He told me he would sell me the boat if I would pay off the loan and give him \$1,000.

Q And showing you another check attached to that same exhibit, for \$4,779, made payable to NationsBank. Would you

-- is that your signature?

A Yes, sir, it is.

Q And what was that for?

A That was to pay off the loan for the boat.

Q And is there a bill of sale also here?

A Yes, sir, there is.

Q And does it indicate to you -- indicate that on December the 29th of 1995, you bought the boat that belonged to Theodore and Patricia Kimble?

A Yes, sir, it does.

Q And why did you purchase that property?

A I had called the marina and asked them what the boat was worth, and he told me approximately \$9,000. I figured if I can get a \$9,000 boat for just under \$6,000, plus help a friend out, from getting the boat repossessed, might as well.

Q What do you mean, "help a friend out"?

A Well, he told me that they were getting ready to repossess it, and I didn't want him to ruin his credit.

Q Do you still have the boat?

A Yes, sir, I do.

Q Are you indicating then that the reason you bought the boat is because Ted offered to sell it to you?

A Yes, sir, he did.

MR. PANOSH: This would be a good break point,

Your Honor.

THE COURT: All right.

You may step down, sir.

(The witness left the witness stand.)

THE COURT: Members of the jury, we'll take our morning recess. Please remember the jury responsibility sheet. At the end of the 15-minute period, please report back to the jury room.

Everyone else remain seated, while the jury leaves first.

(The jury left the courtroom at 11:06 a.m.)

THE COURT: You may declare a 15-minute recess, sheriff.

(A recess was taken at 11:07 a.m.)

(Court reconvened at 11:23 a.m. The defendant was not present. The jury was not present.)

THE COURT: Come back to the witness stand, please, Mr. Pardee.

(The witness returned to the witness stand.)

(The defendant entered the courtroom at 11:24 a.m.)

MR. LLOYD: Your Honor --

THE COURT: Yes.

MR. LLOYD: -- before we bring the jury in, I just noticed that in Mr. Pardee's plea agreement, I think it's Paragraph 6, says that he's taken a polygraph test. And we

would ask that that portion of it be redacted.

THE COURT: Granted.

MR. LLOYD: I don't think that's properly admissible.

MR. HATFIELD: He granted it.

MR. LLOYD: I understand.

There's a similar paragraph, though it doesn't say that Mr. Nicholes took a polygraph. It says that he would agree to take a polygraph. And our position all along, of course, as Your Honor well knows, is that the testimony of these two individuals should not be admissible, but I'd ask Your Honor to take a look at that.

THE COURT: If you'll redact that part before it's submitted to the jury.

MR. LLOYD: All right.

THE COURT: Mr. Panosh, if you'll look at it and make sure it's taken care of.

(The jury began to enter the courtroom.)

MR. PANOSH: Before they come in, please. Before they come in, I'd like to talk to the judge.

(The jury left the courtroom.)

THE COURT: All right, sir.

MR. PANOSH: Your Honor, I have great difficulties with that, because he has read it -- not he, but Mr. Nicholes has read that portion to the jury. And without any

question, somebody's going to remember that, and they're going to go back through there and look at it.

THE COURT: Well, I don't think that's the one they were talking about, basically.

MR. PANOSH: No, he's talking about redacting a portion of Mr. Nicholes. Mr. Nicholes has already put that into evidence, without objection. And I just don't --

THE COURT: Well, I'm not going to redact that part. This is the one that --

MR. PANOSH: All right.

MR. LLOYD: I don't have --

THE COURT: -- they're talking about the --

MR. LLOYD: -- any problem with that.

(The jury entered the courtroom at 11:27 a.m.)

THE COURT: You may continue, Mr. Panosh.

FURTHER DIRECT EXAMINATION by MR. PANOSH:

Q Drawing your attention to State's Exhibit 116, the agreement, other than the date, is that correct? The substance of the --

MR. PANOSH: May I approach?

THE COURT: Yes.

Q Drawing your attention to this agreement, Number 116, you've indicated that there's a correction to the date.

A Yes, sir.

Q Would you please make that correction.

(The witness complied.)

Q Other than that correction -- have you read this agreement?

A Yes, sir, I have.

Q Is it correct?

A Yes, sir, it is.

MR. PANOSH: Your Honor, we'd seek to introduce 116, pursuant to your orders.

THE COURT: The Court'll allow the introduction of 116.

MR. PANOSH: No further questions.

(Mr. Lloyd and Mr. Panosh conferred.)

CROSS-EXAMINATION by MR. LLOYD:

Q Now, Mr. Pardee, you've indicated on direct examination that you have negotiated a deal with the State; is that right?

A Yes, sir.

Q All right. And the deal that you've negotiated with the State covers --

MR. PANOSH: We object. I don't believe "deal" is made reference in that document in any way.

THE COURT: Sustained.

Rephrase it.

MR. LLOYD: All right.

Q The agreement that you've entered into with the State

of North Carolina, Mr. Pardee, covers all the charges that arose from this conspiracy involving you and Ted Kimble and Rob Nicholes to steal building materials from homes of people and also these other incidents at Home Depot and Northern Hydraulics; is that right?

A Yes, sir.

Q All right. And Mr. Pardee, how many actual counts of larceny or breaking and entering, how many felony counts were you charged as a result of that?

A I believe it was 12.

Q 12? And did you discuss your situation with your lawyer?

A Excuse me?

Q Did you discuss your situation with your lawyer?

A Yes, sir, I did.

Q All right. And you were aware as a result of those discussions with your lawyer that you were looking at, in the best possible situation, with no prior record, five to six months on each one of those felonies, were you not?

A Yes, sir.

Q All right.

MR. PANOSH: We object to that question and ask that it be stricken.

THE COURT: Overruled.

Q So if there were 12 felony charges, Mr. Pardee, and as

you were aware after you discussed the situation with your lawyer, you realized that you could be sentenced to somewhere in the neighborhood of six years for your involvement in the theft conspiracy with Ted Kimble and Rob Nicholes; is that right?

MR. PANOSH: We object to that question, please.

THE COURT: Overruled.

A Yes, sir, I am.

Q All right. And in exchange for your testimony, the district attorney, in the terms of that plea agreement, has agreed to recommend a probationary sentence; is that right?

A Yes, sir, it is.

Q All right. And there's another clause in your plea agreement, Mr. Pardee, that says if appropriate, the district attorney will also recommend that you be placed in the first offenders' program; is that right?

MR. PANOSH: We object.

THE COURT: Overruled.

MR. PANOSH: That's not in there, Your Honor.

THE COURT: Well, sustained then.

Q Well, let me ask you this. Mr. Pardee, was it your understanding that if you qualified for the first offenders' program, the district attorney would make a recommendation that you go into that program?

A I don't fully understand the program.

Q Well, you've indicated that based on your agreement that we've already talked about, the district attorney is going to recommend probation for you; is that right?

A Yes, sir, it is.

Q And who makes the determination whether or not to recommend probation for you?

A I believe it's the district attorney.

Q The district attorney? So if Mr. Panosh is satisfied with your testimony, then it's your understanding of the plea agreement that he will make the recommendation to the judge that you get probation in this case; is that right?

A Yes, sir, it is.

Q And when you were arrested on these charges, Mr. Pardee, did you spend any time in jail?

A No, sir, I did not.

Q All right. Now, that was before you had signed the plea agreement, was it not?

A Yes, sir, it was.

Q Because you didn't sign your plea agreement until somewhere in the neighborhood of a month ago; is that right?

A That's correct.

Q Now --

MR. LLOYD: If I may approach, Your Honor.

(Mr. Lloyd picked up an exhibit from the witness stand.)

Q Mr. Pardee, your plea agreement says that you

understand that if you fail to cooperate as set forth in this agreement, that the district attorney can move to set aside the plea agreement, and prosecute you to the fullest extent of the law; is that right?

A Yes, sir, that's correct.

Q And you also understand that according to your plea agreement, this agreement is limited to property crimes, "and that if in the course of the investigation, it is determined that he," meaning you, "has participated as a principal or an accessory in any crime against a person, this agreement does not protect the defendant from prosecution for that crime against a person." You're aware of that clause in your plea agreement, are you not?

A Yes, I am.

Q And you're aware, also, that as a term of your plea agreement, Mr. Pardee, you are to testify consistent with statements that you have earlier given investigators in this case; is that right?

A I'm sorry. Please --

Q As part of your plea agreement, that you were to testify consistent with earlier statements you've given to law-enforcement officers in this case --

MR. PANOSH: We object.

Q -- is that right?

MR. PANOSH: We should go with the agreement, not

with what he's putting in.

THE COURT: Sustained.

Q Let me ask you this, Mr. Pardee. Is that your understanding of your agreement?

A I'm sorry. I didn't follow you.

Q That you were to testify consistent, the same as, with statements you have given to law-enforcement officers in this case?

A That I be not inconsistent.

Q All right. Okay. Now, Mr. Pardee, you stole a lot of building materials with Ted Kimble and Rob Nicholes, didn't you?

A Yes, sir, I did.

Q Do you have any idea what the total value of those materials were and all the items that y'all stole?

A I've heard the total value was approximately \$40,000.

Q And in terms of how you became involved in this theft conspiracy with Ted Kimble and Rob Nicholes, you told investigators that Rob Nicholes would bring by stolen building materials to Ted Kimble and he would buy them; is that right?

A That sounds correct.

Q All right. And that's in fact what happened, didn't it, Mr. Pardee?

A Yes, sir.

Q All right. And you also told investigators that Rob Nicholes would bring by stolen building materials on almost a daily basis; is that right?

A Sometimes.

Q And that Ted Kimble would pay Rob Nicholes for those building materials and then resell them through Lyles; is that right?

A That's correct.

Q All right. Now -- and the first time that you noticed this activity going on was sometime around Christmas of '96; is that correct?

A Shortly thereafter sometime.

Q All right. And this was before you were actually ever physically involved in any of the thefts; is that right?

A Yes, sir, that's correct.

Q All right. Now, the first time that you became involved in a theft, Ted and Rob Nicholes -- you went out with both of them on that occasion, didn't you?

A Yes, sir, I did.

Q And they both told you that Rob Nicholes had bought some building materials, some building supplies, from a construction friend of his; is that right?

A I believe Ted Kimble told me that --

Q All right.

A -- yes, sir.

Q And Rob certainly -- Rob Nicholes certainly did not contradict that, did he?

A I do not recall.

Q All right. Well, he was present there with you and Ted, though, was he not?

A He was in the same area --

Q All right.

A -- yes, sir.

Q And that the story that you heard was that, Rob had purchased these building supplies from some friend of his who was in the construction business, either a construction foreman or a construction superintendent; is that right?

A Yes, sir, it is.

Q All right. And that all y'all were doing was going over to pick them up at this time?

A Yes, sir.

Q All right. And what time of the day was this, that you went over to pick up the materials?

A Approximately 7:00, 7:30 in the evening.

Q All right. Was it to a residential site, Mr. Nicholes?

A Yes, sir, it was.

Q I mean Mr. Pardee. I apologize. And where was it?

A It was in the vicinity of Westridge and Bryan Boulevard.

Q And was that a -- basically a new subdivision of

upscale homes that someone was constructing?

A Yes, sir, it was.

Q All right. And if you remember, Mr. Pardee, what did you pick up on that occasion?

A Some boards. I do not recall the size.

Q Okay. And by "boards," you mean lumber --

A Yes, sir.

Q -- is that right? Okay. So you just don't remember whether they were two-by-eights, two-by-sixes, two-by-fours; is that what you're saying?

A Yes, sir.

Q All right. And I believe you indicated on direct examination it was sometime around 7:30; is that right?

A Yes, sir, that's correct.

Q And this would have been what time of year?

A Approximately late January.

Q All right. So it was dark at that time; is that right?

A Yes, sir, it was.

Q And did you load up those materials into the box truck?

A Yes, sir, we did.

Q How much was there on this occasion?

A Excuse me?

Q How much was there on this occasion? How much lumber did you take on this occasion?

A It filled the box truck up about two-thirds of the way.

Q All right. And for the members of the jury, Mr. Pardee, how big was the box truck, do you know?

A I don't know the dimensions, sir.

Q Well, would -- when you went into the back of the box truck, could you stand up in it without hitting your head?

A I don't believe I could stand up straight without hitting my head.

Q Okay. But it was fairly close; is that right?

A Yes, sir, it was.

Q All right. So these -- and when you all got through filling up the lumber, putting the lumber in, the box truck was about two-thirds of the way filled at that time; is that right?

A Yes, sir.

Q All right. Now, did Ted Kimble pay you when you got back to Lyles and unloaded the lumber?

A No, sir.

Q But he paid you at some later time, didn't he?

A Yes, sir.

Q All right. Do you remember how much he paid you, Mr. Pardee?

A I don't recall the exact amount.

Q Well, was it more than \$50?

A Ted still hadn't finished paying me for the loan, so any money that he paid me, I put it towards the loan that he

owed me.

Q Well, is it your testimony, Mr. Pardee, that -- you had loaned him some money, approximately \$5; is that -- or \$5,000; is that right?

A \$5,500.

Q \$5,500. And he paid you -- how much did he pay you initially?

A \$4,000.

Q All right. So he still owed you another \$1,500; is that right?

A Yes, sir, that's correct.

Q All right. Now, is it your testimony that he was repaying you on the loan, or was he paying you for your participation in stealing these building materials that night at 7:30 or 8:00 o'clock?

A He told me later he would pay me. Any money that he paid me after that, I applied towards the loan that he owed me.

Q Well, but did you consider this payment for your work in helping to steal the building materials?

A I'm sorry. I didn't follow.

Q Did you consider the money that Ted paid you to be for your work in helping stealing the building materials? Was that part of your share of the job?

A Ted told me he would pay me for it.

Q All right. So you're just not clear on whether or not he was paying you for your work in helping to steal the materials, or whether it was repayment of the loan?

A As far as --

Q Is that what your testimony was?

A As far as I was concerned, it was repayment on the loan.

Q All right. So then is your testimony, Mr. Pardee, that you never received any compensation for participating, for your part in the conspiracy to steal these building materials?

A I was promised payment.

Q Now, you stole another -- a number of other items, as well as the building materials, on that first night; is that right?

A Yes, sir, that's correct.

Q All right. And I believe you indicated you participated in the theft of the go-carts, didn't you?

A Yes, sir, I did.

Q And did you get one of those go-carts as -- did you consider one of those go-carts as yours, for your participation in stealing?

A No, sir. We usually kept those up at Lyles Building Materials.

Q All right. Is it your testimony, Mr. Pardee, that you

didn't receive anything from participating in the go-cart theft?

A I had rode the go-carts on numerous occasions.

Q Just went out and rode the go-carts around with Ted and had a good time; is that right?

A That's correct.

Q All right. But that was the only -- is it your testimony that that was the only payment that you got for your participation in the theft of the go-carts?

A If I'd wanted one of the go-carts, I'm sure he would have given me one.

Q Well, did you not take one because it was stolen merchandise?

A Excuse me?

Q Did you not take one of the go-carts because it was stolen merchandise?

A Yes, sir.

Q So that was your only reservation in not taking the go-cart, because it was stolen?

A Yes, sir.

Q All right. And any money that you got from Ted Kimble, you just applied to the loan; is that right?

A Yes, sir, that's correct.

Q All right. So you never got any of the materials that y'all stole, and you never got any money for participating

in the theft ring; is that right?

A That's correct.

Q Now, you indicated that when you first went out on this first theft, at 7:00 or 8:00 o'clock at night, when you filled the box truck up to two-thirds of the way, then at that time, you thought this was a legitimate deal, as you had been told, that this was simply a construction friend of Rob Nicholes who had sold the materials to Ted and Rob; is that right?

A Yes, sir, that's correct.

Q Now, when did you realize, Mr. Pardee, that these night outings, when you went to people's homes that were under construction, and took building materials, were not in fact legitimate enterprises and were in fact thievery? When did you realize that, Mr. Pardee?

A Approximately late January of '97.

Q All right. And how long would that have been after this first time that you've described, when you filled the box truck up two-thirds?

A Approximately one or two weeks.

Q All right. So how many times did you go out with Ted Kimble and Rob Nicholes on stealing trips before you realized that it was in fact stealing?

A It was either the second or the third trip.

Q And you went on stealing trips after that, didn't you?

A Yes, sir, I did.

Q And in fact, there were occasions when you used scanners to monitor the police radio traffic; is that right?

A Yes, sir, that's correct.

Q And at some point, you told Ted Kimble that he needed to get another scanner that covered another frequency, to pick up the sheriff's department; is that right?

A I do not recall that.

Q You don't recall telling investigators that he needed to change -- or he needed to get a scanner that covered the 600 megahertz cycle, as well as the 800 megahertz cycle, so that he could pick up the sheriff's department?

A I don't recall what the frequencies were. He had one scanner he had installed in his vehicle, and I told him that he ought to get a portable one. He got a portable one that he could wear on his belt.

Q Uh-huh. Did you tell him also at that time -- that at that time, Mr. Pardee, that he needed to get the other frequency for the sheriff's department or the police department, whichever one he couldn't pick up on the initial one he had?

A Ted Kimble had a book that gave the frequencies of the sheriff's department, police departments, I believe it was all across the U.S.

Q Well, my question to you, Mr. Pardee, is, do you recall

telling Ted Kimble that he needed to get another scanner, to cover that frequency that he did not have with the first one?

A I do not recall that.

Q Now, after you joined this conspiracy in theft with Mr. Nicholes and Ted Kimble, did you consider yourself an equal partner in this conspiracy, Mr. Pardee?

A No, sir, I did not.

Q Were you afraid of Ted Kimble, as Mr. Nicholes has stated he was?

A Yes, sir, I was.

Q And were you participating in this theft ring, as Mr. Nicholes has stated that he was, simply out of fear of Ted Kimble?

A Yes, sir, I was.

Q Now, did you at any time consider going to Detective Church or any other law-enforcement officers and telling them what you knew, and asking them to keep it confidential, if they couldn't make an arrest on Ted at that time?

A Yes, sir --

Q Did you consider --

A -- I thought --

Q -- doing that?

A -- about it.

Q Did you do it?

A No, sir, I did not.

Q Now, when you were first arrested, I believe you said on direct examination that you were arrested a day after Ted Kimble was arrested; is that right?

A Yes, sir, that's correct.

Q All right. And you told officers about your participation in the theft ring; is that right?

A Yes, sir, I did.

