

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

Richard E. Panosh
Assistant District Attorney
Eighteenth Judicial District
P.O. Box 2378
Greensboro, North Carolina 27402
on behalf of the State

HATFIELD & HATFIELD
John B. Hatfield, Jr.
Attorney at Law
219 West Washington Street
Greensboro, North Carolina 27401
W. David Lloyd
Attorney at Law
101 South Elm Street
Greensboro, North Carolina 27401
on behalf of the Defendant

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

THURSDAY, AUGUST 20, 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 the jury's brought in?

MR. HATFIELD: No, Your Honor.

MR. PANOSH: Not for the State, Your Honor.

THE COURT: Let me see the attorneys up here a
moment.

(All three counsel conferred with the Court at the bench.)

THE COURT: Bring them in.

(The jury entered the courtroom at 9:35 a.m.)

THE COURT: Well, it's nice to have the jury panel
back this morning. I hope each of you had a restful evening
and feeling okay. Anyone on the panel experiencing any
problems today that I should know about, if you'll raise
your hand, I'll be glad to talk with you about that.

Okay. If the witness will please return to the
witness stand, please, Mr. Panosh.

MR. PANOSH: Mr. Whidden.

(The witness Louie Mitchell Whidden, Jr. returned to the
witness stand.)

THE COURT: Mr. Whidden, the Court reminds you
you're still under oath, sir.

Members of the jury, this is a witness that we

interrupted his cross-examination.

Continue --

MR. HATFIELD: Thank you, Judge.

THE COURT: -- Mr. Panosh -- Mr. Hatfield. Excuse me.

LOUIE MITCHELL WHIDDEN, JR., being previously duly sworn, testified as follows during CONTINUED CROSS-EXAMINATION by MR. HATFIELD:

Q Mr. Whidden, you saw your former lawyer, Mr. Yeatts, testify yesterday afternoon, didn't you?

A Yes, sir, I did.

Q When you consulted with him, he was a lawyer for Liberty University; is that right?

A Yes, sir.

Q And the term "Falwell and Yeatts" applies to his -- the firm he now has; is that right?

A I'm not sure about his firm now.

Q Did you understand when you went to see him that he was a university lawyer, and that you -- as a student, you had the privilege of consulting with him, as part of being a student?

A Yes, sir.

Q You didn't have to pay him a fee or anything like that?

A No, sir, I didn't.

Q And is that -- does that apply equally to Jerry

Falwell, Jr., the other lawyer?

A Yes.

Q They were both just like university health services or just like using the university pool, that was just a benefit of being up there and being enrolled; is that right?

A No, sir, I don't think so.

Q It was more than that?

A Yes, sir. I think it was a special circumstance, that they --

Q So it was a --

A -- were allowed --

Q -- favor --

A -- to talk to me.

Q -- done specifically for you?

A No, sir, it wasn't. It was a -- it was -- I would say it was a special circumstance that Dr. Falwell requested, in light of the situation.

Q So it was a favor for you, wasn't it?

MR. PANOSH: We object, please.

MR. HATFIELD: He objects to every question.

THE COURT: Overruled.

Q "Yes" or "No"?

A No, sir, I don't believe it was a personal favor.

Q Now, Dr. Falwell said yesterday that the reason he talked to you was because your sister is very close to his

daughter; is that right?

A Yes, sir.

Q So it was a favor, wasn't it?

A I can't really begin to guess why they helped me out.

All I can say is that they helped me and that I appreciated it.

Q Now, there's no record that you know of, of whatever it is that you told Mr. Falwell and Mr. Yeatts on that first meeting, is there? There's no written record?

A Excuse me, sir. Which Mr. Falwell?

Q The young Mr. Falwell, the one that's a lawyer.

A Yes, sir. I'm not sure if they took a record of that or not.

Q The only written record of what you have had to say about Ronnie Kimble is the exhibit that you had in front of you yesterday afternoon, that was a statement recorded by Mr. Pendergrass on February 3rd; is that correct?

A I really can't answer that, sir, because as many times as I spoke with the investigators, I'm not sure what records they took from what I said and what notes they took.