Q But initially, you did not tell officers about what Ted Kimble -- what you've testified that Ted Kimble said concerning Patricia's death, did you?

A That's correct.

Q And if you -- were you arrested -- is it your recollection, Mr. Pardee, that you were arrested on April the 2nd?

A I believe that's correct.

Q All right. And it was not until April the 7th that you told anyone in law enforcement about what you've testified here today concerning statements made by Ted Kimble concerning Patricia Kimble's death; is that right?

A It was that Friday.

Q All right. So --

A I don't remember the exact date.

Q Were you arrested on -- what day of the week were you arrested on?

A It was either a Monday or a Tuesday.

Q All right. And you told investigators about your participation in the theft ring --

A That's correct.

Q -- is that right?

A That's correct.

Q And you even went so far as to go around with them and show them items that had been stolen during the time you and Ted Kimble and Rob Nicholes operated the theft ring; is that right?

A Yes, sir, I did.

Q All right. And if you recall, Mr. Pardee, how many times did you go around with officers?

A Approximately five or six times.

Q All right. So there were a number of times you were with police officers, showing them all the things that had been stolen in the theft ring; is that right?

A Yes, sir, that's correct.

Q And of course, all those times that you were with those officers, you had a chance to tell them what you've told this jury here, about these statements that you say Ted Kimble made?

A Yes, sir.

Q And you did not do so, did you?

A No, sir, I did not.

Q All right. Now, you knew at that time Mr. Kimble had been arrested?

A Yes, sir, I did.

Q And you knew that he had been arrested for the murder of Patricia Kimble, didn't you?

A I didn't know the reasoning behind it, but I knew he'd been arrested.

Q Okay. But you knew he was safely in custody?

A For the time.

Q Now, you did not work for Ted Kimble, did you?

A No, sir, I did not.

Q So you never drew a paycheck from him; is that right?

A No, sir, I never drew a paycheck from him.

Q So the times that you came around Lyles Building Supply, there was -- you were under no compulsion to come to Lyles at that time, were you?

A He asked me to come and help him out at his business --

Q All right.

A -- so I did.

Q Well, now, you were not going to get paid for that, were you?

A He was paying me cash. He was --

Q All right.

A -- not paying me a check.

Q Okay. But you voluntarily came; is that right?

A Well, I came because I feared him.

Q Did you turn down the money that he paid you?

A No, sir, I did not.

Q Did you tell him that you had other things to do, and that you couldn't -- sorry, that you couldn't come over at that time?

A I did on several occasions.

Q Did you do that on a frequent basis?

A Sometimes.

Q But nevertheless, at least with respect to the times that you did come over there, you went over there of your own free will, did you not?

A Yes, sir, I did.

MR. HATFIELD: Can we take a moment, Your Honor?

THE COURT: You may.

(Mr. Lloyd and Mr. Hatfield conferred.)

MR. LLOYD: If I could have just a moment more, Your Honor.

(Mr. Lloyd and Mr. Hatfield conferred further.)

MR. LLOYD: That's all I have.

THE COURT: You may step down, sir.

Next witness, please.

(The witness left the witness stand.)

MR. PANOSH: Detective Church, please.

JAMES D. CHURCH, being first duly sworn, testified as

follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, sir.

A James D. Church.

Q And your occupation, sir?

A I am a detective with the Guilford County Sheriff's Department.

Q In the course of your duties with the Guilford County Sheriff's Department, are you assigned to handle homicide investigations?

A Yes, sir.

Q And in the course of your duties on or about October the 9th of 1995, were you assigned to investigate the death of Patricia Kimble that occurred on that date at Brandon Station Court?

A Yes, sir, I was.

Q And what was the first time you received notice of that particular event?

A On the 9th of October, 1995.

Q And on October the 9th, did you receive notice at your home, or were you on duty?

A I was at home. I was the detective on call that week.

Q Did there come a time when you responded to Brandon Station Court?

A Yes, sir.

Q When you got to Brandon Station Court, what actions did

you take?

A When I initially arrived on the scene, I talked to the uniform officers that was already there. I -- the fire department was still on the scene. My supervisor was there, arrived shortly thereafter. We talked to him. I stayed out of the house, until the fire was completely suppressed, everything was taken care of, and let the ID people do their job.

Q You indicated your supervisor was present. Who would that be?

A Excuse me?

Q Who was your supervisor that you indicated was present?

A Sergeant Deberry.

Q And there were other members of the sheriff's department present, also?

A Yes, sir.

Q Sergeant Deberry heads up the homicide investigative --

A Yes, he does.

Q By the time that you arrived there, had members of the families of Patricia Kimble and Theodore Kimble left the area?

A I don't recall seeing any of the Kimble family there. As a matter of fact, I didn't know any of them. I didn't know any of Patricia's family. However, I did know Patricia.

Q And when you say you did know Patricia, how did you know her?

A By investigating a burglary that occurred in '92 or -- I think it was 1992 or '93 at her residence, before she was married.

Q And in the course of that investigation, did you come to the point where you could charge the individuals responsible?

A I didn't -- I wasn't actually the officer that arrested the person, but the person that broke in that house that time was arrested.

Q And in the course of that investigation, did you get to know Patricia Kimble?

A On a limited basis, only as a victim of a residential B&E.

Q And on that limited basis, as the victim of a residential breaking and entry, what observations did you make of Patricia Kimble?

A Patricia Kimble told me that she was very afraid to go back to her house, because she thought somebody might come back and break into it again. And I tried to reassure her that this wouldn't occur, but we couldn't guarantee that this wouldn't occur. And she emphasized to me of her fear of going home and some unknown person being there and walking into the house.

Q And this would have been approximately 1993; is that correct?

A Yes, sir.

Q Certainly prior to her marriage?

A Excuse me?

Q Prior to her marriage?

A Yeah. She wasn't married.

Q In the course of the investigation, did there come a time when you were able to enter the residence at Brandon Station Court on October the 9th of 1995?

A Yes, sir. I did enter the residence of Brandon Station Court. I'm not sure if it was on October the 9th or after midnight, on October the 10th. I don't recall exactly what time in the night it was.

Q As soon as it was safe to enter, did you enter?

A Yes.

Q And were you in there before or after the ID personnel who have already testified collected certain evidence?

A I was in there after they collected the -- most of the evidence, and I was in there before some of it was collected.

Q When you went into the home, what did you observe?

A I observed the -- I observed the burn patterns in the house.

Q Drawing your attention to the kitchen area, when you

went into that kitchen area, it was still dark outside; is that correct?

A Yes.

Q And the power was off to the home; is that correct?

A Yes. No power.

Q How was the lighting being supplied?

A Lighting was supplied by a portable generator by the fire department.

Q And they had auxiliary lights inside?

A Yes.

Q And based upon your observation -- First of all, was there sufficient lights for you to be able to see the inside?

A Yes, sir, it was.

Q Based upon your observations of the kitchen, what, if anything, did you notice?

A In the kitchen, I noticed that there was a great deal of water that had been sprayed in the kitchen or -- by the fire department. And on the kitchen floor, I observed a set of keys.

Q Did you also observe the pour pattern that's been previously drawn there on the board?

A Yes, sir, I did.

Q When you went to the living room area, what, if anything, did you observe?

A In the living room area, I observed the pour -- also the pour pattern that went across the sofa. I also observed what appeared to me clothing that had been taken out of the dryer and folded up, that was laying on part of that sofa. Of course, the normal things in a living room, TV, videos, that sort of stuff.

I also observed behind the sofa and on the corner going down the hall, I think it was a -- it might have been a sewing machine or some kind of little box table. And under this table, I observed a case that had a camera in it.

Q Did you or someone acting at your direction recover that camera?

A Yes, they did.

MR. PANOSH: May I approach the witness?

THE COURT: You may.

Q Did there come a time when you were able to look at the condition of the various rooms, and particularly the living room?

(Mr. Panosh handed exhibits to the witness.)

A Yes, sir.

Q What, if anything, did you notice about the living room, the TV -- excuse me, about the TV and the stereo that were in the living room area?

A I noticed it was all there. It looked intact, other than the fire damage.

Q Did it appear to you that any item or items were out of place?

A No, sir.

MR. HATFIELD: Objection. How could he possibly know that?

THE COURT: Sustained.

Q When you went on and went to the first bedroom on the right, going down the hallway --

A Yes, sir.

Q -- did you have an occasion to observe that particular bedroom?

A Yes, sir, I did.

Q I believe -- I don't believe there's a photograph there --

A Okay.

Q -- of that bedroom.

A No.

Q Tell the jury what you recall of that.

A As I done a walk-through of the house, there was -- it shows in this photograph the ladder that was laying across the burned hole. I walked down the ladder, went to the bedroom on the left and just looked in.

Q All right. And drawing your attention to the first bedroom there, that would have been on your right, did you go into that bedroom?

(The witness approached the diagram.)

A This bedroom? (Indicated.)

Q The next one to the left.

A Yes. That's the bedroom I walked in first, I think.

Q Let me try this again. Drawing your attention to the first bedroom you would have come to on the hallway.

A Here? (Indicated.)

Q Yes, sir. Did you go into it?

A I went in this bedroom, yes.

Q What, if anything, did you observe?

(The witness returned to the witness stand.)

A The bedroom was intact. Didn't appear to me to be anything out of place.

Q Did you then continue to do your observations into the second bedroom on that side of the hallway, the one there in the diagram --

A Yes, I did.

Q -- the lower right?

A I did. Actually, I thought I went to the back bedroom first, but right now, I don't recall which bedroom I went to first.

Q When you looked into the bedroom which is the lower right one on the diagram, what did you observe?

A I observed there was some drawers pulled out in a desk that sat on the front wall approximately right here beside

this window.

(The witness approached the diagram and indicated.)

A It was a small like student's desk. I also observed a tool box that was right in this area right here, pulled out from -- away from the wall. (Indicated.)

Q Did there come a time when you went into the last bedroom, which is designated as the master bedroom?

A Yes, sir.

Q What did you observe?

(The witness returned to the witness stand.)

A I observed the room in disarray. The drawers had -- some of the drawers had been pulled out and stacked on top of each other. I recall a drawer laying in the floor that was pulled out, appeared to be out of the nightstand, set on the floor. I looked in the drawer and I saw a little packet or a leather thing that U.S. currency was in. I think there was also -- there was a lot of items in that drawer, but I remember the money and a magazine for a semiautomatic pistol.

MR. PANOSH: May I approach the witness?

THE COURT: You may.

Q Showing you then State's Exhibit 73, does that show the drawer that you're referring to?

A Yes, sir. This is the drawer.

Q And does it show the currency that you're referring to?

A Yes. You can identify it as currency.

Q Now, did you also look into the closet area of that room?

A Yes, I did.

Q And did you also look into the bathroom area, where the dog was?

A Yes, I did.

Q Based upon -- and detective, before you were in the homicide unit, were you in the -- did you have any experience in the breaking and entry unit?

A Yes, sir.

Q How many years?

A I worked five years in burglary.

Q And in the course of your experience there, as a burglary detective, did there come times when you observed burglary scenes?

A Many times.

Q And based upon your observations and training as a burglary detective, what, if anything, did you note about the back two bedrooms of the residence on Brandon Station Court?

MR. HATFIELD: Objection.

THE COURT: Overruled.

MR. HATFIELD: Your Honor, I don't believe he's entitled to give an expert opinion on burglary.

THE COURT: Overruled.

A Well, in law-enforcement terms, it appeared to me to be a staged B&E.

Q Would you explain that to the ladies and gentlemen of the jury.

A Well, in the course of a normal breaking and entering, the -- especially the master bedroom, things are not arranged as those were in that room, especially the stacking of the drawers. And the nightstand drawer on the floor, with money visibly that you can see, was not taken. There was a jewelry box, I think, on top of a, what appeared to be a lingerie chest, and there was still jewelry in it. Just the overall view of the room and its condition was not consistent with breaking and enterings that I had worked and been on the scene with.

Q Now, based upon your observations of the other portions of the house, did you see anything that was similar, in terms of disarray, in the portions of the house, in the kitchen, living room and that first bedroom?

A No, sir, just the -- what I'd mentioned in the other two end bedrooms. (Indicated.)

Q Other than the stereo, TV and the camera that you reported in the living room general area, were there other items of objects -- other items of value that you noted in that particular area?

A There were other items of value, but just like's in a normal household. I don't recall every item that was in there. I just recall the -- what I had spoke of, the TV, entertainment, videos, and the camera. I remember the camera underneath there.

MR. PANOSH: May I approach the witness?

THE COURT: You may.

(Mr. Panosh placed exhibits on the witness stand.)

Q Drawing your attention to the first photograph, the large color photograph of the garage area, do you see that?

A Yes, sir.

Q In the course of your investigation, did you inspect the garage area?

A Yes, sir, I did.

Q And did you note the lawn mower that was there?

A Yes, I did.

Q Did you note any other items in that area?

A Close to the lawn mower, there was what's referred to as a construction air compressor.

Q Would you describe that, please.

A Well, it's something can be moved, mobile, that can be picked up. It has two smaller air tanks on it, that they can use nail guns and this sort of stuff on construction sites.

Q Can you see it on that photograph?

A No, sir. Somebody -- when this photograph was taken, it had been covered up by a sheet.

Q Do you see the location where it is?

A Yes, sir.

Q Would you step before the --

MR. PANOSH: May he step before the jury, Your Honor?

THE COURT: He may.

Q Would you step before the jury and show them the location of the air compressor.

(The witness approached the jury box.)

A The lawn mower he's referring to is here. (Indicated.) This white sheet is covering up the item that I told you about. (Indicated.)

(The witness moved to the middle of the jury box.)

A The lawn mower and the item right here. (Indicated.)

(The witness moved to the other end of the jury box.)

A The lawn mower and the item that I testified to. (Indicated.)

(The witness returned to the witness stand.)

Q Now, after you made those observations, did you go on to look at the car that belonged to Patricia Kimble?

A Yes, sir, I looked at the car.

Q And do you see a photograph of the car there in front of you?

A Yes, sir.

Q And what number is that, please?

A It's State's Exhibit 7-A.

Q And does 7-A show the location of the victim's purse?

A Yes, sir, it does.

Q And in the course of your duties, did you cause that purse to be seized by the evidence techs?

A Yes, I did. Well, I asked that they seize the purse.

Q And is State's Exhibit 48 the purse that was seized? That bag there, sir.

(The witness removed a purse from the bag.)

MR. PANOSH: May I approach?

THE COURT: You may.

(Mr. Panosh took exhibits off the witness stand.)

A Excuse me. It's been dumped out.

Q Okay.

(The witness placed items back into the purse.)

Q Drawing your attention to State's Exhibit 48, what is that?

A This is the purse that was found in the passenger seat of the victim's car.

Q And later on at the Guilford County Sheriff's Department, did you do a closer inventory of that particular purse?

A Yes, sir. I don't recall the date, but it was after it

was placed in evidence -- or it was in the evidence -- excuse me, the ID section of the sheriff's department.

Q Drawing your attention first to the pager, would you pick that up, please.

A Yes, sir.

Q Did you identify that pager?

A Yes. This is the pager that was attached to the --

Q Okay. And were you able to determine who the owner of the pager was?

A Yes.

Q Who --

A The victim.

Q -- was that?

A The victim, Patricia Kimble.

Q And did there come a time when you caused the pager to be illuminated and show the various numbers that were on there?

A I did.

Q Showing you now State's Exhibit Number 3, do you recognize Number 3?

A Yes, sir, I do.

Q Did you prepare State's Exhibit Number 3?

A I did.

Q How did you do that?

A I took the numbers off the pager, recorded the numbers,

and placed them in the case file. I wanted that done before the battery would be allowed to go dead in the pager.

Q And drawing your attention to State's 3, are those the numbers that were displayed on the pager in the order they were displayed?

A Yes, sir.

Q From most recent to least recent?

A Yes, sir.

MR. PANOSH: We seek to introduce Number 3, please.

THE COURT: The Court'll allow the introduction.

Q Drawing your attention then to the purse itself, did you continue to inventory the purse?

A Yes, sir, I did.

Q Would you tell the ladies and gentlemen of the jury what items you found inside Patricia Kimble's purse.

A Found --

Q And as you do so, would you take them out.

A Okay. I found a change purse with U.S. currency in it, and also change. I found many coupons that she had clipped out. Bank deposit slips, more than one.

Q And do those bank deposit slips bear her identification?

A Yes. Patricia Kimble, Theodore Mead Kimble. And -- do you need the --

Q No, just --

A Okay.

Q What were the next items you reviewed?

A Luggage tags, ID of Patricia, driver's license, YMCA card with her picture on it.

Q All right. Drawing your attention to her driver's license.

A Yes.

Q Does it indicate her height and weight at the time the driver's license was issued?

A Yes, it does.

Q What was her height?

A Five foot, six inches.

Q And her weight?

A I don't see the weight, sir.

Q All right. It indicates her height?

A Yes, sir.

Q What was the next item that you reviewed?

A Well, I don't know if it was in this order or not, but I can testify as to what -- that this was the items that was in here. And there was a box with some earrings.

Q Do those appear to be new?

A Yeah. They're still on the little tag they come from -- that they were purchased. Appear to be. There was these savings statement Wachovia book here.

Q Can you keep your voice up a little bit.

A Yes, sir.

Q Inside the Wachovia book, was there checks?

A As I recall, there were checks in this --

Q The savings account on it?

A No. This is -- this is a savings deposit here.

Q All right.

A I think there was a checkbook in here, as best I recall.

Q What other items did you review and find?

A Checkbook. Other identifying cards.

Q Any credit cards?

A Yes, sir, I believe there --

Q Identify them as you pull them out, please.

A As I recall, there were credit cards in here.

(Time was allowed for the witness.)

Q What was that item you just removed, sir?

A These are keys.

Q And were you able to identify that particular set of keys?

A Yes, sir.

Q What was that?

A These are the victim, Patricia Kimble's, keys. And also on this particular key ring is the master key and keys to Cinnamon Ridge Apartments.

Q All right. What's the next item? Before you go on, detective, drawing your attention to the vehicle, there was a set of keys in the ignition; is that correct?

A Yes, sir.

Q Are those the same keys that you just displayed?

A No, sir. Not -- I -- let me retract that. I don't know. I would say no. But I --

Q All right. Drawing your attention to State's Exhibit 7, what does that show?

(Mr. Panosh handed the exhibit to the witness.)

A Shows the victim's vehicle, with the keys in the ignition.

Q On that night and today, did you make a visual comparison between the keys in the ignition and the keys in the pocketbook?