Q I didn't ask you what they knew. My question is, is there any records that you personally know of, that's in writing, other than this?

(Mr. Hatfield placed an exhibit on the witness stand and indicated.)

A Not to my personal knowledge.

Q Okay. And is there any other writing that has been shown to you, to help you refresh your memory, so that you can testify accurately in this trial?

A Perhaps a note -- perhaps some notes were reviewed from telephone conversations and things of that nature. I have reviewed several different papers, but I don't know about a -- I don't know what you would classify them as, other than personal notes that they had taken.

Q So you have read the notes that Mr. Panosh took on July 21, 1998, when you talked to him on the telephone, haven't you?

A Yes, sir, I believe I have.

Q But you haven't been given a copy of that?

A I believe I was given a copy of this (Indicated) and I didn't keep it. I read over it about once or so, and it makes me a little queasy to read it, to be honest with you, sir, so I just never have read it again, never paid a --

Q So was --

A -- lot of attention to it.

Q -- it sent to you down in Arcadia, Florida?

A No, sir.

Q When did you read it?

A That would have been last week, when I testified before the judge, in the absence of the jury.

Q So you remember testifying in front of the judge in this courtroom on August 3, 1998?

A Yes, sir, I do.

Q Have you been shown a copy of your testimony on that date?

A No, sir.

Q So other than your memory today, August 20th, you have no other means of telling the jury anything about what you said on August 3rd; is that correct?

A No, sir, just my memory.

Q Just your memory. You haven't looked at any writings pertaining to that?

A No, sir.

Q Are you fully satisfied, looking back on August 3rd, that what you said on that occasion was accurate and true and complete?

MR. PANOSH: Objection. Compound statement.

THE COURT: Sustained.

Q Are you fully satisfied, looking back on your testimony on August 3rd, that it was accurate?

A On August 3rd --

MR. PANOSH: Objection. He said he hasn't gone over it.

MR. HATFIELD: Well, he can remember it. It's only three weeks ago.

THE COURT: Overruled.

A On August 3rd, when I gave my testimony before the judge, I recall the things to the best of my memory, just as I have now.

Q But when you think back on it now, was what you said then accurate?

THE COURT: He's answered.

Q Was it true?

THE COURT: Objection sustained. He's answered it.

Q Was it complete?

A It -- I can't recall everything that I said. All that I can say, sir, is that I answered it to the best of my memory at that time.

Q Now, the meeting that took place on February 3, 1997 consisted of five adults, plus yourself, didn't it?

A Yes, sir.

Q There was you, Mr. Falwell, Jr., Mr. Patric Yeatts, Mr. Harold Pendergrass, Mr. James Church, and Sergeant Deberry, am I right?

A Yes, sir, that sounds accurate. And my wife also later on in the conversation.

Q So she joined in that at some point; is that right?

A Yes, sir, toward the end of that conversation, she did.

Q Was there a stenographer there?

A I'm not quite sure who that is, sir.

Q Well, was there a person such as the lady sitting before you, who was taking down some notes or shorthand or otherwise recording it in some fashion?

A The investigators and detectives were taking their own personal notes.

Q So everybody had their pad out, writing their notes down; is that right?

A To the best of my memory.

Q Did Mr. Falwell write notes?

A I don't remember exactly what notes he wrote or if he was writing notes. I would assume he did, but I can't be for sure that he did.

Q Well, this is something that didn't happen too long ago, just February 3, 1997.

MR. PANOSH: Object. We'd like questions, please.

THE COURT: Sustained.

Q Are you unable to remember who took notes?

A I'm unable to remember exactly who did the actual writing of the notes, because that's not something that would stick out in your mind.

Q All right. Do you know whether any kind of an audio tape was made of that meeting?

A Not to the best of my knowledge.

Q Okay. Now, at that time, you had two children, didn't

you?

A Yes, sir, I did.

Q And one of your kids was a toddler; is that right?

A Yes, sir.

Q And that's a kid who played on the chair after you and Ronnie assembled it; is that correct?

A I don't remember anything about playing on a chair, sir.

Q Now, you had another child. How old was that other child?

A At that time?

Q Yes, sir.

A At that time, the other child was an infant.

Q Now, will you look at the exhibit that you have in front of you, on the first page.

A Yes, sir.

Q Can you look down to the next to the last paragraph, over on the right, it says, "Whidden and his wife are the parents of one small female child," doesn't it?

A Well, sir, that's --

Q Excuse me. Does it say that?

A Yes, sir, it does say that.

Q That's inaccurate, isn't it?

A The record that I have is an accurate summary of the basic tenets of what I told them, but it wasn't my actual

verbatim word for word. If I may be allowed to give an example. For example, they just didn't quote the exact words that I said during the course of this interview. They wrote down -- we were interviewed for a long period of time, and I said a lot more than is in here. It wasn't the exact quotations of everything I said, sir.

Q There's five adults sitting in there, every one of them highly educated, two lawyers, two detectives, a sergeant of the sheriff's department, who's head of homicide, and they're all taking notes --

MR. PANOSH: Object. No question.

Q -- and they can't even figure out how many children you got?

MR. PANOSH: Object.

THE COURT: Sustained.

Q They got it wrong?

MR. PANOSH: Object.

THE COURT: Sustained.

Q Did they get it wrong because you got it wrong or because they got it wrong?

A Sir, I can't say why it's wrong, except to say that I knew how many children I have.

Q But now, on the next page, when they wrote that on one occasion, Ronnie Kimble told you the background facts, that was wrong, too, wasn't it?

MR. PANOSH: Object. Asked and answered.

THE COURT: Overruled.

A Actually, sir, that appears to be correct, to my reading of the statement. It appears that they're referring to one specific occasion, and not one occasion, period.

Q Five men, all of them highly educated, all taking notes, you talking for hours, and they conclude and put in their report that you saw Ronnie on one occasion?

MR. PANOSH: Object.

THE COURT: Overruled.

Q And you don't tell them that they've made a mistake, when you've reviewed this thing, you don't notice that until I point it out to you, do you?

A Well, again, sir, it doesn't appear to be a mistake to me. Just the way I read it, it appears that they're referring to one specific occasion.

Q Well, it says, "After meeting Kimble," you said -- First of all, let's look back. It says, "Whidden stated Kimble's duties included the delivery of requested supplies to each chaplain's office," doesn't it?

A Yes, sir.

Q Then it says, "After meeting Kimble," would that refer to your making Kimble's acquaintance? "After meeting Kimble" refers to you moving from never having known him, to meeting him and knowing who he is; isn't that right?

A Sir, I can't -- I can't say exactly -- due to the grammar structure and all, I can't -- I just can't say exactly what they meant by what they wrote down, based --

Q Then --

A -- on what I said.

Q Then you said, "he was befriended by Kimble," and that truly did happen, didn't it?

A Well, these are true statements, but they're not exactly what I said. For example, I wouldn't have said I was befriended by Kimble. I probably said me and Kimble became -- me and Ronnie Kimble became friends or something of that nature. It's just a summary.

Q And you probably wouldn't have said that on one occasion, he told you the background facts of Patricia's death, you would have said on 15 or 20 occasions, he told you the background facts of Patricia's case, wouldn't he?

MR. PANOSH: Object to the question.

THE COURT: Overruled.

MR. PANOSH: It's not in evidence, Your Honor, nowhere.

MR. HATFIELD: Your Honor, he testified yesterday -- it could have been 15 --

THE COURT: Overruled.

MR. HATFIELD: -- or 20 times.

A Could you please restate the question, sir.

Q Yes. As you said, you wouldn't have said that on one occasion, he told you the background facts of Patricia's murder, you would have said on 15 or 20 occasions, he told you the background facts of Patricia's murder, right?

A I may have said on one specific occasion.

Q Okay. Now, looking down at the large paragraph that is Paragraph Number 3 on Page 2 of your report. Do you see the sentence "Kimble did not know where the gun was"?

A Yes, sir, I do.

Q Is that a true statement?

A Yes, sir. That was in reference to the second conversation that we had at Camp Lejeune.