A No, sir, I didn't. I saw the keys in the ignition --

Q Based upon your observations of the keys at this time, are those the same ones that are in the pocketbook?

A It appears to be the same one in the ignition that is right here.

Q What other items did you find in her purse?

A In the zipper portion, I was -- I found an envelope from a bank that contained quite a bit of U.S. currency.

Q Could you pull that out, please.

(The witness complied.)

A Also contained receipts pertaining to Cinnamon Ridge Apartment.

Q Based on your investigation, were you able to identify that particular item, which consists of receipts and amounts of money?

A Yes, sir. It was --

Q What is that?

A This belongs to Cinnamon Ridge and --

Q And what does it refer to?

A As the --

Q Did there come a time when you were --

MR. HATFIELD: Objection. He hasn't answered the question.

A It's the --

THE COURT: Overruled.

A Well, we refer to it as chump change in our office, but it's money that's on hand, that is kept, cash money that's kept by a business, in this -- in this case, Cinnamon Ridge, for small expenditures that they would need to go and buy and purchase things.

Q Petty cash fund? Is that a petty cash fund?

A Petty cash, yes, sir. That's what I couldn't think of.

Q Now, drawing your attention to that coin purse itself.

A This? (Indicated.) Yes, sir.

Q Is there a second compartment there?

A Yes, there are.

Q And would you open that.

(The witness complied.)

Q What's contained in that?

A Yeah. I thought they were in here. Credit cards and bank cards, Social Security cards, things of that nature.

Q You can return that to the pocket, please.

(The witness complied.)

Q Is there also another driver's license in there?

A Yes, there are, a previous set of driver's license. I think it's a previous set. But there is another set here. They expired in '92.

Q Are those all the items that were found in the purse?

A Yes, other than a few items of Tylenol. There is another key, Chrysler key. This is a valet key.

Q What do you mean by that?

A I think the valet key is the key that fits the glove compartment and/or the trunk and not the ignition of a vehicle.

Q Was there anything else in that purse, sir?

A A fingernail file. Yes, sir. There was a safe deposit key from NationsBank, the container of the safe deposit key. But the key was not in it. The key was gone.

Q Does it have a safe deposit box number?

A Yes, sir. It has Number 157.

THE COURT: How much longer are you going to be with the witness, Mr. Panosh?

MR. PANOSH: I can stop with this question, if you'd like.

THE COURT: All right. This might be a good point.

You may step down, Officer Church.

(The witness left the witness stand.)

THE COURT: We'll take our lunch recess, members of the jury. Please again remember the juror responsibility sheet instructions. Have a nice lunch. I'll see you at 2:00.

(The jury left the courtroom at 12:29 p.m.)

THE COURT: Any other matters before the lunch recess?

MR. PANOSH: No, Your Honor.

THE COURT: 2:00 p.m., sheriff.

(A recess was taken at 12:31 p.m.)

(Court reconvened at 2:04 p.m. The defendant was not present. The jury was not present.)

MR. PANOSH: Your Honor, there's a real brief evidentiary matter.

THE COURT: Wait. We've got to get the defendant and get him in here first.

MR. PANOSH: All right.

(The defendant entered the courtroom at 2:07 p.m.)

THE COURT: All right, sir.

MR. PANOSH: Your Honor, the State intends to bring as a witness tomorrow morning a representative of Days Inn, to show that this exhibit, 117, is an official business record of Days Inn.

(Mr. Panosh showed the exhibit to Mr. Lloyd.)

MR. PANOSH: It's been disclosed to counsel. If we can get a stipulation that it's an official business record, then we can avoid bringing that gentleman from Virginia.

THE COURT: Is the defense willing to stipulate to that?

MR. HATFIELD: No, Your Honor, we're not.

THE COURT: What is it, a motel receipt or something, sir?

MR. PANOSH: May I approach?

(Mr. Panosh handed the exhibit to the Court, and time was allowed for the Court.)

THE COURT: What's the purpose of the exhibit?

MR. PANOSH: Your Honor, Mr. Whidden will testify as to his activities on that particular day, and this corroborates his activities, that he went to a motel. And I believe he's going to testify because he was afraid to stay at his home, after talking to the defendant. Simply

corroborates that he did go to a motel on that day, I believe it's the 25th of January of '97.

THE COURT: On what date, sir?

MR. PANOSH: I believe a 25th arrival and departure on the 26th.

THE COURT: What's the objection? Why did --

MR. HATFIELD: Your Honor, there's hardly been a day in this trial that he hasn't confronted us with something brand new. He sent me something to my office today, having to do with this same witness changing his testimony. This is the only witness they have against Ronnie Kimble. They've --

THE COURT: This is simply the --

MR. HATFIELD: I'm not helping them. Let them get their case ready on time.

THE COURT: You can -- is there some reason why you can't stipulate this is an authentic Days Inn --

MR. HATFIELD: Your Honor, the reason I can't is, because I don't have my client's permission.

THE COURT: Mr. Lloyd? It just seems like it's foolish to bring -- the taxpayers of North Carolina to that expense to bring him down here, just to prove this is an official log-in at a motel.

(The Court handed the exhibit to Mr. Panosh.)

THE COURT: I guess you'll have to bring him in,

Mr. Panosh.

MR. PANOSH: Yes, sir.

That's all.

(The jury entered the courtroom at 2:09 p.m.)

THE COURT: Well, I hope everyone had a nice lunch and feeling okay. Anyone experiencing any problems this afternoon, if you'll raise your hand, I'll talk with you about it.

Officer Church, if you'll come back to the stand, please, sir. You're still under oath, sir.

THE WITNESS: Yes, sir.

(The witness James D. Church returned to the witness stand.)

THE COURT: You may continue with your examination, Mr. Panosh.

MR. PANOSH: Thank you.

CONTINUED DIRECT EXAMINATION by MR. PANOSH:

Q Detective Church, before lunch you made reference to State's Exhibit 48, the purse, and there was certain money in there. Would you pull that money out and count it, please.

(The witness complied.)

A \$280.

MR. PANOSH: Your Honor, that's been introduced. We'd like to mark that item specifically as 48-A, for the convenience of the clerk.

THE COURT: The Court'll allow that to be marked as 48-A.

Q Detective Church, after you did your initial investigation there at Brandon Station Court, did there come a time when you went to South Elm Street Baptist Church?

A Yes, sir.

Q And did you go there by yourself?

A No. Sergeant Deberry and I went together.

Q What was the purpose of going to South Elm Street Baptist Church?

A To talk to Ted Kimble, to attempt to gain information as to medical records, so that we might be able to identify the body, in case it was his wife.

Q At this point in your investigation, the identification had not been completed; is that what you're indicating?

A Yes, sir.

Q And what medical records were you looking for?

A Dental records, specifically.

Q After you went there, did you speak to Ted Kimble?

A Yes, I did.

Q And in the course of your interview with Ted Kimble, were you able to find where in fact Patricia Kimble's medical -- or that is dental records were?

A Yes. I think he gave the dentist's name. And the following morning, we were able to obtain those dental

records.

Q And those were submitted, along with her body, for autopsy; is that correct?

A Either that or somebody transported them to the medical examiner's office.

Q In the course of speaking to Theodore Kimble, did he tell you about his activities of May -- excuse me, October the 9th of 1995?

A Yes, he did.

Q What did he tell you?

A He said he got --

MR. LLOYD: Object for the record, Your Honor.

THE COURT: Overruled.

A Ted Kimble said he got up, left home approximately 7:30 in the morning. His wife was still in the bed. He proceeded to go to Lyles Building Material and he worked. He had ate lunch with his wife, Patricia. He said that Patricia called him around 3:30, and then he -- after that, as I recall, he said that he went to a second job and arrived at around 6:00 p.m.

Q Did he indicate to you how long he'd known Patricia before being wed?

A Yes, he did. He said that he had first met Patricia about five years prior to this.

Q Did he indicate to you whether or not he owned the

business at Lyles?

A Yes.

Q What did he tell you?

A That he had bought the business from Gary Lyles, who now lives at 26 Northeast, Long Beach, North Carolina.

Q In the course of that conversation, did he give you the telephone number for Mr. Lyles?

A He did.

Q Did he give you the details of the purchase?

A He gave me the details of the purchase. I don't recall if it was that night or not.

Q Did he indicate to you whether he went anywhere, between the time he left Lyles Building Supply, and the time he went to the second job, which he described as being at Precision Fabrics?

A Did he -- Excuse me. Did he --

Q Did he go anyplace between Lyles and Precision?

A Yes, he did. Not at this time, but he did tell me later that he went -- stopped at Mrs. Winner's chicken and got a chicken biscuit, a cup of water. And he also met his mother and dropped the dog off with her, that he had been keeping at the business that day.

Q Okay. Drawing your attention to the paragraph -- middle of the paragraph, when it says "went to second job," does he indicate the time that he dropped off the dog?

A 1745, which would be 5:45.

Q So on that original occasion, he did tell you about dropping off the dog?

A Yes, he did.

Q Did he indicate to you why or how it came to be that he contacted Reuben Blakley?

A On that night, October the 9th, he stated to me that he had tried to contact his wife, and was unable to contact his wife, by pager or telephone, and that after not being able to contact his wife, he called her brother, Reuben Blakley, and asked Reuben Blakley to go check on Patricia.

Q Did he give you information in reference to the house insurance at that time?

A Yes. He told me who it was insured with. I don't think he gave me an amount.

Q Did he give you any other details about the house insurance?

A Yes, he did. He said that the homeowners policy on the home was being cancelled as of October 30th of the same month (sic), 1995.

Q Did he indicate to you whether or not he knew if the policy was in effect?

A Are you referring to the life insurance policy?

Q What did he tell you after that, sir?

A He had an auto policy with State Farm, a disability

life insurance with Mass Mutual. Harvey Apple was the agent. And Life -- and Georgia Life. And that he had took the policy one month ago on Patricia. And he said that he didn't know if the policy was in effect. They decided together that they needed additional life insurance.

Q Did he go on to say anything more about that life insurance policy?

A He did. At -- later on, after that statement, Ted Kimble told me that Patricia was upset with the \$200,000 policy, the life insurance policy, and that he had cancelled it. It was no longer in effect.

Q Did he indicate to you what, if anything, was missing or that he expected to be missing from the home?

A Yes, he did.

Q What did he tell you?

A I particularly asked Ted Kimble if he had any guns, and he said he did. I asked him where they were. He said they were under the bed in the master bedroom. I asked him what type weapons they were. He said it was a Glock .45 pistol, a 1100 Remington shotgun and a 300 Win. Mag. rifle.

Q What did you do next in the course of your investigation? Let me ask you this. After interviewing him, did you leave the church?

A Yes, I did, went back to --

Q Did you interview anyone else there at the church?

A No, I did not.

Q And detective, what did you do next, in the course of your investigation?

A Went back to Brandon Station Court.

Q And when you inspected the home, did you find the weapons that Mr. Kimble had told you about?

A No, sir, I did not.

Q None of them?

A We found a Glock pistol. I was not the one that found the Glock pistol, but the Glock pistol, the one that's in evidence here, was found in the house.

Q Did you find the Remington 1100 or the Win. Mag.?

A No, sir.

Q Any indication that they were destroyed in the fire?

A No, sir.

Q What did you do next, after you finished your duties at Brandon Station Court?

A Further the investigation, that is when we made the walk-through in the house and --

Q Okay. After that night, what did you do next?

A Okay. The following day, which -- we continued at the -- the investigation at the crime scene. The crime scene techs were finishing up doing what they -- you know, their jobs they had to do. And I did go back to the scene, and we started canvassing the neighborhood and talking to people,

as to anything that might have been seen. Not only me, several officers did that.

Q And then on October the 11th, did you meet with Theodore Kimble at his house?

A I did.

Q And this was the house at Brandon Station Court?

A Yes.

Q And did you confer with him about the items that were missing from the home?

A Excuse me. Let me back up. I conferred with him about the items from the home the next day, the 10th. It was about 5:30 in the evening. And the -- I did confer with him and approached him and informed him about his wife, that it was a positive identity, that she was the person that was in the fire, in fact, the victim. And at that time, I asked him about the weapons again. I said, "Mr. Kimble, I have a problem with the weapons that you told me were in the house." I said, "I think we found the Glock .45, but we were unable to find the two long guns that you mentioned."

Q What did he say?

A He said, "Well, I want you to know that the 1100, I have it at work. I had it there cleaning it. And I don't own a 300 Win. Mag., but I'm thinking about buying one."

Q After that, did you also confer with him on October the 11th?

A Yes.

Q At this time, did you make an inspection of the home itself?

A Yes, I did.

Q And what, if anything, did he indicate was missing from the home?

A We initially went through the front door. And I had previously asked Ted, "Well, let's go in the house, and you point out and see if anything's missing." And we first entered the house and he pointed and said the VCR was gone, and then he said, "No, it's not. Patricia has that at Cinnamon Ridge." And he says, "Well, it looks like a few videos are gone. The Disney videos that --"

Q Other than the Disney videos, was he able to identify anything that was missing from the house?

A Not that day.

Q In the course of going through the house, what, if anything, did he do in reference to the hole where Patricia's body was?

A Ted asked if he could go to the rear of the house, and I said, "Sure. It's your house." So there's a hole. The ladder was not in the hole -- over the hole at that time. So when he come to the hole in the floor that went down to the ground, jumped down in the hole and jumped up the other side. And I followed and -- to the back of the hallway, to

the back bedrooms, in this end of the house. (Indicated on the diagram.)

Q Did there come a time when you and he inspected the house -- the door that led to the kitchen from the garage?

A Yes, we did.

Q What, if anything, did he say about that?

A I asked him about the catch plate, the little plate that goes on the door casing, and I asked him if it always been that-a-way, and he said, yes, that that catch plate comes loose and he has to put it back on or tighten it up from time to time.

Q After that interview with him, what did you do next in the course of your investigation?

A On October the 19th, Sergeant Deberry and I drove to Lyles Building Material.

Q And what was the --

A Excuse me.

Q -- purpose of going to Lyles on October 19th?

A That was on the 18th. Excuse me. The purpose of me going there at that time was to give Ted a receipt for a partial box of .45-caliber ammunition and some personal papers that I had taken off the kitchen cabinet in the house, and also, two of Patricia's bank statements, before they were married, the bank statements before they were married.

Q After giving him that receipt, what, if anything, did he tell you?

A When we approached him there, he was working on a blue and white Suzuki motorcycle. As I recall, it was an 1100 size. He asked "How do you like my motorcycle?" "Okay." He said -- he commented that he had just got the motorcycle, and that he had purchased the motorcycle from \$2,500 proceeds that the church had took up for him, and he put the remainder on his credit card. And he said that the total amount he paid for the motorcycle was \$7,400.

Q Did you then return on October the 19th and interview him again?

A Yes. Sergeant Deberry and I went back.

Q What was the purpose of going to see him on October the 19th?

A The purpose of going to see Ted on the 19th was, we -- I had received a copy of the insurance application. As I stated before, I took known signatures of Patricia's from the house before they were married. And in our opinion, the signature on Patricia's --

Q Without stating your opinion, what did you go there to ask him?

A I went there to ask him who signed that insurance application.

Q Who did the interview?

A Sergeant Deberry.

Q And were you present?

A Yes, I was.

Q And when he was -- what was he asked?

A He was asked who signed the insurance application for \$200,000.

Q What did he tell you?

A He said that he signed it.

Q And drawing your attention to your report, what were the specific words that he used?

A He said, "I forged it."

Q What occurred then?

A Sergeant Deberry asked him why. And Ted Kimble said that he had gone home with the papers, and that his wife had had a hard day at the office, and that someone had cursed her out at work, and she was very upset, and he just signed her name.

Q Now, up until this point, were you aware that Ted Kimble had a brother Ronnie?

A No, sir.

Q And up until this point, had anyone pointed out to you that Ronnie Kimble was in Guilford County on October the 9th of 1995?

A No.

Q When was it that you learned about Ronnie Kimble?

A I first learned about Ronnie Kimble -- I don't remember the exact date. It was seven to ten days into the investigation. And as I recall, I learned that Ted Kimble had a brother Ronnie from Reuben Blakley, and we were discussing at the church that night, and that Ted Kimble's family was there, and he mentioned his brother. And said he was in the Marine Corps. So that's the first that I knew that he had a brother.

Q And when was it you learned that he was in Guilford County on October the 9th?

A That was on or about, I think the -- I think the 19th of October.

Q Thereafter, did you interview Theodore Kimble in reference to Ronnie Kimble?

A Yes, I did.

Q And what did he tell you?

A In an interview on November the 1st, I spoke with Ted Kimble, and I asked him why he did not tell me his brother was in Guilford County on the day that his wife was murdered. Ted Kimble told me that he knew his brother didn't have anything to do with it, so he didn't want his name involved. And I informed Ted Kimble at that time, if he didn't realize that his brother was the last known person to see his wife alive or be at that residence. And I don't recall getting a comment on that, before -- but I did say

before she was murdered.

Q Did you subsequently have a telephone conversation with him on or about the 2nd?

A Yes.

Q And what, if anything, did he say in reference to not telling you about Ronnie Kimble being in Guilford County?

(Time was allowed for the witness.)

Q Let's go on, detective. After that, did you have further contact with Ted Kimble?

A Yes.

Q And when was the next contact?

A November 2nd. I spoke with Ted at his workplace by telephone. The purpose of the call at that time was to ask him about the gun permits that he had obtained.

Q And after that conversation, did you have further contact with him?

A Yes. Yes, I did.

Q Did there come a time when you asked him to sit down and give you a formal interview, in reference to the events of October the 9th of 1995?

A Yes, I did. I asked him to do this several times.

Q And was he -- did he ever arrange for you to give him that formal interview?

A No, he didn't.

Q Did there come a time when you asked your sergeant,

Detective Deberry, to look into that?

A I did. I informed my sergeant that I couldn't get Ted Kimble to come and sit down for a formal interview, other than a brief chat at the workplace or a telephone call or something of this nature, and I needed to sit down and do an in-depth interview with Ted Kimble. So I asked Sergeant Deberry if he would then go by Lyles Building Material and encourage Ted to come in, so we could get an interview.

Q After that, did you ever have a formal interview with him?

A No, sir, never did.

Q Did there come a time when you verified the information he gave you about being at Lyles and then going to Precision Fabrics?

MR. HATFIELD: Objection to his verifying things, unless he tells how he did it.

THE COURT: Sustained.

Q Do you recall the date that you asked Sergeant Deberry to go by Lyles and ask Ted Kimble for an official or a formal statement?

A November 30, 1995.

Q In the course of your investigation on October the 13th of 1995, did there come a time when you interviewed Mr. and Mrs. Coble, who've previously testified?

A Yes, I did.

Q And what did they tell you?

A Mr. Coble stated that he'd not been out of the house that day, he didn't see anything unusual going on that day, and that he had not burned any trash that day.

Q In the course of your investigation, did there come a time when you interviewed Mr. Fryar, who's previously testified, on October the 15th of 1995?

A Yes. I think I talked to Mr. Fryar twice, but I did --

Q And what did he tell you?

A Mr. Fryar told me --

MR. HATFIELD: Objection.

THE COURT: Sustained.

MR. HATFIELD: Thank you.

THE COURT: Are you offering it for the purpose of corroborating the testimony of the witness?

MR. PANOSH: Yes, sir.

THE COURT: Members of the jury, this is being offered for the purpose of corroborating the testimony of an earlier witness. It would be for you to say and determine whether it does in fact so corroborate that witness's testimony. It's not being offered for the truth or falsity of the statement, but whether in fact the statement was made on that occasion.

Q What did Mr. Fryar tell you?

MR. HATFIELD: Objection. It's too broad

reaching. We didn't challenge Mr. Fryar's testimony. Why are they corroborating it?

THE COURT: Overruled.

A Mr. Fryar told me approximately 6:00 o'clock in the evening, he took his daughter to Pleasant Garden school for cheerleader practice, returned home. After returning home, he prepared to do some yard work. While out in the yard, at approximately 6:30, as I recall, he looked across the road, to where the Kimble residence was, obscured by trees, and he saw out in the field low-lying smoke.

Q And on October the 10th of 1995, did you interview Cara Dudley?

MR. HATFIELD: Objection. She's already testified.

THE COURT: Well, sustained.

Move along, Mr. Panosh. They've already testified. The jury's got their testimony.

MR. PANOSH: Yes, sir.

Q In the course of your investigation --

MR. PANOSH: The Court's indulgence.

(Time was allowed for Mr. Panosh.)

Q In the course of your investigation, did you determine the temperature on October the 9th of 1995?

A Yes, I did.

Q How did you do that?

A We contacted the weather service at Piedmont Triad International Airport.

Q Do you have that with you?

A I don't have it up here with me.

Q Do you have it available in the courtroom?

A Yes, sir.

MR. PANOSH: May he step down and get it?

THE COURT: You may do that.

(The witness left the witness stand, picked up a folder and returned to the witness stand.)

(The witness handed a document to Mr. Panosh, and Mr. Panosh marked the document as an exhibit and showed it to Mr. Lloyd and Mr. Hatfield.)

Q Showing you now State's Exhibit Number 118 --

MR. HATFIELD: Your Honor, we object. This has got writing on it, and we don't know who did the writing.

THE COURT: Finish your question, sir. What's the number, sir?

MR. PANOSH: 118.

Q What is Number 118?

A It is a copy of the weather temperatures and relative humidity on the -- October 9, 1995.

Q And again, where did you get that information?

A It came from the -- I don't know the exact name, weather bureau that's in Guilford County at the Piedmont

Trial International Airport.

Q And in reference to the relative humidities, did you --

MR. HATFIELD: Objection. Those were all added in handwriting. We ask the Court to review this document, before the --

THE COURT: Let me look at it, sir.

(The witness handed the exhibit to Mr. Panosh, and Mr. Panosh handed the exhibit to the Court. Time was allowed for the Court.)

THE COURT: Overruled at this point.

Q Based upon the inquiries you made at the weather bureau --

MR. PANOSH: May I approach?

THE COURT: You're going to have to establish whose handwriting that is on there.

MR. PANOSH: Yes, sir.

(The Court handed the exhibit to Mr. Panosh, and Mr. Panosh handed the exhibit to the witness.)

Q And drawing your attention to the temperatures only, do the temperatures indicate the official -- the information you obtained from the weather bureau?

A Yes, it did. I might add that --

Q And what --

A Go ahead.

Q What were the temperatures at the various times

throughout that day?

MR. HATFIELD: Objection. That's really irrelevant.

MR. PANOSH: Well, I'll let the document in, or he can read them. I don't -- it doesn't make any difference to me.

MR. HATFIELD: Well, I didn't object to the --

THE COURT: Pare it down to the time at issue, Mr. Panosh.

MR. PANOSH: All right. May I approach?

THE COURT: Yes, sir.

(The witness handed the exhibit to Mr. Panosh.)

Q Drawing your attention then to the readings that were --

(The witness indicated.)

Q -- made at closest to 4:00 p.m., what were the readings?

A The temperature was 70 degrees.

Q All right. And the readings that were made at --
(The witness indicated.)

A Four minutes to 5:00.

Q 5:00 p.m.?

A 68 degrees.

Q And at 6:00 p.m.?

A 65 degrees.

Q Now, in the -- does the document also reflect the humidities at those three times?

A Yes, it does.

Q And what were the humidities at 4:00 p.m.?

A 51 percent.

Q At 5-- I mean at 5:00 p.m.?

A 61 percent.

Q And at 6:00 p.m.?

A Excuse me. I'm one ahead of myself. At 6:00 p.m. was 61 percent. 5:00 p.m. was 51 percent. 4:00 p.m. or thereabouts was 47 percent.

Q Now, in the course of your investigation, did you measure the distances from the various locations and prepare a diagram showing the distances from the various locations?

A Yes, I did.

(Mr. Panosh showed an exhibit to Mr. Lloyd and Mr. Hatfield.)

THE COURT: You may stand and stretch, if you'd like, members of the jury.

(Time was allowed.)

MR. PANOSH: Bailiff, could you --
(Mr. Panosh conferred with the bailiff.)

(Mr. Panosh placed an exhibit on the board.)

Q Showing you then what's been marked as Number 119, is this the document that you prepared with the relative --

with the distances to the various locations in this case?

A Yes, sir, it is.

Q And did you personally measure those distances?

A I did.

Q And in preparing the diagram, did you use an existing map of Guilford County?

A Yes, I did.

MR. PANOSH: We'd seek to introduce Number 119.

MR. HATFIELD: Objection, until he --

THE COURT: The Court'll allow the introduction of

Exhibit Number 119.

Q Now, would you step to the diagram, please, and explain the different locations that you measured and the amounts that you measured them.

(The witness approached the diagram.)

MR. HATFIELD: Can I stand up here, Your Honor?

(Indicated.)

THE COURT: Yes, sir.

A The locations that I measured were from 5821 Monnett Road, which is located in the legend as Number 2, the Ronnie Kimble residence, to Lyles Building Material, which is not indicated on this map.

Q Okay.

MR. HATFIELD: Object and move that the map be withdrawn.

THE COURT: Overruled.

A And that route that I -- that was taken was to Donna Road to Liberty Road, to Woody Mill Road, to Highway 421, to Martin Luther King Boulevard, to Lee Street, which was a total of 15.4 miles, took 24 minutes.

There was a second route that I measured from Lyles Building Material out Lee Street to Highway 29, back to Highway 421, to Woody Mill Road, to Liberty Road, to Donna Road, Monnett Road, back to 5821 Monnett Road, which is 16.4 miles, which was a mile further, but still took 24 minutes.

From Lyles Building Material, I measured the distance from Lyles Building Material to Brandon Station Court. And through the route of Lee Street to Highway 29, 421 south to Highway 22, which is Alliance Church Road, to Brandon Station Court, which is 12.1 miles, took 18 minutes.

Q Was there an alternate route that you could observe?

A To --

Q Was that the most direct route from Lyles to Brandon Station Court?

A Yes. There's --

Q And that's 12.1 miles in how many minutes?

A 18 minutes.

Q Now, when you make these -- when you record these minutes, what speed are you driving?

A The normal posted speed. That's allowing for traffic

signals, traffic. And these times were done in 3:00, 4:00 o'clock, during the day.

Q And did there come a time when you made further measurements and observations?

A Yes, I did. From Brandon Station Court, which is Number 3 on the legend, the home of Ted and Patricia Kimble, to Number 2, Ronnie Kimble residence, was 8.3 miles, takes 10 minutes to drive it.

Q And did you also reflect on there the Stump residence?

A Yes, I did. In the legend, the Stump residence is Number 1 here, which is approximately two-tenths of a mile from -- on the roadway, from Ronnie Kimble.

Q In the course of your -- did you make any further measurements?

A Not on this, not -- no, sir.

Q Does that particular diagram reflect the location where Patricia Kimble was last seen?

A Yes, it does.

Q Where is that?

A It'll be right here on Number 7, the intersection of Creek Ridge and Randleman Roads, right before you get to Interstate 85, Randleman Road. (Indicated.)

Q Did you make any measurements from that location?

A I did, sir, but I don't recall. From Cinnamon Ridge, where she worked, to here; is that what you're referring to?

Q Yes.

A It's -- no, I don't recall. Number 6 is Cinnamon Ridge, where she worked. Number 7 was where she was -- where she was last seen. (Indicated.)

Q You can resume your seat. Thank you.
(The witness returned to the witness stand.)

Q Now, in the course of your investigation, did you interview Robert Nicholes?

A Yes, I did.

Q And did he make the statements to you -- did he make any statements to you?

A Yes, sir, he did.

Q What date did he make statements to you?

A The first statement that Robert Nicholes made to me was on November (sic) 18, 1997.

Q When was the next one?

A The next statement was on the 9th of May, 1997.

Q And when was the next one?

A The next statement was on the 12th of May, 1997.

Q And the next statement?

A The next statement was the 29th of May, 1997.

Q And thereafter, did he give any statements?

A Yes. I have another statement 12th of May. I think that is -- Excuse me. That's a duplicate. That's all I have, I mean, that it shows the times that I interviewed Rob

Nicholes, Robert Nicholes.

MR. PANOSH: May I approach the witness?

THE COURT: You may.

Q First of them is April the 18th; is that correct?

A Yes. (Indicated.)

MR. HATFIELD: April or November?

Q What's the date on the first interview, sir?

A April 18, 1997.

Q What's the date on the second interview?

A 9th of May. Excuse me. It's May 16, 1997.

(Mr. Panosh indicated.)

A May 17, 1997.

(Mr. Panosh indicated.)

A And May 19, 1997.

(Mr. Panosh indicated.)

A And May 29, 1997.

(Mr. Panosh indicated.)

A That's a duplicate.

MR. PANOSH: I take it your rulings on corroboration applies to this witness, also?

THE COURT: Yes.

MR. LLOYD: Well, Your Honor, we'd specifically object here. Mr. Nicholes never testified to having made any statement to Detective Church. He's testified in this case. Mr. Panosh had every opportunity to ask him about it,

but he didn't do it.

THE COURT: Sustained.

Q Now, before you took those statements, did you make any promises to Robert Nicholes?

A No.

Q Did you also interview Mr. Pardee?

A Yes, I did.

Q On what occasions?

A Did you say what occasion or --

Q What dates, please?

A The first interview with Patrick Pardee was April 7, 1997.

Q Did you have subsequent interviews with him?

A Yes, I did.

Q When was that?

A On the 27th of May, 1997.

Q And did you have any subsequent to that?

A 15th of July, 1997.

Q After that?

A July 21, 1997.

Q And in the course of that interview, did he give you the check which has been previously admitted as part of the estate proceeds, or a copy of that check?

A On the July -- on Monday, July 28, 1997, he brought the copy of the cancelled check that he had for \$5,500.

Q Did he give you any further statements after July 28th?

A Yes, he did.

Q When was that?

A Mr. Pardee told me that Ted had come to him --

MR. LLOYD: Well, objection, Your Honor.

Q When was it, sir?

A Oh. Excuse me. When did he --

Q After the July 28, '97 statement, did he give you further statements?

A On July 31st. Excuse me. I -- He did.

Q Now, prior to him making any of those statements to you, did you make any specific promises to him, in order to obtain his information?

A I made him no promises.

Q And have you had an occasion to listen to the testimony of Robert Nicholes in the courtroom today?

A Yes, I did.

Q Was that consistent with the statements he gave you previously?

MR. HATFIELD: Objection.

MR. LLOYD: Well, objection, Your Honor.

THE COURT: Sustained.

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

THE COURT: Approach the bench.

(The following proceedings were had by the Court and all three counsel at the bench, out of the hearing of the jury.)

THE COURT: All right.

MR. PANOSH: I know Your Honor wants to move it along, but we'd like to be able to corroborate this witness from his prior statements. It's something that's very normally done. If we can't use the prior statements, I'd like at least the detective to say that he's heard his testimony, it's consistent with the prior statements. I think the jury certainly looks for prior statements which are consistent or inconsistent. Certainly if there was an inconsistent statement, the defense would be able to use it to impeach, but --

THE COURT: Well, you can always put him back up and ask him if he made the statement.

MR. PANOSH: My recollection is, he told us that he did make these statements.

THE COURT: Your recollection any different than that?

MR. LLOYD: Well, you know, if Mr. Panosh wants to ask him if it's consistent, and that's the only question he asks, I'll withdraw the objection.

THE COURT: All right.

MR. PANOSH: I mean, I'm not trying to drag it out, but instead of just putting --

MR. LLOYD: I'm interested in moving it along.

MR. HATFIELD: Excuse me. I've never heard of a witness being allowed to make the decision that is the sole basis for the jury being here.

MR. PANOSH: Well, we would submit that it's perfectly admissible to put in consistent statements.

MR. HATFIELD: Haven't been impeached yet.

THE COURT: Just let him read -- I mean, you can ask him if he heard his testimony, if there's anything in his testimony that's different from the statement he made to him.

MR. PANOSH: All right.

THE COURT: You can't introduce the statement.

MR. PANOSH: We can?

THE COURT: If they object --

MR. LLOYD: We're going to object to that, Your Honor.

THE COURT: Okay.

MR. LLOYD: What Your Honor suggested is far more preferable than the introduction of the statement.

THE COURT: Well, that's the way -- if you don't object, then they'll put it in. Just prove the statement -- that he made the statement.

MR. LLOYD: So Mr. Panosh can ask him if there was anything in the statement that was inconsistent with what he

heard?

THE COURT: Yes, sir.

MR. LLOYD: All right.

(Proceedings continued in open court.)

Q Drawing your attention to the statements that were given to you by Mr. Robert Nicholes, and comparing them to the testimony you heard in court today and yesterday, did he tell you anything that was inconsistent with his testimony before the jury?

A No.

Q Drawing your attention then to the statements made to you by Mr. Pardee, and comparing them to his statements before the jury that you heard today, was there anything in his statements that he made to you on those various occasions that was inconsistent with the information he provided to the jury?

A No, sir.

Q Now, did you also interview Mitch Whidden in reference to this particular case?

A Yes, I did.

Q And subsequent to the interview with Mitch Whidden, did there come a time when you obtained a certain receipt in reference to Mr. Whidden?

A Yes, sir, I did.

MR. PANOSH: May I approach?

(Mr. Panosh showed an exhibit to Mr. Lloyd.)

Q I'll show you now State's Exhibit Number 117. Do you see that?

A Yes, sir.

Q What is 117?

MR. HATFIELD: Objection.

THE COURT: Overruled.

MR. HATFIELD: It's the one we've already objected to.

THE COURT: Well, he can ask him what it was. Overruled as to that.

A It is a receipt from Days Inn, Lynchburg, Virginia.

Q And subsequent to the interview with --

(Time was allowed for Mr. Panosh.)

(Mr. Panosh showed an exhibit to Mr. Lloyd.)

Q Subsequent to the interview with Mr. Whidden, did you receive State's Exhibit Number 120?

(Mr. Panosh handed an exhibit to the witness.)

A Yes, I did.

Q And what is Number 120?

A Number 120 is a receipt of -- a parking receipt from the Marine Corps base, Camp Lejeune, North Carolina.

MR. HATFIELD: We object to this.

THE COURT: Overruled.

MR. HATFIELD: I'd like to be heard.

MR. PANOSH: I'm not moving to introduce it at this time, Your Honor.

THE COURT: Overruled at this point.

MR. HATFIELD: As long as he doesn't describe it to the jury.

THE COURT: All right, sir.

Q Now, in the course of your investigation, did you interview most of the other witnesses who have testified before the jury during this trial?

A As best of my knowledge, I did.

MR. PANOSH: No further questions.

THE COURT: Well, let's take our break, before we get into cross-examination.

Are you going to be some time on cross-examination, Mr. Hatfield?

MR. HATFIELD: Yes, sir.

THE COURT: All right.

Members of the jury, we'll take our --

You may step down, Officer Church.

MR. PANOSH: Your Honor, there'll be a matter of law before the jury comes back.

THE COURT: All right.

You may take your afternoon recess. It'll be a 15-minute recess. Do not come back in the jury room if court's still in session in here.

(The witness left the witness stand.)

(The jury left the courtroom at 3:06 p.m.)

THE COURT: All right, sir.

MR. PANOSH: Your Honor, as we have previously indicated, the State maintains that evidence of other suspects are inappropriate, unless it is brought to the Court's attention in the absence of the jury, and they're able to show that these are not just suspicions. I believe this came up in reference to information that they had tried to introduce about another perpetrator.

Citing specifically State v. Allen, the general rule is, evidence that another person committed the crime is not admissible if it only creates an inference or conjecture as to the other person's guilt. And they -- that's also cited in State v. Brewer, which is 1989, from our Supreme Court, and State v. Hamlet.

And I anticipate what they're going to do is, ask questions of the detective about other suspects that were brought to his attention, that he may or may not have interviewed. And we would submit that this is basically just speculation and conjecture and should not be heard in the presence of the jury, until Your Honor has been able to rule that there is sufficient evidence to be admissible under 404(b), indicating that some other perpetrator committed this crime.

(Time was allowed for the Court.)

THE COURT: All right. Gentlemen, what evidence do you have of any other perpetrator, or what do you intend to ask this witness about that?

MR. HATFIELD: Your Honor, this is not the time for this Court to make an inquiry of this kind. This is once again the obstructionist tactics of Richard Panosh.

THE COURT: Well, let's don't get into that.

MR. HATFIELD: Well, here's what I'd like to say to the Court. He would like to curtail cross-examination, and every prosecutor in the world would like to prevent cross-examination. And he would like to stake out cross-examination. And he has no basis for what he is saying. We have a right to probe the investigative techniques that the witness who just testified employed. We have a right to look into what he did. And we certainly have a right to find out, when there was evidence that might point away from one of the defendants, toward perhaps another individual, to what extent that is the case, and whether or not the officer was aware of that and whether he pursued it.