Q So you're saying that the five highly-educated adults that were taking notes in this meeting wrote down that you said, "Kimble did not know where the gun was," and they were right; is that correct?

MR. PANOSH: We'd object, please.

Q Is that accurate?

MR. PANOSH: We'd object. There's only one person taking notes.

MR. HATFIELD: Well, let that person testify.

THE COURT: Overruled.

Proceed.

MR. HATFIELD: He says they were all taking notes.

THE COURT: Proceed.

Q It's accurate, isn't it?

A That is what he told me.

Q That's what you think he told you, isn't it?

A No, sir. That's what he told me.

Q He told you that he didn't know where the gun was?

A Yes, sir. He told me that on the second meeting.

Q Don't you know he told you that he thought she had been killed by his brother's gun, and that the gun was found beside her body? Isn't that what he told you?

A I don't recall him saying that.

Q When you and Ronnie Kimble went upstairs in your house, he told you that he was troubled by a dream, didn't he?

A Could you please restate the question, sir.

Q When you and Ronnie Kimble went upstairs in your house, he told you that he was troubled by a dream, didn't he?

A No, sir, I don't recall that.

Q And he told you that the dream had recurred and that there was something about \$20,000 in it; isn't that right?

A No, sir, I don't recall that.

Q And don't you know that Ronnie Kimble told you that his brother at some point had made a public offer to pay a reward of \$20,000 if anybody could find out who had killed Patricia?

A He may have stated that to me, but I do not recall it.

Q Now, at no time in this world did Ronnie Kimble ever

say anything to you about insurance money, did he?

A No, sir, he did not.

Q So when you made reference to insurance money yesterday in your testimony, that was simply in error, wasn't it?

A Could you please elaborate on the specific time that I made reference to that.

Q In your direct examination, when you said something about insurance money, that was not consistent with what you actually know about this case, was it?

A I don't recall ever saying anything about insurance money, sir.

Q But in any event, you also don't recall Ronnie Kimble

--
MR. PANOSH: We object to "in any event."

Q You don't recall --

THE COURT: Sustained.

Q You don't recall Ronnie Kimble saying anything to you about insurance, do you?

A No, sir, he did not.

Q And you also know to an absolute certainty that Ronnie Kimble never received any money whatsoever in consequence of Patricia's death; don't you know that?

A I do not know that. All I know is what he told me at the time that we talked, was that he had not received any money yet.

Q Right. Well, then, why don't you know it? If he told it to you, why don't you know it?

MR. PANOSH: Object to argument, please.

THE COURT: Sustained.

Q You did know it, because he told it to you; isn't that right?

A No, sir, I don't recall him saying anything about insurance money.

Q You also don't recall him saying anything about receiving any money whatsoever, do you?

A I don't recall him saying anything to me about receiving any money, except to say that he said he would receive some money from his brother.

Q The fact is that Ronnie Kimble and his wife, Kim, and you and your wife, Debra, were both young Marines who had joined the Marine Corps right out of high school, and neither one of you had any extra money, did you?

A I can't be aware of their financial status. I know that we did not have any extra money.

Q You and your wife had no extra money whatsoever, did you?

A No, sir, we didn't.

Q And as far as you know, there was no extra money in the Kimble family, either?

MR. PANOSH: It's been answered, please, Your

Honor.

THE COURT: Sustained. He's answered.

Q They had a vehicle and you had a vehicle, right?

A Yes, sir.

Q In fact, part of the reason that you offered them accommodations in your house is, because you knew that it was costly to go and stay in motels when you're traveling out on the road, right?

A It was more of just a courtesy, sir.

Q Now, do you remember telling Ronnie Kimble about a dream that you had had?

A No, sir, I do not.

Q Don't you recall telling Ronnie Kimble about a dream where a man had been abusive to a child?

A Yes, sir, I did tell him -- I don't know if -- I must have told him about it, because I do remember having a dream about that.

Q All right. Tell the jury about the dream where the man was abusive to the child.

MR. PANOSH: Object.

THE COURT: Overruled.