I have never heard of a prosecutor being able --

THE COURT: I don't have any problem with that. I'm going to allow you to do that, but what I want to avoid is, bringing this jury in and out, in and out, in and out, as we go through these different --

MR. HATFIELD: You know, I haven't ever been in a trial with which the two defense lawyers did more to facilitate a speedy resolution of the case than this one. I think at this point in time, we should be given a little bit of latitude.

THE COURT: You've done well so far. I commend you.

MR. HATFIELD: We have left hundreds of witnesses, if not more than that -- I'd have to ask the newspaper how many people have actually been here -- 60 or 70 witnesses, and we've cross-examined about 20 percent of them. The rest of them, we've just --

THE COURT: Well, all --

MR. HATFIELD: -- said, "Thank you."

THE COURT: -- I'm asking, Mr. Hatfield, is, these reference to other people who may have been at some point suspects in the case, do you have something other than just an inference of that or conjecture, or are you just going to fish around on it?

MR. HATFIELD: Well, I'm going to find out who the gentleman named Sam was that wrote Patricia a letter, that Mr. Church showed me a few weeks ago. I'd like to find out why he didn't investigate Mr. James Day, whose name appeared in Patricia's will, and who was a friend of hers. He hasn't shown her will, either, although he has her proposed will

that he showed us in pretrial discovery.

There are numerous individuals that he knows about, that he has either decided, because he had an understanding with them that he wasn't going to pursue it, or whatever his reasons were. And I think we have a right to ask him about things like that.

Do we think someone else did it? I don't see how the prosecutor can require us to alert everyone, including himself, of that in advance.

MR. PANOSH: If he talks about a gentleman named Sam who might have done it, that's conjecture, speculation. There's no basis. None.

MR. HATFIELD: Well, I didn't say he might have done it.

THE COURT: I don't think he's going to get into that. He simply wants to know who Sam is and whether or not they -- what steps they took to --

MR. HATFIELD: Right. I'd like to know who Sam was.

THE COURT: I think he's entitled to do that.

MR. HATFIELD: Or maybe I'm the --

MR. PANOSH: The specific --

MR. HATFIELD: Maybe I'm the only one thinks who Sam was. That would be interesting, too, from the standpoint of, to what extent did Mr. Church investigate

this case. Who was Jim? Mr. Church told me, when he -- during pretrials, when he was showing us the tangible evidence that he had evaluated, a gentleman named Jim. Who is Jim? And what did he find out when he evaluated him?

These are perfectly legitimate matters. They turned up in the discovery materials that were turned over to us. They are indicated by Patricia's papers. Your Honor, they're not off the wall. Those are good things to find out a little bit more about.

THE COURT: If they're hard, concrete leads, I'll let you pursue it.

MR. HATFIELD: Thank you.

THE COURT: But if it's just somebody's name surfaced, I'm not going to let you get very far with that.

MR. PANOSH: As to the will, Your Honor, there is no will. There is a document, which is one page, which has handwriting in it. It is not identified by signature or by reference or by anyone. And we would submit it is hearsay, totally irrelevant, totally inadmissible. Your Honor, if the State tried to put it in, it would take you about two seconds to rule on that. It just means nothing. Now, that piece of paper has been in evidence since the day of the fire, and no one has made any attempts to corroborate --

THE COURT: Well, has it been probated or offered for probate or --

MR. HATFIELD: It's not that. It's exactly what the \$200 (sic) insurance policy is. It is to a real will the way the attempt to get a \$200,000 policy is to a real \$200,000 policy. Mr. Panosh is exactly right. Patricia sat down and wrote who she wanted to give her property to, in the event of her and Ted's joint death, and it talks about \$200,000. Now, excuse me. The only place I've heard \$200,000 is from about eight or nine different insurance specialists who came in here and said that Ted tried to put a \$200,000 insurance policy on Patricia's life. He failed to do so. Patricia counted that \$200,000 in her plan for a will. Did she actually formulate a will? No.

THE COURT: Well, I haven't seen the document. What's the date on it, and whose handwriting, and all that stuff?

MR. PANOSH: Your Honor, this is not the document, but it is a copy, and --

(Mr. Panosh handed a document to the Court.)

MR. HATFIELD: I'd like to know where the original is. I hope Mr. Church has it with him.

(Time was allowed for the Court.)

MR. PANOSH: Your Honor, I've got the original now, and I don't think there's any distinct differences between the original and the copy, and it's just totally not identified as a will.

(Mr. Panosh handed a document to the Court.)

MR. HATFIELD: Your Honor, it was found --

MR. PANOSH: It's not dated. There's no indication of who wrote it --

MR. HATFIELD: Patricia wrote it.

MR. PANOSH: -- or if more than one person contributed to the writing.

MR. HATFIELD: It was found among her personal papers in her home.

THE COURT: Well, you're going to have to put that in as defense evidence. I'm not going to let that in.

MR. HATFIELD: Well, I want to ask the detective here to identify it, since he found it.

THE COURT: You may ask him to identify what he found, but as to -- he can't testify to that being her handwriting or anything like that. It's certainly not a will, it's merely thoughts that --

MR. HATFIELD: Well, we don't have a \$200 insurance policy -- a \$200,000 --

THE COURT: Sir?

MR. HATFIELD: We don't have a \$200,000 insurance policy either.

MR. PANOSH: Your Honor, there is no mention of \$200,000.

THE COURT: I didn't see it either.

MR. HATFIELD: Excuse me. Let me see it.

(The Court handed a document to Mr. Hatfield.)

MR. HATFIELD: Where's that other page? Where's the page that goes with it?

MR. PANOSH: There is no page that goes with it.

THE COURT: Now, let's don't get off on that. I'm not going to let it in as a will.

MR. HATFIELD: Your Honor, it is just as much relevant to her case as to all of her speeches to her friends about insurance.

THE COURT: He can identify that as to when it was written and in her handwriting. He can identify it as that, and only for that purpose, not as a will.

MR. HATFIELD: Where is the --

THE COURT: It's merely thoughts of a person who might want to make a will at some point.

(Mr. Panosh handed documents to Mr. Hatfield.)

MR. HATFIELD: Your Honor, the pages --

THE COURT: It does not pass the legal test for a will in North Carolina.

MR. HATFIELD: Your Honor, I didn't say it was a will. I said it was a plan for a will.

THE COURT: I thought you were referring to it as a will then. Just --

MR. HATFIELD: May I approach?

THE COURT: Yes, sir.

(Mr. Hatfield reviewed a document at the bench.)

MR. HATFIELD: I think it's pretty interesting that she wrote \$200,000 cash here. They keep claiming she doesn't want a \$200,000 insurance policy.

MR. PANOSH: Well, Your Honor, that is a different piece of paper. It has nothing to do with --

THE COURT: It has absolutely nothing to do with it.

MR. HATFIELD: Can I get it identified by Mr. Church?

THE COURT: If he can identify it as being in her handwriting, something like that, or where he found it. But I'm not going to let you --

(The Court handed a document to Mr. Hatfield, and Mr. Hatfield handed the document to Mr. Panosh.)

MR. HATFIELD: Your Honor, would you ask the Court -- ask the DA to turn that over, so we can -- turn the original over, so that we can have it marked for identification?

MR. PANOSH: The original is present in court, and I've given them copies.

THE COURT: You may use a copy.

MR. HATFIELD: Well, I want the original.

MR. PANOSH: It's present. He may have access to

it.

THE COURT: You may look at it.

MR. HATFIELD: All right. Thank you.

THE COURT: All right. Take about a 10-minute break.

(A recess was taken at 3:17 p.m.)

(Court reconvened at 3:33 p.m. The defendant was not present. The jury was not present.)

(The defendant entered the courtroom at 3:34 p.m.)

THE COURT: Bring them back, Mark.

You may come back to the witness stand, please.

(The witness James D. Church returned to the witness stand.)

(The jury entered the courtroom at 3:34 p.m.)

THE COURT: You may continue.

MR. HATFIELD: Thank you, Judge.

CROSS-EXAMINATION by MR. HATFIELD:

Q Mr. Church, you were testifying just a few minutes ago that Mr. Nicholes was interviewed some five times between April 18th and May 29th; is that correct?

A I think that's right, yes.

Q And you -- a little while ago, you gave the dates of the times that he was interviewed and the dates that -- correct me if I'm wrong, but the dates that I recall are April 18th, May 16th, May 17th, May 19th and May 29th, all in 1997; is that correct?

A April 18th, May 16th, May 19th and May 29th.

Q Wasn't there also a May 17th?

A There's a May 16th. I don't see a May 17th.

Q Well, I don't wish to belabor this, because it's late in the day, but are you sure you didn't say a few minutes ago May 16 and May 17?

A Mr. Hatfield, I may have said that, but I have four interviews here and they're the dates that I told you, sir.

Q All right. Did you conduct all of those interviews, sir?

A Yes, I did.

Q All right. Now, you were -- I believe that you were fully satisfied with Mr. Nicholes' account to you, after he had talked to you on April 18th, weren't you?

A When someone gives me information such as this, I'm never satisfied with one interview.

Q Is that why you interviewed him on the -- either the 16th or the 17th of May, because you were not fully satisfied with the April 18th interview?

A That amongst other things. I wanted to -- I wanted to reassure the witness.

Q You wanted to reassure the witness?

A Reassure myself what the witness was -- what he was telling me was truthful.

Q So could you not -- without telling us what the witness

told you, tell us what you told the witness.

A I told the witness to be truthful, and if he wasn't going to tell me the truth, don't talk to me at all.

Q So you would have spoken to him for maybe five to 10 seconds, and then that would have been all you had to say?

A No, sir, Mr. Hatfield. I don't remember word for word what I said to Mr. Nicholes, but in conducting an interview, it would go as I described.

Q Did you tell Mr. Nicholes -- and I'm not asking you what Mr. Nicholes said to you -- did you tell Mr. Nicholes that Ted Kimble had been uncooperative with you?

A I don't recall.

Q Did you show Mr. Nicholes a picture of the burned and charred remains of Patricia?

A I don't recall doing that, either.

Q It's possible that you did, isn't it?

A I don't think so, no, sir.

Q But you had to look up and think about it, before you could answer the jury --

MR. PANOSH: We object to arguing.

THE COURT: Sustained.

Q Isn't it a fact that you don't remember whether you showed him a picture of the burned and charred remains of Patricia or not?

A As I recall, I did not show Mr. Nicholes a picture of

Patricia Kimble's remains.

Q Well, now, there were two meetings in very close proximity, May 17th and May 19th, or at least the -- or possibly May 16th and May 19th?

A Yes, sir.

Q What required a meeting either two or three days after there had just been a meeting between you and Mr. Nicholes?

A Without reading the whole statement, a second one was required because in one statement, he was describing the stolen material and how they went about the thefts. I went ahead and took that statement, but I informed Mr. Nicholes that that did not involve me, because I was not in -- I didn't work that case, Sergeant Davis was working that case. So subsequent to that, an additional interview -- I conducted an additional interview the 19th.

Q All right. So you conducted an interview, in which he told you about the stolen goods, because that's what he'd been telling Sergeant Davis about, right?

A That was part of the interview on the 16th. He told me other things.

Q He wanted to talk about stolen goods, and you wanted to talk about the death of Patricia Kimble; isn't that right?

A Mr. Nicholes wanted to tell me everything that he knew.

Q Well, wouldn't it have been a simple matter for him to do what he did when he came into this courtroom and took the

oath in front of the jury and just tell you one time everything he knew?

A I'm not able to answer that.

Q In any event, you weren't satisfied with what he said on the 16th or 17th, so you met with him on the 19th, and then you weren't satisfied with what he told you on the 19th, and you met with him on the 29th; isn't that right?

MR. PANOSH: We object. He's never said he wasn't satisfied.

THE COURT: Sustained.

Q Isn't it a fact that you again met with him on the 29th?

A Yes, sir.

Q Now, is that because he hadn't told you everything?

A Again, I don't recall specifically why I met with him on the 29th.

Q Well, now, Mr. Nicholes contends that he understood as early as April 1 that the best thing for him to do would be, to contact the sheriff's department and tell everything, didn't he?

A That's what he testified to, as I heard.

Q And yet, it was necessary for you to have either four or five successive interviews with him, in order to find out his involvement, wasn't it?

A No, sir.

Q Well, then, which one of those interviews was sufficient for you to find out his involvement?

A Involvement in what, sir? I don't --

Q Involvement --

A -- understand the question.

Q Involvement in crimes and violations of the law in Guilford County.

A As I stated, I did not work those theft cases. Sergeant Davis of the sheriff's department worked them. And I can't testify to that.

Q Well, you were asked a little while ago to state whether or not he had said anything under oath in this courtroom that in any way was inconsistent with statements he'd made previously to you, weren't you?

A Yes, I was asked that question.

Q And you said what?

A Not that I know of.

Q And yet, you had to ask him -- you had to have all these different meetings --

MR. PANOSH: We object, please.

THE COURT: Overruled.

Q -- to find out what his position was, didn't you?

A No, sir.

Q Now, you said you didn't show him a picture of the charred remains. Did you tell him that you suspected Ted

Kimble somehow of arranging the death of Patricia?

A I don't recall doing that, but I'm sure I did tell him that.

Q And did you tell him what your investigation had enabled you to know up to that point?

A I don't recall, but I may have done that, also.

Q All right. So you may have discussed the status of your investigation of Ted Kimble up to that point, when you were talking to Rob Nicholes; is that right?

A No, sir. I may have told Rob Nicholes what I wanted him to know about the case.

Q Is it possible that you told him what you wanted him to say?

A No, sir.

Q Did you make tape recordings of your various meetings with Rob Nicholes, so that we could listen to them in here today?

A No, sir.

Q Did you have any colleagues with you, to corroborate what you say?

A On one occasion, I do recall.

Q Who was that, Sergeant Deberry?

A Yes, sir.

Q Now, in the course of your investigation, you relied upon and made yourself familiar with the investigative

reports of other officers in the sheriff's department, didn't you?

A Yes, I did.

Q Because you were the lead investigator in this particular homicide, weren't you?

A You could say the case was assigned to me, yes.

Q Well, wouldn't that make you the lead investigator?

A Yes, sir, you could say that.

Q Whereas, you worked directly under the command of Mr. Deberry, in fact, Mr. Deberry had put you in charge of this case; is that right?

A Sergeant Deberry assigned the case to me, yes.

Q And that's the reason you've been sitting over there beside Mr. Panosh, because it's your case, right?

A Yes, sir.

Q Now, did you also interview Patrick Pardee?

A Yes, I did.

Q And before you interviewed him, did you familiarize yourself with earlier prior interviews that he'd given to other officers in your department?

A No, sir, I did not.

Q Did you talk to Hershel Wagnor, about his findings, when he first discovered that Patrick Pardee was involved in stealing in Guilford County?

A I recall Hershel -- Detective Wagnor mentioning that to

me, yes, sir.

Q And were you aware, in your preparation of this case, of a written report that Detective Wagner wrote concerning what he knew about Patrick Pardee?

A No, sir. I never read a report that I recall that Detective Wagner did. Detective Wagner's investigation was limited to the thefts, which I was not involved in.

Q Well, involved in them or not involved in them, the fact is that they were given prosecution agreements for those thefts in connection with this case, weren't they?

A That's what I understand, yes, sir.

Q Well, it's more than just understanding, you absolutely know to a conclusive fact that Mr. Pardee and Mr. Nicholes were given prosecution agreements, weren't they?

A Yes, sir.

Q And each of those agreements provide that those young men will receive a probationary sentence, in appreciation for their testimony here; isn't that right?

MR. PANOSH: We object. That's not the agreement.

THE COURT: Sustained.

Q Isn't it an agreement that it will be recommended that they will receive probation?

A I learned that in this courtroom.

Q You didn't know that before?

A No, sir.

Q Now, don't you know that Mr. Nicholes was bringing merchandise of questionable origin, but not necessarily stolen, to Ted Kimble, long before Patrick Pardee became involved in any of this conspiracy between the three of them? Don't you know that?

A No, sir, I don't know that.

Q And you didn't talk to Detective Wagner about his findings?

A No, sir, I don't recall talking to Detective Wagner about his investigation. I'm aware of Detective Wagner and Sergeant Davis' investigation, but I don't know what they did, other than arrest the two people.

Q Can you tell me what identification number was put on that drawing?

(The witness approached the diagram.)

A Looks like 119, sir.

Q Okay. Drawing your attention to State's Exhibit 119, will you explain to the jury what this dark line along here is, please. (Indicated.)

A This line here? (Indicated.)

Q Yes, sir.

A This line indicates Interstate 40, Interstate 85, and this being the split, Interstate 40 West to Winston-Salem, 85 going southbound. (Indicated.)

Q Yeah. Now, if you could stay here, I'll just stand on

the same side here. Now, I'm sure that everybody on the jury knows this, but this is one of the major interstate highways in this area, isn't it, the dark line?

A Yes, sir.

Q And will you show the jury where the area called Death Valley is.

A Death Valley would be right in here, to the best of my knowledge. (Indicated.) I haven't heard it called that in years, though.

Q A little while ago, when you were testifying before the break, you referred to 29 North?

A Yes.

Q But it's not on the map, is it?

A No, sir, it's not.

Q Will you point to the vicinity of 29 North, and explain -- first point to the vicinity.

A 29 North will exit off of I-40/85 approximately right here, and will go back under the bridge and go north.

(Indicated.)

Q Okay. Now, also, Lyles Building Supply for some reason is not on this drawing, is it?

A No, sir.

Q Why is Lyles not on this building -- why is Lyles Building Supply not on this drawing?

A Paper's not large enough, sir.

Q You couldn't have moved the drawing over to the right a little bit?

A Yes, sir.

Q You could have done that?

A I could have attached to it, yes, sir.

Q You could have done it, if you hadn't been so anxious to put Mr. Ronnie Kimble and Mr. and Ms. Stump's house on this map, right?

A No. That wasn't the reason.

Q But in putting their house over here, you ran out of paper, and you couldn't put Lyles Building Supply up here, could you? (Indicated.)

A You could say that.

Q I could say that?

A Yeah.

Q Would you say it?

A Well, there's not enough room on there to put it on.

Q Okay. Well, then, using either the wall or the board or something, would you show the jury where Lyles Building Supply is.