A I had a dream -- I had a dream one evening about a man that was abusive to a child. And I must have told Ronnie Kimble about that dream. It woke me up in the middle of the night. I was in tears over it. And I then went down and I

prayed for that child the rest of the morning. And it was -- it was a very heart-wrenching dream. It was just very realistic and very vivid. And I prayed for that child. That's about all I can say about that, sir.

Q And then a day or so later, you saw something in the newspaper, didn't you?

A I don't recall seeing anything in the newspaper, sir.

Q Don't you remember that you saw that that man had passed away, you read it in the paper?

A No, sir, I don't recall that at all.

Q Do you recall telling Ronnie Kimble that?

A No, sir, I do not.

Q Now, looking at your statement of February 3rd, at Page 3, Paragraph 2, you told the five gentlemen, while you were sitting in the lawyer's office that following your conversation with Kimble, that you were concerned; is that right?

A Yes, sir.

Q It says that. Is that the word you used?

A I don't know the exact word I used. I know I expressed to the detectives that I was concerned for my family's safety and also for Ronnie Kimble's, because he had expressed to me that he was suicidal.

Q So, whoever wrote that, their description of your state of mind was concerned, that would be reasonably accurate?

A Yes, sir. I was concerned.

Q All right. You heard Jerry Falwell testify yesterday in these proceedings that he saw you right after -- the next day, after Ronnie Kimble had left, didn't he?

A Yes, sir, he did see me.

Q And on that occasion, that would have been Saturday, the 25th of January, 1997, wouldn't it?

A Yes, sir.

Q And would it be consistent with your recollection that there was a basketball game that day?

A Yes, sir.

Q Was that Liberty University's team playing some other team?

A Yes, sir.

Q Who was the other team?

A I don't know. I didn't pay any attention to the game.

Q All right. Liberty University is much more than just the Bible Institute, isn't it?

A Yes, sir, it is.

Q In fact, the Bible Institute's just one small branch of a very comprehensive university; am I right about that?

A Yes, sir, you are.

Q And the student population of the university as a whole is probably eight or nine thousand students; is that right?

A I'm not sure what the population is.

Q You didn't -- no one ever told you how big the school you were going to was?

A I don't remember -- I don't recall how big it was.

Q How many people attended the Bible Institute?

A It was about 200 of us.

Q 200?

A Yes, sir.

Q Is the Bible Institute in any way separated from the university?

A It's part of the university, yet it's a separate entity from the university, also.

Q As a Bible Institute student, do you have the full privileges that every other student in the university has to use all the facilities in the university?

A Basically, yes, sir.

Q Sir?

A Basically, yes, sir.

Q All right. Now, what time was that base-- I'm sorry. What time was that basketball game?

A I don't recall what time the game was, sir. It was sometime after dark. We never got involved much in sports, so --

Q It was a nighttime game?

A Yes, it was.

Q It was not an afternoon game?

A I'm not sure if it was -- it may have started in the afternoon and led into the night, but I do recall leaving the basketball game after dark.

Q So after you had finished talking to Dr. Falwell at the game and going outside, it was dark?

A Yes, sir.

Q What was the weather like?

A It was -- it was clear.

Q Was it cold?

A I believe it was a little chilly.

Q What time did you arise on that morning?

A I don't recall what time we arose the next morning.

Q Do you have a clock in your bedroom?

A We didn't -- Excuse me, sir. Which morning are you referring to?

Q Talking about Saturday morning.

A Saturday morning?

Q Yes, sir. Talking about Saturday morning, January 25, 1997. Would you like me to show you this calendar? It doesn't have any notes on it. Would that help you?

A That's okay. I have a calender, if I need to refer to it. It has the right --

Q All right. Does that have -- is that January of 1997?

A Yes, sir, it is. Yes, sir.

Q All right. So are we talking -- are we on the same

page? Is it January 25, 1997 --

A Yes, sir.

Q -- that we're talking about?

A Yes, sir.

Q And you don't know what time you arose in the morning?

A I didn't arise that morning. I was -- I was awake all night.

Q Didn't sleep all night?

A Yes, sir.

Q Not a drop?

A No, sir.

Q So what time was it when you finally came out of your room, met with the Kimbles?