A Yes. As opposed to your question on Lyles Building Material, that's only one spot, whereas I needed to show several spots here. Okay? Lyles Building Material, to the best of my knowledge, would be, if you go 29 North, and you exit off on Lee Street, and you go west on Lee Street, West

Lee Street, and west would be back in this direction here.
(Indicated.)

MR. HATFIELD: Mr. Sheriff, do you have a pointer?

THE BAILIFF: No, sir. I'm sorry.

MR. HATFIELD: All right.

Q Without making reference to 29 North that's not on the map --

A Okay.

Q -- and without making reference to Lee Street that's not on the map, would it be fair to say that Lyles is over here somewhere? (Indicated.)

A Yes, it could be -- yeah, I think you're right here, sir. It could be in this area right in here. (Indicated.)

Q Or it could be in this area over here, couldn't it? (Indicated.)

A No, it couldn't be in that area over there.

Q All right. Now --

A It's too far away.

Q This is --

A Could be in -- right in here is the area it would be in, to the best of my knowledge. I can't answer it any better.

Q Well, you have been a sheriff's detective in this county for 25 years.

MR. PANOSH: We object.

A I've been --

THE COURT: Overruled. Let's move along.

MR. HATFIELD: Sir?

THE COURT: Move along.

A No, I've just been a detective for 10 years.

Q How long have you worked in Guilford County?

A In Guilford County, about 15 years.

Q All right. Now, I-40 is this spur right here, isn't it, which I'm pointing at with my finger?

A Yes.

Q And I-40 goes out this way, past Four Seasons Mall and on to Winston-Salem, doesn't it?

A Yes.

Q Doesn't it?

A Yes.

Q All right. Have a seat.

(The witness returned to the witness stand.)

Q You had a piece of paper with you when you were testifying before the break, that indicated various distances and times that you had calculated. Do you still have that piece of paper?

A Yes, sir, I do.

Q Now, I believe you told the jury before the break that you had ascertained that the distance between Lyles Building Supply and Brandon Station Court was 12.1 miles; is that

correct?

A Yes, sir, that is correct.

Q Now, and you also said that in driving that distance at the speed limit, that it took you 18 minutes; is that correct?

A Yes, sir, it took me 18 minutes.

Q All right.

A Observing the traffic signals, the stop signs and that.

Q How many times did you drive that route?

A Two times.

Q And who was with you when you did so?

A As I recall, Investigator Anne Mauney, a state investigator.

Q Insurance investigator?

A Yes.

Q Now, it would be impossible for you to stand up and demonstrate that route to this jury, based upon the drawing over there, wouldn't it?

A Yes, sir.

Q Because neither the location of Lyles Building Supply, nor the route that you took is indicated on that drawing, is it?

A Not all of it, no, sir. And Lyles Building Material obviously is not on the map.

Q Now, would you stand up and examine your own drawing

for a moment and let me ask you a couple of questions from where I'm situated. Would you just walk over there and look a little closer at it.

(The witness approached the diagram.)

Q Can you show the jury where Patricia Kimble was last seen in life on October 9th?

A Right here. (Indicated.)

Q Now, that was at the intersection of Randleman Road and Creek Ridge, wasn't it?

A Yes, sir.

Q And Patricia Kimble was headed north, wasn't she?

A I guess you could say north, yes.

Q Well, you'd almost have to say north, since it was north, wouldn't you?

A It was north.

Q All right. Now, as you pointed out in your direct examination, that's within a very, very short distance of I-85, isn't it?

A Yes, sir, it is.

Q Death Valley?

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

Q Now, if Patricia in fact was headed home on that occasion, then she would have made the next right and gotten on I-85, would she not?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q You don't know where she was -- sir, you stated in your own testimony that she was heading north, wasn't she?

A Yes.

Q Well, from her location, what would be the most logical and efficient route to Brandon Station Court?

A I don't know which way she would have went.

Q Well, then, let me ask you this. If she made a right on I-85 and then a right on 421, will you show the jury what those -- how those roads are indicated on the drawing.

A I-85 is here, as I stated before. (Indicated.) 421 goes here. (Indicated.)

Q All right. So the other dark line, the dark line that's heading directly south, is 421, isn't it?

A Yes.

Q Now, for the members of the jury who may not have seen 421 lately, will you please describe it.

A The entire highway?

Q Well, it's a very well-improved --

A If you enter --

Q -- limited-access road, isn't it?

A Yes, sir. As you enter onto 421, it is in fact Martin Luther King Boulevard. Martin Luther King Boulevard ends at Patton Avenue. And where -- which is in fact 421, but in the city, Martin Luther King Boulevard. 421 takes up there

and goes south, approximately about right here.

(Indicated.)

Q All right. All right. Now, 421 continues, and it's the heavy, dark line, isn't it?

A Yes.

Q Can you take one of the colored markers and mark 421?

MR. PANOSH: Well, we object.

MR. HATFIELD: Have to illustrate his testimony,

Your Honor.

MR. PANOSH: It's not his testimony.

THE COURT: Sustained.

MR. PANOSH: It's Mr. Hatfield's speculation.

THE COURT: Sustained.

MR. HATFIELD: Your Honor, is the Court ruling that he can't mark the exhibit?

THE COURT: He can take and show which way it came. I don't want him to mark it up, where you can't discern what's what. Take your -- if he can mark it without

--

THE WITNESS: Can I -- would it be -- am I allowed just to circle 421?

MR. HATFIELD: Well, I don't think you can circle a road that runs from here to --

THE COURT: Just point out where 421 is on the map for the jury, sir.

A 421 runs from Interstate 85 here. (Indicated.) Okay?
This is south.

Q All right. Now, show the jury where Highway 22 is.

A Right here. (Indicated.)

Q So --

THE COURT: Put a blue thing there, if you'd like, sir.

THE WITNESS: It's marked Highway 22, also.

THE COURT: All right.

Q All right. Now, if you follow Highway 22 down -- By the way, you do know that Highway 22 in that neighborhood is called Alliance Church Road, isn't it?

A Yes, sir. I think I testified to that.

Q And it is a 55 mile per hour road, isn't it?

A I think. Some of it may be 45.

Q Could you go down and look tonight, so we can clear that up tomorrow?

A If I'm ordered to, yes.

Q Do you have any reason to doubt that it's 55 the whole way?

A No, sir, I sure don't.

Q All right. Now, will you show the jury, by pointing, how Highway 22, Alliance Church Road, leads directly to Brandon Station Court.

A Yes, sir. Highway 22 starts here and runs off of U.S.

421 South, at which -- the same as he said, Alliance Church Road. And you exit off 421, continue on until it dead ends into Appomattox.

Q Well, it doesn't dead end, it --

MR. PANOSH: We object to him arguing with the witness, please.

MR. HATFIELD: Excuse me.

THE COURT: Don't argue, sir. Let him testify.

A There's a stop sign here, where Appomattox ends, Highway 22 continues on. And it's a short distance down to Brandon Station Court, which is a --

Q Now, do you know, Detective Church, of your own knowledge, what the distance is between the intersection of Alliance Church Road and 421, that intersection, and Patricia's residence at Brandon Station Court? What is the intervening distance?

A I don't know.

Q Is it four miles?

A I don't know.

Q So you didn't measure the most efficient route, from Greensboro, down to Brandon Station Court, which is 421, and Highway 22, did you?

A Yes, sir, I did.

Q Well, if you did, why don't you know the distance between 421 and Brandon Station Court?

A I don't know, because I don't remember it.

Q What is the overall distance from the intersection of the top of the drawing, where 421 merges with I-85, and Brandon Station Court?

A I don't know.

Q Is it 7.8 miles?

A I do not know.

Q Now, it is virtually a straight line south, from the intersection of I-85 and 421 up there in Greensboro, down to Brandon Station Court, isn't it?

A Are you referring to --

Q Yes.

A -- from here to here? (Indicated.)

Q From there to there and on down to Brandon Station Court. It's a straight line, isn't it?

A Except this is a secondary road.

Q But it's a 55 mile per hour secondary road?

A To the best of my knowledge. I can't argue that, yes.

Q All right. Now, do you have any reason to believe that it would take any more than about eight minutes to drive from Brandon Station Court up to the intersection of I-85 and 421?

MR. PANOSH: We object, please.

A I do not know.

Q All right. You may have a seat.

(The witness returned to the witness stand.)

Q Now, the rest of my questions about geography will not require the map, because they're not on the map. Isn't it a fact that Lyles Building Supply is a very short distance from the Greensboro Coliseum?

A Yes.

Q How far?

A An estimate, four-tenths, half a mile.

Q 200 yards?

A No. Further than that.

Q Before the cedar plant was torn down, that would have been the only lot between Lyles Building Supply and the Chapman Street corner up there, wouldn't it?

A Yes, it would.

Q So the distance is the same as the old cedar plant probably, isn't it?

A Yes. I don't know the --

Q About a half mile, isn't it?

A I don't know the distance.

Q But you --

A It could be two-tenths, it could be four-tenths. I just don't know.

Q You've worked here 15 years.

MR. PANOSH: Is there a reason that he has to keep insulting the witness?

THE COURT: Just let him answer, sir.

Q Have you worked here 15 years?

MR. PANOSH: Object to that.

A Yes.

Q All right. Now, when you turn left from Lee Street at the Greensboro Coliseum and head south, do you know what road you're on?

A Say that again, sir.

Q When you turn left from Lee Street in front of the coliseum and head south, what road are you on?

A High Point Road, I think, takes up right in that area somewhere.

Q And then you make a left on Coliseum Boulevard, don't you?

MR. PANOSH: Objection.

THE COURT: Overruled.

Q Isn't it a fact, sir, that there is a four-lane highway leading from Lee Street, about 200 yards from Lyles, past the coliseum, and straight south, and it's called Coliseum Boulevard, isn't it?

A I know that road to be High Point Road.

Q High Point Road goes off past Stamey's and on out to Four Seasons?

A That -- if we're talking about the same road, I know that road to be High Point Road. Coliseum Boulevard, I

don't know if --

Q You take a left at the coliseum.

MR. PANOSH: Your Honor, we'd object.

THE COURT: Well, let's move along now.

Q Isn't it a fact that there is a direct four-lane road from within 200 yards of Lyles Building Supply, that goes past the coliseum, merges with Freeman Mill Road, which is a four-lane highway, and merges with I-40? Isn't that a fact, Mr. Church?

A Freeman Mill Road is east, approximately, in my estimation, a mile and a half from that exit of that four-lane road you're talking about, which I refer to as High Point Road.

Q If you leave the coliseum area and take Coliseum Boulevard to Freeman Mill Road, it leads right to I-40, doesn't it?

A If Coliseum Boulevard is High Point Road, yes, it does.

Q And I-40 -- even though Lyles is not on your map, I-40 is on your map, isn't it?

A Yes.

Q So, if I'm right that Freeman Mill Road is an improved four-lane highway, and if I'm right that --

MR. PANOSH: We object, please.

MR. HATFIELD: Your Honor, these --

THE COURT: Well, he's --

MR. HATFIELD: -- I don't see why he objects to known facts, unless he just doesn't want the jury to know.

THE COURT: You're trying to put words in his mouth. Let him testify to what he knows, sir.

MR. HATFIELD: Well --

Q Don't you know that there's -- that Freeman Mill Road merges with I-40?

A Yes, it crosses I-40.

Q And don't you know that Freeman Mill Road leads both from Lee Street, at one intersection, or you can join it from -- if you want to go direct from the coliseum area, by taking Coliseum Boulevard? Don't you just know that, Mr. Church?

A No. I think Freeman Mill Road takes up off right over here behind Washington Street and goes across the bridge and goes on out over Florida Street. I don't know. Let's see. Lee Street -- may run parallel to it.

Q You made no effort, when you were trying to determine who killed Patricia Kimble, to figure out what the fastest, most efficient route from Lyles Building Supply to Patricia's house was, when you were originally investigating this case, did you?

A Yes, I did.

Q Well, then, why did you not include the location of Lyles on this map in this particular trial?

MR. PANOSH: I believe he --

THE COURT: Well, we've been over that, sir. He's answered that.

Q Is that because you had to put the Kimble --

MR. PANOSH: Object.

Q -- and Stump families on that map?

THE COURT: He's answered that, Mr. Hatfield. He's answered that.

Q Now, you stated during your direct testimony a few minutes ago that you, and I believe Detective Deberry was with you, on October 19, 1995, that you and Detective Deberry had a conversation with Ted Kimble; is that right?

A Yes, sir.

Q Now, that would have been 10 calendar days after Patricia died, wouldn't it?

A Excuse me. The 16th?

Q The 19th, isn't that --

A No --

Q -- what you said?

A -- I don't think Sergeant Deberry was with me on the 19th. I thought you said the 16th. I'm sorry. He was with me on the 16th. Let me see on the 19th.

(Time was allowed for the witness.)

A No, there's -- Sergeant Deberry did not sign the 19th.

Q There was a meeting between yourself and Mr. Kimble, at

which you asked Mr. Kimble why he hadn't told you that Ronnie Kimble was in Guilford County on the night that Patricia died; isn't that true?

A Yes, I asked him that question.

Q What day was it that you asked him that?

A The first entry that I made in this case that I can testify to was on November the 1st. However, I did ask him that question before, and I'm unable to tell you the date, because it was on a telephone call.

Q But I'll ask you to recall your testimony in this case before the break. Didn't you say that on October 19th, you confronted Ted and asked him why had he not told you that his brother, Ronnie, was in Guilford County on October 10th?

A It could have been October the 19th.

Q Now --

A I do know that I talked to him before this entry on 11/1, and at that time, he told me he was scared to tell me Ronnie was in town.

Q Now, you told a number of people that Ted Kimble and others in his family tried to conceal from you the fact that Ronnie Kimble was in Greensboro or Guilford County on October 9th, didn't you?

A I don't think I used the word "conceal." I think no one came forward with that information, as though they did not want me to know Ronnie Kimble was in town.

Q Well, didn't you tell attorney David Lloyd, when you showed us the physical evidence in the case, that you had been misled by Ted and others about whether Ronnie Kimble was in Guilford County the night --

A Yes.

Q -- Patricia died?

A Yes, I did. And I was misled.

Q And you told the jury a little while ago that on the 19th of October, you went out there and asked Ted about that, didn't you?

A No, I didn't tell them that.

Q Now, the fact is, you knew that Ronnie Kimble was in Greensboro from shortly after Patricia's funeral, didn't you?

A No, I did not.

Q Isn't it a fact that you caused a formal discovery memorandum to be sent to Mr. Lloyd and me on August 7, 1998, stating --

MR. PANOSH: We object.

MR. HATFIELD: Well, it's -- I assume it's a stipulation.

MR. PANOSH: We object.

THE COURT: Let me look at it.

(Mr. Hatfield handed a document to the Court.)

MR. PANOSH: May I approach?

THE COURT: Yes, sir.

(The following proceedings were had by the Court and all three counsel at the bench, out of the hearing of the jury.)

(Time was allowed for the Court.)

(The Court handed the document to Mr. Panosh.)

THE COURT: You need to have it identified and marked, whatever it is. What's the title of it?

MR. PANOSH: Discovery Memorandum Number 9.

THE COURT: 9?

(Mr. Panosh nodded his head up and down.)

THE COURT: All right. What's the objection?

MR. PANOSH: This is not his memorandum. He has nothing to do with it.

THE COURT: Where did it come from?

MR. PANOSH: From me.

THE COURT: I just -- it would be hard, the conversation that Kimble had with Detective Church.

MR. PANOSH: Ronnie Kimble, not Ted.

THE COURT: Let's rephrase your question.

MR. PANOSH: Wait a minute.

MR. HATFIELD: He's doing --

MR. PANOSH: He still has nothing to do with it.

MR. HATFIELD: He's doing what he always does.

He's completely confusing the issue.

MR. PANOSH: I mean, it's -- all I did was, took

information that was in the reports and condensed it and gave it to them.

MR. HATFIELD: Because he hadn't ever given --

MR. PANOSH: That doesn't mean that --

MR. HATFIELD: -- it to us before.

MR. PANOSH: -- Detective Church has ever seen it.

THE COURT: Well, he can testify as to telephone conversations he had with Ronnie Kimble.

MR. PANOSH: All right.

MR. HATFIELD: He told the jury.

THE COURT: Just deal with what's in there.

MR. HATFIELD: How can he object to a disclosure that he makes in his own handwriting?

THE COURT: It's not --

MR. HATFIELD: How can he do that?

THE COURT: You can view it as -- you can go ahead and ask the officer about the conversation. It's a synopsis of the statement.

(Mr. Panosh handed a document to Mr. Hatfield.)

(Proceedings continued in open court.)

MR. HATFIELD: I'd like to show this to the witness and see if it refreshes his memory.

Q I show you what's been marked for identification Defendant's Exhibit 2, and ask you to read it, without reading it out loud.

(Time was allowed for the witness.)

(The witness handed the exhibit to Mr. Hatfield.)

Q Now that you've read Exhibit 2, do you recall how early it was that you knew that Ronnie Kimble was in Guilford County on the night Patricia died?

A Seven to 10 days, the best of my knowledge.

Q But doesn't this memorandum state --

MR. PANOSH: We object.

THE COURT: Sustained as to what it states.

Q Based on -- Did you tell Mr. Panosh last --

MR. PANOSH: We object, please.

THE COURT: Sustained.

MR. HATFIELD: I'm going to ask him what he told

Mr. Panosh, not what Mr. Panosh told him.

MR. PANOSH: Still hearsay.

THE COURT: Overruled.

Q Did you tell Mr. Panosh that directly after Patricia's funeral, that you made a telephone call down to Ronnie Kimble at Camp Lejeune? Did you tell him that?

A No, I did not.

Q Did you make a telephone call down to Ronnie at Camp Lejeune?

A No, not at that time. At a later time, I did.

Q You didn't talk to Ronnie Kimble shortly after he returned to Camp Lejeune, from the funeral?

A Shortly? What are you talking, two, three days?

Q I didn't write this.

MR. PANOSH: Well, we object, please.

THE COURT: Sustained.

A Mr. Hatfield, I didn't write it, either.

Q But it was written by the prosecutor.

THE COURT: Well, don't get into that. Just ask the question.

Q When did you call Ronnie Kimble down at Camp Lejeune and talk to him?

A To the best that I recall, I called Ronnie Kimble at Camp Lejeune in November, when I found out the telephone number down there.

Q Do you have any records of the call?

A No, sir, other than what I recall. I talked to Ronnie Kimble at his --

Q Did you read this memorandum that I showed you?

A Yes, sir, I read that memorandum.

Q Are you saying that you did not call Ronnie Kimble shortly after Patricia's funeral, at his location in Camp Lejeune, and talk to him on the telephone?

A The first call I made to Camp Lejeune Marine Corps base in Jacksonville, North Carolina, was to the NCIS office and talked to Agent Gregory Munroe. After that call is -- and sometime after that call is when I talked to Ronnie Kimble.

MR. HATFIELD: Your Honor, I do not see how the State --

THE COURT: Well, don't get into any argument, Mr. Hatfield. Just ask the question, get his responses. You can put whatever you want to put into evidence at the appropriate time.

Q Now, did you read this memorandum in its entirety?

A Yes, sir, I read the memorandum.

Q When you talked to Ronnie Kimble on the telephone at Camp Lejeune, you asked him what his activities were on October 9, 1995, didn't you?

A I don't recall asking him that.

Q Did you talk about a person named Steve Swaney?

MR. PANOSH: We object, please.

THE COURT: Overruled.

MR. PANOSH: Your Honor, these are statements of the defendant.

MR. HATFIELD: These are statements of Mr. Church, as stipulated by Mr. Panosh, is what they are.

THE COURT: He may testify if that name came up during the conversation.

MR. PANOSH: Your Honor, normally statements of defendants are not admissible until the defendant testifies.

THE COURT: Well --

MR. HATFIELD: Your Honor, I'm not asking what

Ronnie Kimble said.

THE COURT: He's not asking that. He's just asking if somebody's name came up during a telephone conversation. That's within his knowledge. He may testify to that.

Q Did you talk about Steve Swaney?

A The only thing I remember about the phone call to Ronnie Kimble at Camp Lejeune Marine Corps base was, in an attempt to try to get him to let me drive down there, or for him to come to Guilford County for an interview. And that is what I recall about all my conversations with Ronnie Kimble.

Q Do you have any idea why this memorandum states --

MR. PANOSH: Object.

THE COURT: Well, sustained as to what it states now. He's answered your question.

MR. HATFIELD: Your Honor, I'd ask you to let the jury go out, so that we can find out why this was given to me --

THE COURT: That's --

MR. HATFIELD: -- and now they're denying it.

THE COURT: The officer has testified as to what he knows about that particular document. It's been marked, and we'll get to it later.

Q Do you remember writing a memorandum on June 6th of

1996, in which you talked about having Agent Munroe interview Ronnie Kimble at Camp Lejeune, and then you wrote yourself a memorandum --

MR. PANOSH: We object, please.

THE COURT: Overruled. He may answer that.

Q -- wrote yourself a memorandum, detailing questions that you would like to have answered, that you weren't sure were answered by the first statement that was taken from Ronnie Lee Kimble by Mr. Munroe? Do you remember writing that memorandum?

A I don't remember writing it, and I don't remember the date, but I do remember that I asked Agent Munroe to perform that duty for me.

Q I'd like you to look at this and read it to yourself, without reading it out loud.

(Mr. Hatfield handed a document to the witness, and time was allowed for the witness.)

(The witness handed the document to Mr. Hatfield.)

Q Did you write a memorandum to yourself on that day?

THE COURT: Have it marked, Mr. Hatfield, so we'll know what we're talking about.

Q I showed you a document marked Defendant's Exhibit 3.

A Let me see it --

Q Sure.

A -- one more time.

(Mr. Hatfield handed the exhibit to the witness, and time was allowed for the witness.)

(The witness handed the exhibit to Mr. Hatfield.)

Q Did you write that, sir?

A Yes, I did.

Q Did you ask yourself some questions about what you wanted to know?

A Could you repeat that.

Q Sir?

A I didn't understand you.

Q Did you ask yourself some questions in the memorandum that you wanted to know the answers to?

A Yes, I did.

Q And did you ask yourself the question "Where did Ronnie and Ted go --"

MR. PANOSH: We object, please.

Q "-- for two hours on the night of October 10th?"

THE COURT: Overruled.

A Yes.

Q Now, did you ever find out the answer to that question?

A No, sir.

Q Did you ask yourself the question "Why would Ronnie Kimble page his father, knowing his father was in Lynchburg?"

A Seemed like I recall saying that, yes.

Q Did you ever find out the answer to that?

A Well, it would just be my opinion.

Q Well, didn't you ask yourself in the memorandum to later find out the answer to that question?

A Yes, sir, I think I did.

Q Did you ever --

A Yes, sir.

Q -- find out the answer to that question?

A I don't recall. If I did, it would be my opinion as to what I remember.

Q Now, did you also ask yourself to try to find out what Ronnie Lee Kimble did during the early hours of October 9, 1995, for four hours while he was obtaining underpinning for his trailer?

MR. PANOSH: We object.

Q Did you --

MR. PANOSH: Questions to himself just are not relevant, Your Honor.

Q Did you ask --

THE COURT: Overruled.

Q -- yourself that question, sir?

A Yes.

Q Did you ever find out the answer?

A Partially.

Q He went and bought the underpinning, didn't he?

A No --

Q Didn't he buy the underpinning on October 9th?

A During that four hours, that's one thing he did.

Q Well, you know that, because you have a receipt from the place where it was bought, don't you?

A Yes, sir. I said that he did do -- that is one of the things he did that morning, yes.

Q That is one of the things he did?

A Yeah.

Q And you also know that he drove back down to his residence and delivered the materials there, too; don't you know that?

A I know that's what I was told, sir.

Q You never saw the materials at his house?

A No, sir.

Q You have never in this life seen those materials that were purchased on the morning of October 9, 1995 down at Ronnie Kimble and his wife's mobile home?

A Approximately two weeks ago. First time I've ever been to his residence.

Q So did you go there, in order to find out where to put it on the map?

A No, sir.

Q So, let's see. Patricia died in 19-- in the latter days of 1995, and it was in August of 1998 when you finally

went down to Ronnie Lee Kimble's house to take a look around?

A No, sir, not the way you put the question, no.

Q I ask you if after October 9, 1995, when you know he bought the underpinning --

A Uh-huh.

Q -- did you ever go to his residence and verify that he had taken it there?

A No, I did not.

Q But you did finally two weeks ago?

A I saw that his mobile home was underpinned, so I'm to assume that that's what he took down there that day.

Q So you asked yourself the question in June of '96, and you answered it in August of '98; is that right?

MR. PANOSH: Object, please.

A No, sir --

THE COURT: Sustained.

A -- it's not.

Q Isn't it a fact that Defendant's Exhibit 3 indicates that you wanted to know the answer to the underpinning question in June of 1996? Isn't that a fact?

MR. PANOSH: Object, please.

THE COURT: Overruled.

Q Didn't you want to know that, sir?

A I wanted to know what Ronnie Kimble done the first four

hours that morning.

Q And part -- no, didn't you ask yourself "What did he do for four hours on the morning of October 9th, other than pick up the underpinning for his mobile home?" So you knew he picked up the mobile home underpinning, didn't you?

A Yes. I verified that. I went and -- I verified that.

Q And then you followed up on it two weeks ago?

A No, sir.

MR. PANOSH: Objection.

THE COURT: Sustained.

MR. PANOSH: He's never testified to that.

MR. HATFIELD: He just testified to it.

THE COURT: Well, he's testified. The jury's heard his response. Move along.

Q Now, you asked yourself the question "Exactly what time did he take the box truck back to Ted's house?"

A Yes.

Q You know the answer to that question, don't you?

A No, sir. I know what I was told.

Q Well, you know what Agent Munroe told you, didn't you?

A I know what Ronnie Kimble told Agent Munroe.

Q Right. And you know what Ronnie Lee Kimble later told other people about that, including yourself, don't you?

A Yes.

Q And what did Ronnie Lee Kimble tell you?

MR. PANOSH: Objection.

THE COURT: Sustained.

MR. HATFIELD: For corroboration only. He's going to take the witness stand.

THE COURT: All right.

Members of the jury, this'll be offered for the purpose of corroborating the testimony of Ronnie Kimble if he -- when he testifies later. It'll be for you to say and determine whether it does in fact so corroborate his testimony. It's not being offered for the truth or falsity of the statement, but whether the statement was made on that occasion.

Q What time did he say he took it back there?

A As best I recall, I think he said 2:00 o'clock.

Q You don't recall precisely what this defendant in this murder trial told you about when he took that truck back?

MR. PANOSH: Objection.

A My recollection is --

THE COURT: Objection sustained.

A -- 2:00 o'clock.

THE COURT: He's answered it.

Q Do you know what address the truck was taken to?

A When?

Q On October 9, 1995.

A Are you talking about to deliver?

Q After the mobile home underpinning had been downloaded at Ronnie Kimble's house on Monnett Road, over there where you've indicated on your map, where did the truck wind up after that?

A Back at Lyles Building Material.

Q Well, but the fact is, that in the early morning hours of October 10, 1995, when you went to the scene of the horrible murder of Patricia Kimble, there was the box truck, wasn't it?

A On that night?

Q Yes, sir.

A Yes, it was there.

Q And you saw it there, didn't you?

A I sure did.

Q Now, you have no information that that box truck was at any time parked at Lyles for more than just a minute or two, do you?

A At what time are you talking about, sir?

Q Well, let's talk about the time you said, 2:00 o'clock p.m. Where was the box truck at 2:00 o'clock p.m.?

A I do not know where the box truck was at 2:00 o'clock.

Q Didn't Ronnie Lee Kimble tell you where it was?

A Yes. But other people told me it was somewhere else.

Q People like Mr. Dziadaszek?

MR. PANOSH: We object, please.

THE COURT: Sustained.

Q Who told you that the box truck was somewhere besides Patricia's yard at 2:00 p.m. on October 9, 1995?

A James Dziadaszek.

Q The guy that testified in here from the Marine Corps?

A Yes, sir.

Q He told you that he was confused over what was meant by Ted's, didn't he?

A Let me rephrase that. Mr. Dziadaszek didn't tell me anything. I never interviewed him. Four other people did.

Q So, other than Mr. Dziadaszek, who you say was confused about the location of the box truck --

THE COURT: Objection sustained. That's not what he said.

Q Did anyone specifically tell you that the box truck was located anywhere but Patricia's house at 2:00 p.m. on October 9, 1995?

A That's referring to Dziadaszek? I mean --

Q Putting Dziadaszek aside.

A Okay. Anybody than Dziadaszek, I don't recall anyone else telling me that.

Q So you do know that Ronnie Lee Kimble told you that he put the box truck there approximately 2:00 o'clock p.m., or maybe even before then, on October 9th, don't you?

A Yes, the best I recall, that's what Ronnie told me.

Q Right. And when you got to the scene, in the waning hours of October 9th or the early hours of October 10th, there it was, wasn't it?

A Yes, it was there.

Q And the next day, when you were back at the crime scene and had Ted Kimble with you, Ted Kimble had the key to that box truck, and he had to unlock it, in order to look inside, didn't he?

A I remember Ted Kimble looking in the front of the truck for something. He didn't tell me what it was. I don't think he opened the door. I think he opened the rear door and looked in there, as best I recall. He did look in the back of the truck.

Q He did look in the back of the truck?

A As best I recall.

Q And did he use his key to unlock the back of the truck?

A I don't recall a key. I don't know what he was looking for, either.

Q But in any event, you recall examining the box truck in Ted Kimble's presence on October 11th in the a.m. hours that day, don't you?

A After we came out of the house, he went to the car first and then went to the box truck.

Q Now, do you recall the events of April 1, 1997, in which you were involved in the -- related to this case?

A Yes, sir.

Q Did you make a trip down to Camp Lejeune, with the purpose of meeting and serving a warrant on Ronnie Kimble?

A I went down there, I think, the night before.

Q So you went down on March 31st, with Detective McBride and Agent Pendergrass -- Is Agent Pendergrass here in the courtroom?

A Yes, sir.

Q -- and Agent Childrey, and the four of you drove to Jacksonville; is that right?

A I drove with Detective McBride.

Q And the other two met you down there?

A They drove.

Q And you spent the night down there, for the purpose of getting up early the next morning and placing Ronnie Kimble under arrest; is that right?

A Yes, sir.

Q Now, do you recall what time Ronnie Kimble was taken into custody by Marine and naval personnel?

A No, sir, I don't, not without looking at the papers they furnished and -- It was sometime that morning.

(Mr. Hatfield showed a document to Mr. Panosh.)

Q Ask you to just quickly look at this, to see if you can refresh your recollection.

(Mr. Hatfield handed a document to the witness, and time was

allowed for the witness.)

A Yes, sir.

(The witness handed the document to Mr. Hatfield.)

Q Thank you. In looking at the document, did it refresh your recollection?

A Yes, sir.

Q What time did the security personnel at Lejeune take custody of Ronnie Kimble?

A I was informed by Agent Sam Worth of the Naval Criminal Investigation Ronnie Kimble was taken into custody at 0820 hours --

Q Is that --

A -- that morning.

Q -- 8:20 in the morning?

A Yes, April 1st.

Q All right. And then, you came along about an hour and a half later, didn't you?

A Thereabouts. I don't remember the exact time.

Q Do you know whether Mr. Kimble was free to leave, while he was waiting for your arrival, or had you told Mr. Worth that you had warrants and that you wanted him held?

A He -- no, he was not free to leave. He was under arrest.

Q He was already under arrest?

A Based on the warrant, outstanding warrant that I had.

Q And when you got to him, it was about 10:15, wasn't it?

A I don't recall the exact time.

Q So --

A It was that morning, that same morning.

Q And what did you do, once you made sure that Ronnie Kimble was in custody and you were in his presence? What did you do then?

A What are you referring to? I did a lot of things. I'm on a military installation. I have to go by their rules.

Q Well, after you got into a room with Ronnie, can you remember, was it an office or was it some sort of secured area?

A It was a large office.

Q Whose office was it, if you remember?

A Agent Sam Worth.

Q Did you then commence to talk to Ronnie Kimble?

A Yes.

Q And how long did you talk to him?

A Probably 15, 20 minutes.

Q Isn't it more accurate to say you talked to him for about a hour and a half?

A I don't recall it being an hour and a half. It -- I'm not saying it wasn't, but I -- the best I recall now, 15, 20 minutes. I wasn't the only one that talked to him.

Q Didn't you say to him "I want you to listen, but I

don't want to ask you any questions"? Didn't you say that to him?

A The best I recall, I did tell him that.

Q And what was his response?

A I don't recall what he said.

Q Did he ask you, did he have to listen?

A I don't recall. He could have said that.

Q And didn't you tell him you thought he ought to, because he owed it to himself, and he --

A If he in fact asked me --

MR. PANOSH: Object to --

A -- that question --

MR. PANOSH: -- leading.

THE COURT: Sustained.

MR. HATFIELD: I'm just asking what this officer said to the defendant at that occasion.

THE COURT: Overruled.

You may answer.

Q Did he tell you that if you had something to say to him, you could say it to an attorney?

A I don't recall him saying that, no.

(Mr. Hatfield began to approach the witness.)

MR. PANOSH: May I see what you have?

MR. HATFIELD: You wrote it.

(Mr. Hatfield showed a document to Mr. Panosh.)

Q I show you this and ask you to read it and see if it refreshes your recollection.

(Time was allowed for the witness.)

A Okay.

(The witness handed the document to Mr. Hatfield.)

Q And I show you this, please. Look at that, before I sit down. (Indicated.)

(Time was allowed for the witness.)

(The witness handed the document to Mr. Hatfield.)

THE COURT: Have it marked, Mr. Hatfield, so we'll know what you're talking about, please.

Q I've showed you what's been marked for identification Defendant's Exhibit 4, and you've looked at it. Does it refresh your recollection?

A Yes, sir. That's -- that is my follow-up. I wrote that.

Q You wrote it?

A I sure did.

Q Do you recall talking to Ronnie and his response to you concerning an attorney?

A Yes.

Q What did he say?

A He said -- as best I recall, from what I just read, "Do I have to talk to you?" And I told him "No, you don't, but I think you should sit there and listen to me." And then

something about an -- "Talk to my attorney." And I informed Mr. Kimble that I -- Mr. Ronnie Kimble there that I didn't want to talk to his attorney, I wanted him to just listen to me.

Q And then you talked to him --

A Didn't want to ask him no questions, I just wanted him to listen to me.

Q All right. And then you talked to him for how long?

A I think the record there will show that during that hour and 20 or 30 minutes you're talking about, that there were approximately 10 or more telephone calls in the same room that took up a lot of time, that stopped the conversation. Mr. Kimble went to the rest room two times, one time for 20 minutes, one time again for, I think, 15 minutes. So you can probably cut that down by half or two-thirds of what that time really is.

Q You wrote this report, didn't you?

A I sure did.

Q And did you write "Ronnie sit in a chair in Agent Worth's office and listened to me for approximately one and a half hours"?

A Yes, sir. And after that, if you'll read that, also, it'll say what happened during that hour and a half, all those interruptions. He was not talked to for an hour and a half.

Q But he did sit in a chair and listen to you for an hour and a half, because that's what you wrote?

A No, sir, he did not sit in the chair and listen to me for an hour and a half. If you'll read everything that's wrote there and ask me those questions, you'll see that he didn't sit there for an hour and a half and listen to me.

Q Well, Mr. Church, I wasn't there.

A But I was.

MR. PANOSH: We object.

THE COURT: Sustained.

He's answered, sir.

Q You were there and you wrote --

THE COURT: He's answered --

Q -- this report?

THE COURT: -- Mr. Hatfield.

A Yes, sir, I did.

Q And you wrote an hour and a half, didn't you?

THE COURT: It's written down, and he's explained it. Move along.

Q Now, did Ronnie, as you wrote in the report, interrupt you while you were talking to him, and ask you "What do you want me to tell you?" Did he ask you that question?

A I don't recall.

MR. PANOSH: Your Honor, would it be permissible if I hand him his report, so we don't have to be going back

and forth?

THE COURT: Do what, sir?

MR. PANOSH: May he have his report?

THE COURT: Yes, you may hand the witness his report.

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

Q Can you look at the second page, in the large second paragraph of the second page.

A What was your question?

Q Did Ronnie ask you "What do you want me to tell you?"

A Yes, I wrote that.

Q And what was Ron-- what was your response to Ronnie?

A I responded to him -- Do you want me to read it?

Q Well, can't you just remember?

MR. PANOSH: Object.

THE COURT: Sustained.

Q Could you just tell the jury, from your own current recollection, what you said to Ronnie Kimble last year when you arrested him on April 1, 1997? It's not very long ago.

A I can, yes, sir, but I'd rather read it.