A I don't remember what time I came out of my room. I came out -- I came out of my room around daylight, and I then waited downstairs for the --

Q Did you --

A -- Kimbles to wake up.

Q Did you drink any coffee?

A I don't recall, but I don't believe I did.

Q Just sat downstairs?

A Yes, sir. I believe I sat downstairs. I may have -- I may have read my Bible some. I don't recall.

Q Did you read the book of Ecclesiastes?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q Did you read the book of Leviticus?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q As a matter of fact, you have stated that it was because of things written in the book of Leviticus that you have decided to tell people what you think Ronnie Kimble said to you that day; isn't that right?

MR. PANOSH: Objection.

A No, sir --

THE COURT: Overruled.

A -- it's not.

Q Isn't it because of passages in Leviticus --

A No, sir.

Q -- that you feel mandate what you're doing?

A Well, sir, if I may be allowed to explain myself.

Q First, could you answer, before you explain?

A I don't really know how to answer that question, without a statement, sir.

Q All right.

A I was -- I was troubled about turning in Ronnie Kimble, but I felt I had to, and I did. And at a later date, after I had turned him in, and after I had talked to the police, when I had already left the state, I came across a passage -- a passage of scripture in Leviticus 5, Verses 1 through

5, that state that if someone tells you something, or if you are a witness to something, that according to the scripture, I would be obligated, according to the scripture and my belief in the scripture, I would be obligated to tell it. And that made me -- that made me feel much better about what I had done, in telling what Ronnie Kimble had told me.

Q When did you find the passage in Leviticus? Do you remember the date?

A No, sir, I don't remember the date. I just recall -- well, I recall it was probably within a month of when I came down to Florida, but I can't be for sure about that. I can just say that I know it was sometime after I'd already moved down to Florida.

Q Okay. So you did -- you weren't familiar with Leviticus 5 while you were in Lynchburg, Virginia?

MR. PANOSH: Object, please.

Q But you did --

THE COURT: Overruled.

Q -- become familiar with it later, when you went down to Arcadia, Florida; is that right?

A Well, the Bible being a very large book, you don't always remember everything that you have read, and sometimes some of it will come back to you when you're reading through it.

Q Okay. Now, what did you -- after -- what time did

Ronnie and his wife awake on the morning of the 25th?

A I don't recall. I know it was -- I would say it was sometime between 7:00 and 8:00 o'clock.

Q Did you go up and knock on their door?

A I don't recall.

Q Anyway, your wife didn't get up, did she?

A No, she didn't get up till later.

Q Till after they'd left, right?

A No, she didn't get up till after they left.

Q And even though you say you laid in bed and slept not one wink that whole night, you didn't discuss any of your suspicions with your wife that night, did you?

A No, sir.

Q So on the morning of the 25th, you alone knew what Ronnie Kimble had indicated to you the night before; isn't that right?

A Yes, sir.

Q And once Ronnie and his wife got up, how quickly did they manage to get their things together and get out of your house?

A It didn't take them long.

Q Well, what time did they leave?

A I would say they left some -- at some point between 7:00 a.m. and 8:30 a.m.

Q Do you remember what the weather was like then?

A No, sir, I do not.

Q Do you remember what Ronnie Kimble said to you about what his destination was that day?

A No, sir, I do not.

Q Did he tell you he was going back to Julian, North Carolina?

A I don't recall if he was going back there or back to the base.

Q But he either was going to his and Kim's residence in Julian, or to the base; isn't that right?

A I don't know where he was going. At that time, I assumed that's where he was going.

Q But if you were afraid of him, weren't you fairly concerned about where he was going?

A Well, where he was going, at that time, in my mind, really did not have much relevance, because I didn't know whether to believe anything he had said to me about --

Q Well, why --

A -- where he was going.

Q Then why did you believe what he'd said to you when he was up in your room the night before, if you didn't know whether to believe him or not?

MR. PANOSH: Object. That's not what he said.

THE COURT: Sustained.

Q You just got through saying that that morning, as he

was leaving, you didn't know whether to believe what he said, didn't you?

A No, sir, I didn't.

Q You didn't just say that?