THE COURT: You may do that, sir, if it helps your recollection.

A The paragraph Mr. Hatfield's referring to begins with, "I also made it clear that I did not want to get into Bible scripture or verses with him, but I only wanted him to know

that everyone had to come to terms with themselves at one point in their life, even if it was on their deathbed, and taking their last breath. Ronnie interrupted me at one point and asked me, 'What do you want me to tell you?' And again, I told him, if he wanted to tell me anything, to tell me the truth about Patricia's death. Ronnie also stated that he had spoken to Detective Sergeant Deberry, NCIS Agent Munroe, and also to me, and that he had nothing to add to what he had already said."

Q Now, what was the next thing you said to him?

A "I also told Ronnie that if I did find out later that anyone assisted him in suppressing information or details about the murder of Patricia, that I would charge them, if I could."

Q Now, who were you referring to, when you said that?

MR. PANOSH: Objection.

THE COURT: Overruled.

A I was referring to anybody.

Q Weren't you referring to his wife, Kim?

A Sir, I was referring to anybody --

Q Who did you think --

A -- that he conspired with --

Q -- had assisted him --

A -- to suppress information from me.

Q Well, who did you think had assisted Ronnie in

suppressing information?

A At that time --

MR. PANOSH: Objection.

A -- it could have been anybody, a number of people.

Q Well, you don't say things to people that you have in custody just for the heck of it, do you?

MR. PANOSH: Object.

THE COURT: Sustained.

Q Then what was your basis for saying that, Mr. Church?

MR. PANOSH: Objection.

THE COURT: Overruled.

A The basis for me saying that, sir, is, I thought that other people had knowledge of what Ronnie Kimble --

Q And who were those other people?

A Ronnie Kimble's friends.

Q That was a threat, wasn't it, Mr. Church?

A No, sir, it was not a threat.

Q You had him in custody, you'd lectured him for an hour and a half --

MR. PANOSH: Objection.

Q -- and that was a threat?

THE COURT: Sustained.

Q Isn't it a fact that you were trying -- you had him in custody, and now you were trying to terrify him about his relatives, weren't you?

MR. PANOSH: Objection.

A No, sir.

THE COURT: Overruled.

A No, sir.

Q Well, then, who did you mean? You must have meant somebody. You've been a detective for 15 years.

MR. PANOSH: Objection.

THE COURT: Sustained.

Q Who did you mean?

THE COURT: You may answer.

A I meant any associate of Ronnie Kimble, anybody that he knew, anybody that he come in contact, that I thought had knowledge of the murder of Patricia Kimble, and if I -- if it was within my power to charge them, that I would.

Q Did you know of anyone who had knowledge of the murder of Patricia Kimble?

MR. PANOSH: Object. He's answered that.

THE COURT: He's answered that, sir.

Q Did Mr. Kimble then ask you if he could use a telephone?

A Yes, he did.

Q And what did you tell him?

A Can I read that, also?

Q Do you not remember what you told him, when he asked you if he could use the telephone?

THE WITNESS: Your Honor, I'd like to read.

THE COURT: Well, you may read, if it refreshes your recollection.

MR. HATFIELD: Your Honor, I think that a witness

--

MR. PANOSH: He's answered.

MR. HATFIELD: -- should testify from his knowledge.

THE COURT: Well, he's got notes that he made at that time. He's entitled to look at those notes.

MR. HATFIELD: Well, first he has to ascertain whether he can remember of his own knowledge, before --

THE COURT: Well, he just said --

MR. HATFIELD: -- he relies on --

THE COURT: -- he needs to look at the notes, so he could be -- feel more comfortable reading what he wrote.

MR. HATFIELD: Well, I'd like to find out if he can remember the answer without looking at his notes.

THE COURT: He's answered that. He can't.

Q Can you remember?

A Can I remember what, sir?

Q Can you remember when he asked you if he could use the telephone?

A By looking at this right here, I read the first line, and I do remember.

Q So you just couldn't remember it until you looked at the paper?

MR. PANOSH: We'd object.

THE COURT: Sustained.

Q What was the answer? What did you tell him?

A The answer is this: "Ronnie asked me to use the telephone. And I told him that he could not use the phone at that time, but that he could call anyone he wished when we got to Guilford County."

Q And what time was it when you finally got to Guilford County?

A That afternoon, the best I recall, 3:00 or 4:00 o'clock. Might have been -- might have been 4:30. Again, I'd have to look at the records, to see what time we got back.

Q What does 1930 hours mean?

A 19-- 1930 hours?

Q Yes, sir.

A That's 7:30. But I didn't realize it was that late. But if that's what the record shows, that's what time it was.

(Mr. Hatfield showed an exhibit to Mr. Panosh.)

A I think it is a three- or four-hour drive from Jacksonville, so that's quite possible.

Q What is quite possible?

A That that's the time it was. Mr. Kimble wanted to stop and use the rest room.

Q So, because of Mr. Kimble's activities, it turned out he received his rights at 7:30 p.m. that night, didn't he?

(Mr. Hatfield handed an exhibit to the witness.)

A Uh-huh.

Q Didn't he?

A That's -- Wait a minute. Let me answer the question. That's not the time we got back to Guilford County. That's the time he was read these Miranda rights.

Q So, 11 hours after you had the -- Mr. Worth and the other security people at the Marine Corps take him into custody, you finally told him that he had a right to an attorney, didn't you?

A I read him his Miranda rights at the time that's on that form, sir. I asked him --

Q They're not just his rights, are they?

A They're everyone's rights. I asked Ronnie Kimble no questions. The entire time, he was not asked any question, except "If you need to go to the rest room, let me know. If you want something to drink, let me know."

Q Would you look at the paragraph right above the last paragraph on the second page of your report that you're holding in your hand.

A Are you talking about next to the last paragraph, sir?

Q Yes, sir.

A Okay.

(Time was allowed for the witness.)

Q Do you remember putting Ronnie in chains, restraints, on his hands and feet?

A Yes, sir.

Q And then he was placed in your vehicle, wasn't he?

A He was placed in a Guilford County vehicle, yes, sir.

Q And Officer McBride rode in the back seat, didn't he?

A Yes, he did.

Q And what time did y'all leave Camp Lejeune?

A We left Camp Lejeune at 2:35 p.m.

Q All right. And it takes four and one-half hours to drive from there to Guilford County, doesn't it?

A I'm not sure it's -- that sounds reasonable.

Q So it wouldn't have been possible for him to be in the Guilford County sheriff's office earlier than 7:00 p.m. that night, would it?

A I think it's three hours, Mr. Hatfield.

Q Well, didn't you just tell the jury four and a half hours?

A No, sir. I think that was your comment.

Q So what did you do, between the time you arrived in the Guilford County Jail, when you promised him he could make a phone call, and 7:35 p.m., when you read him his rights?

A I answered the question -- if I understand the question, what did I do, between the time we arrived and between the time I read him his Miranda rights?

Q What did you do?

A Ronnie Kimble was in custody at the sheriff's department at the time. And during that time, I don't recall what I did. I assume I did paperwork.

Q For 11 hours, between the time he was taken into custody --

MR. PANOSH: We object.

Q -- by Mr. Worth, and the time you read him his Miranda rights in Guilford County, you lectured him, you rode in the car with him, you refused his request for a telephone, and you refused his request for a lawyer, didn't you?

MR. PANOSH: Objection.

A No, sir.

THE COURT: Overruled.

Q Well, did you provide him with a lawyer?

A No, sir. It's not -- that's not my obligation.

Q Did you provide him with a telephone call?

A When we got in Guilford County, he could use the phone all he wanted to.

Q That was after he was read those rights?

A Exactly.

Q After 7:35 p.m.; isn't that right?

MR. PANOSH: We object.

THE COURT: Sustained.

MR. HATFIELD: Object?

THE COURT: He's answered.

Q So am I right, and can you figure it out, 11 hours with no lawyer and no phone call, right, Mr. Church?

MR. PANOSH: We object.

THE COURT: Sustained.

Q Now, Mr. Church, at any time during this 11 hours that you had Ronnie Kimble in your custody, did he at any time admit to you that he had had anything to do with the murder of Patricia Kimble?

A No, he did not.

Q But your purpose in keeping him away from a lawyer and away from a phone was to see if you could get him to confess to you; isn't that right?

A No, sir.

Q Isn't that the reason that you lectured him for an hour and a half in the morning, after he had already sat in an office waiting for you to come for an hour and a half?

THE WITNESS: Your Honor, can I explain this to the jury --

MR. HATFIELD: He hasn't answered --

THE WITNESS: -- of what he's asking me?

MR. HATFIELD: -- the question yet.

THE COURT: Well --

MR. HATFIELD: All I want him to do is, answer the question.

THE COURT: Well, it's not an hour and a half, Mr. Hatfield. He's already testified that there was some breaks in that period of time. Rephrase your question.

MR. HATFIELD: Well, I'm only talking about what he wrote. He wrote an hour and a half.

THE COURT: He's explained his answer.

Q He was in custody with Mr. Worth for over an hour and a half before you got there, wasn't he?

THE WITNESS: Your Honor, can I explain to the jury what occurred there?

THE COURT: You may answer the question, and then you may explain your answer, if it requires an explanation.

THE WITNESS: Okay. Yes, sir. Thank you.

A He was in custody by NCIS agents before I arrived, yes, sir.

Q For how long?

A I think the call come from the agent that he was in custody at 8:20, and I think we arrived an hour and -- an hour and a half later. During that time, he had to do his departure with the United States Marine Corps, which several people from the JAG office came over, which took a lot of time that I was not even with Ronnie Kimble. He also ate

dinner during that time.

Q He had dinner in the morning?

A He ate dinner -- lunch, excuse me, at lunchtime, sir. And I am the one that bought it, went to the Burger King. I asked him if he wanted anything.

Also during that time, the separation from the military installation we was in, the itemization, itemizing his belongings, the turning over of his stuff to me, what he had on his person. And also, the time that occurred during that hour and a half with all those interruptions, that took time, also. And also, he was in custody at the time. However, we were not allowed to leave Camp Lejeune military installation without the Marine Corps' permission, and this man separated to their specifications or however they wanted it. And then when we were allowed to leave, and they got all their paperwork done, and the attorneys for the United States Marine Corps said, "You're good to go," and he had already ate lunch, we got in the car and we drove back to Guilford County.

I never asked Ronnie Kimble the first question about this homicide that whole entire day. We arrived -- we drove straight up here. We made two stops, one for refreshment, the other for a rest room stop. And we drove straight to the sheriff's department, and he was taken upstairs. And at that time, briefly thereafter, when we arrived, he was read

his Miranda rights. And he refused --

Q What time?

A The time that's on there, I think you said 7:35, 1935 hours. At 1935 hours, he was read the rights that I read to him.

There was no unnecessary time taken with Ronnie Kimble, to try to attempt to pry or get him to tell me anything. I never asked him the first question about this homicide.

He was read his Miranda rights. He refused. He refused to sign same. At that point, he was put in jail.

Q Well, you did tell him that if he wanted to tell you anything, to tell you the truth, didn't you?

A I sure did, as I tell about everybody I talk to, "If you want to tell me something, tell me the truth, or don't tell me nothing."

Q Now, after he was read his Miranda rights, which you will have to agree was some 11 hours after he was taken into custody -- won't you agree with that?

A Yes, sir, I will agree that it was 7:35 the evening of April 1, 1997.

Q Thank you. Then he was questioned, wasn't he?

A No, sir.

Q Once he'd gotten his Miranda rights, he was questioned, wasn't he?

A No, sir, he was not. I asked him no questions.

(Mr. Hatfield showed an exhibit to Mr. Panosh.)

Q I show you what's been marked for identification Defendant's Exhibit 8. It's very brief. Ask you to read it to yourself.

A Okay.

(Time was allowed for the witness.)

(The witness handed the exhibit to Mr. Hatfield.)

Q Does it refresh your recollection?

A Sure does.

Q Does it refresh your recollection that after detective -- that after Ronnie Lee Kimble refused to answer questions of Detective McBride -- is that what it says?

A Could I have that page out of my notes?

MR. PANOSH: May I approach?

THE COURT: Yes, sir.

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

A No, sir, that's not what it says. That's not the wording that's wrote here. And I -- again, I'd like to read this to the jury.

Q If you'll read it in its entirety.

A I will read it all.

Q Every word?

A Yes, sir. I entered this report on the 3rd of April, some two days after we got back. And the entire contents of this report is, "After Ronnie refused to give you a

statement, Detective --" "After Ronnie refused to give a statement, Detective McBride and I were walking out of the interview room. Ronnie stated to me that he --"

MR. PANOSH: We object.

A "-- that he was not --"

MR. PANOSH: We object.

THE COURT: Sustained.

MR. HATFIELD: Your Honor, it's offered purely for corroboration. Ronnie'll back it up when he testifies.

THE COURT: All right.

Again, members of the jury, this is being offered for purpose of corroborating the testimony of Ronnie Kimble. It'll be for you to say and determine whether it does in fact so corroborate his testimony. It's not being offered for the truth or falsity of the statement, but whether or not in fact he made the statement on that occasion.

Proceed.

A Again, "McBride and I were walking out of the interview room. Ronnie stated to me that he was not upset at me and held nothing against me, that he knew I was just doing my job. He told Detective McBride the same thing and shook both our hands. I told Ronnie that I had nothing against him, either, and I appreciated the fact that he was not upset with me."

MR. HATFIELD: Your Honor, we just --

A And I don't think -- Can I finish that? I don't think this statement shows that I asked Ronnie Kimble anything.

Q But it does show that Ronnie Kimble refused to give a statement?

A Yes, sir. The same as the rights waiver that he was read, and he refused.

Q But this -- you wrote this?

A And that's what this says.

Q You wrote this, didn't you?

A Yes, sir, I sure did.

Q You chose the words?

A I sure did.

MR. PANOSH: We object to argument.

THE COURT: Sustained.

Q Out of all --

THE COURT: Don't argue with him. He's --

Q Out of all the words available --

THE COURT: Wait a minute.

Q -- you chose the word "refuse," didn't you?

A That is the -- that is the correct word that we use when someone refuses to sign the rights waiver. They refuse to sign it. Therefore, we -- they are asked no questions.

Q So the point is, as I asked you a little earlier, during this 11- or 12-hour period, you wanted Ronnie Kimble to give you a statement, and he just didn't do it --

MR. PANOSH: Object.

Q -- isn't that right?

THE COURT: Objection sustained. He's answered that question, sir.

MR. HATFIELD: All right. This is a good place to stop, if you don't mind, Your Honor.

MR. PANOSH: Well, we'd like to go on and finish with this witness. We have people coming in from out of state tomorrow.

MR. HATFIELD: Your Honor, I'm going to cross-examine this witness for two to three more hours or longer. (Laughter.)

THE COURT: We shall see.

You may step down.

(The witness left the witness stand.)

THE COURT: You may take your evening recess. You'll need to be back in the morning at 9:30. Please report to the jury room. Be very careful going home. Have a nice evening, and I'll see you tomorrow. Remember your juror responsibility sheet.

(The jury left the courtroom at 5:00 o'clock p.m.)

MR. LLOYD: Your Honor, may we approach on an administrative matter?

THE COURT: Yeah. Let's go ahead and recess for the evening, and I'll talk to the attorneys about an

administrative matter.

MR. PANOSH: Before we recess, I wanted to lodge an objection as to the conduct of Mr. Hatfield.

THE COURT: Well, don't get into that.

MR. PANOSH: Well, Your Honor --

THE COURT: Don't get into that at this point.

Give me a chance to rein him in here.

MR. PANOSH: Yes, sir.

THE COURT: You may excuse the public, and I'll see the attorneys at the bench on an administrative matter.

The defendant may be taken back into custody.

Declare a recess.

(A recess was taken at 5:02 p.m., until 9:30 a.m. Wednesday, August 19, 1998.)

I N D E XSTATE'S WITNESSES

ROBERT H. NICHOLAS

Continued Cross-Examination by Mr. Lloyd	PAGE 1069
Redirect Examination by Mr. Panosh	PAGE 1090
Voir Dire Examination by Mr. Panosh	PAGE 1094
Further Voir Dire Examination by Mr. Panosh	PAGE 1101
Continued Redirect Examination by Mr. Panosh	PAGE 1103
Recross-Examination by Mr. Lloyd	PAGE 1104

PATRICK PARDEE

Direct Examination by Mr. Panosh	PAGE 1109
Cross-Examination by Mr. Lloyd	PAGE 1132

JAMES D. CHURCH

Direct Examination by Mr. Panosh	PAGE 1152
Cross-Examination by Mr. Hatfield	PAGE 1218

E X H I B I T S

<u>STATE'S EXHIBITS</u>	<u>IDENT.</u>	<u>INTRO.</u>
3. List of Phone Numbers	93	1167
48-A. \$280 in Currency	1176	***
116. Books	1095	----
116. Agreement - State v. Pardee **	1111	1132
117. Book	1094	----
117. Receipt **	1174	----
118. Book	1095	----
118. Copy of Temps. & Rel. Humidities **	1193	----
119. Video	1096	----
119. Diagram **	1196	1197
120. Book	1096	----
120. Parking Receipt **	1207	----
121. Book	1096	----
122. Book	1097	----
123. Book	1097	----
124. Book	1097	----
125. Silencer	1098	----
126. Video	1098	----

** Duplicate Exhibit Number

*** Introduced Previously in Another Exhibit

E X H I B I T S (CONT'D.)

<u>DEFENDANT'S EXHIBITS</u>	<u>IDENT.</u>	<u>INTRO.</u>
2. Memorandum	1248	----
3. Memorandum	1252	----
4. Follow-Up Interview	1266	----
5. Rights Form	1275	----
8. Report by Detective Church	1282	----

NORTH CAROLINA
GUILFORD COUNTY

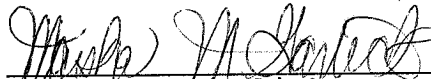
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 97 CrS 23654
FILE NO. 97 CrS 39580
FILE NO. 98 CrS 23485

STATE OF NORTH CAROLINA)
)
 v.)
)
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 222 pages constitutes the complete and accurate transcript of my stenograph notes of the proceedings in this matter on August 18, 1998, at the August 3, 1998 Regular Criminal Session of Superior Court, Guilford County, North Carolina, and were transcribed by me personally.

This the 8th day of December, 1998.



Marsha M. Garlick, RPR
Official Superior Court Reporter

Transcript Ordered: September 8, 1998

Transcript Delivered: December 29, 1998