A What I said was that I didn't know whether or not to believe where he said he was going, he was actually going. I had --

Q Well, you knew he was a Marine in good standing and had to go back to his base, didn't you?

A I didn't know when he had to go back to the base.

Q Well, didn't you discuss anything with this guy during the days that he was a house guest of yours?

A Yes, sir, we did.

Q What did you discuss?

A At what point, sir?

Q Well, the night that he arrived at your house, what did you and he talk about? You hadn't seen each other in months. You had started Liberty University in July. You'd been formerly separated from the Marine Corps in the middle of August. You hadn't seen him since July, and this is now January. That's six months. You hadn't seen him in six months. What did you --

MR. PANOSH: Your Honor --

Q -- talk about?

MR. PANOSH: -- we object. There's too many

components to this one question.

THE COURT: Sustained.

MR. HATFIELD: Yes, sir. I'll make it real simple.

Q You hadn't seen him in six months, so what did you and he talk about?

A Well, sir, we probably discussed things that were going on at the chaplain's office. I'm sure I would have asked him about that. But to be honest with you, I do not remember the day-to-day conversations and day-to-day actions that we had. All that I remembered were the unusual things that would stick out in my mind, because of the long period of time that it's been since this has happened.

Q You really can't remember anything he said that entire time he was at your house, except what you say he said to you about Patricia's death; isn't that right?

A I can remember a few things. The things that would stick out in my mind as being unusual.

Q But you don't remember him telling you about the sleep disorder evaluation at Portsmouth, do you?

A No, sir, not particularly.

Q And you don't remember his telling you what the duration of his leave from the Marine Corps was, do you?

A No, sir, I do not.

Q Now, he got to your house on a Friday evening, didn't

he? Look at your map -- or your calendar.

A Yes, sir.

Q Did you know where he'd been earlier that day?

A Excuse me.

Q Thursday evening. I'm --

A Thursday evening.

Q I didn't mean to mislead you.

A Yes, sir.

Q He got to your house on Thursday evening, didn't he?

A Yes, sir.

Q And that was the 23rd of January?

A Yes, sir.

Q Well, when he got there, did you know where he'd been that morning?

A I'm sure I did at the time, but as I said, I didn't remember the details of day-to-day conversation. All that I remembered was the unusual circumstances and unusual things that --

Q Do you remember --

A -- he would say to me.

Q -- any of the things you talked about with him when you and he went to see some classes at Liberty Bible Institute the following day?

A Yes, sir. We discussed basically the work of the ministry and things of that very general nature, and the

classes that he would be sitting in on.

Q So what did he tell you about what had been going on at the chaplain's office down at Lejeune the previous six months?

A I don't remember, sir. All I remember is, that I'm sure I would have asked him how things were going, how -- just in a general sense, how people were doing that I used to work with and --

Q Who were --

A -- things of that nature.

Q -- some of the people that you would have been curious about?

A The chaplain that I worked for.

Q Who was that?

A Chaplain Jim Asher.

Q Did you ask Ronnie about him?

A More than likely.

Q You don't remember that?

A No, sir, I do not.

Q Did Ronnie update you on any information about Chaplain Asher?

THE COURT: Well, objection sustained. Move along, Mr. Hatfield.

Q All right. Who else did he mention?

A I don't remember, sir.

Q Do you -- can you even remember anybody that you knew at the chaplain's office that Ronnie also knew?

A Yes, sir.

Q Who?

A I remember faces better than I remember names. I remember Chaplain Asher. I remember Chaplain Prince.

Q Do you remember Chaplain Soutiere?

A If I'm not mistaken, Chaplain Soutiere was a Catholic chaplain there.

Q Did you know him?

A I believe I spoke with him on one occasion, to ask him information about the Catholic Church. I was very curious as to their beliefs.

Q Because that's where the Apocrypha is found; isn't that right?

MR. PANOSH: Object, please.

THE COURT: Sustained.

MR. HATFIELD: This is relevant, Your Honor, and I'd like to be able to show how it is relevant.

THE COURT: Well --

MR. HATFIELD: This is cross-examination.

THE COURT: -- I'll allow you to proceed, if you can make --

MR. HATFIELD: This is the only witness he has.

THE COURT: Go on and ask your question, sir.

MR. PANOSH: We'd ask that the comments of counsel be stricken, about what --

MR. HATFIELD: Your Honor, I object to the insincere objection.

THE COURT: Both of you remember what I told you at the bench.

Proceed.

Q Do you remember Natalie Kelly?

A No, sir. That name does not ring a bell.

Q Did you have an interest in learning about the Apocrypha?

A Yes, sir, I did.

Q And the Apocrypha --

MR. PANOSH: We'd ask for a voir dire.

MR. HATFIELD: Judge, this is relevant.

THE COURT: Well, I don't know what --

MR. HATFIELD: This is relevant.

THE COURT: Wait just a minute, sir. He's asked for a voir dire.

Step out, members of the jury, please. Remember the instructions.

Approach the bench.

(The jury left the courtroom at 10:14 a.m.)

(The following proceedings were had by the Court and all three counsel at the bench, out of the hearing of the jury.)

THE COURT: What's this all about?

MR. PANOSH: I have no idea. We've asked for and been granted reciprocal discovery, and we haven't gotten anything.

MR. HATFIELD: I am not going to tell him my strategy.

THE COURT: I want to know what the relevancy is.

MR. HATFIELD: Because he discussed it with the defendant, and the defendant's charged with first-degree in a death penalty case. That's why.

THE COURT: Discussed what? Who did?

MR. HATFIELD: The Apocrypha.

THE COURT: Who discussed the Apocrypha?

MR. HATFIELD: That guy. The witness.

THE COURT: With who?

MR. HATFIELD: With the defendant.

THE COURT: You may ask him that, but how --

MR. HATFIELD: Thank you. That's what I was doing, before the objection.

THE COURT: How is it relevant, the other part?

MR. HATFIELD: Because it shows memory and it shows relationship. And it shows what we're trying to -- This is the only witness they've got. Can I just cross-examine him, Your Honor, please?

THE COURT: I'm letting you do that, but I want

you to move along with it. If it's relevant.

MR. HATFIELD: Your Honor, as you can tell, I have meticulous notes, which I am using, which I stayed up half the night writing. And I feel like, without these incessant, insincere --

THE COURT: Don't --

MR. HATFIELD: -- and obstructive objections --

THE COURT: Don't get into that now. I've already warned both of you about that, personalities.

MR. HATFIELD: I haven't talked about him.

THE COURT: You started --

MR. HATFIELD: I don't even know him.

THE COURT: You're talking at the bench. Let's move along. If you want to get this thing in today, we got to move along. But I'll let him ask those questions.

MR. HATFIELD: Thank you.

MR. PANOSH: Your Honor, I think that as long as the jury's out -- I still don't see any relevance --

THE COURT: Well --

MR. PANOSH: -- but as long as the jury's out, we'd ask for an inquiry.

MR. HATFIELD: I object.

MR. PANOSH: I have to admit, I have no idea what the Apocrypha is.

MR. HATFIELD: Well, he's -- you're a Catholic.

MR. PANOSH: Thank you for pointing that out. And I don't think that's appropriate.

MR. HATFIELD: Sorry. I didn't know your religion was irrelevant.

THE COURT: Here. Stop. I'll let you pursue it, as long as you make it relevant.

MR. HATFIELD: Thank you, Your Honor.

(Proceedings continued in open court.)

THE COURT: Bring them back.

(The jury entered the courtroom at 10:17 a.m.)

THE COURT: You may continue with the cross-examination --

MR. HATFIELD: Thank you, Your Honor.

THE COURT: -- Mr. Hatfield.

MR. HATFIELD: Thank you very much.

Q So you were curious about the Apocrypha; is that correct?

A I'm sure I would have been.

Q And you discussed the Apocrypha with Ronnie Kimble, didn't you?

A I don't recall discussing that with Ronnie Kimble.

Q But you recall registering some curiosity about what the Apocrypha was, isn't that so?

A Yes, sir, I was --

Q Do you remember --

A -- curious about that.

Q Sir?

A Yes, sir, I was very curious about the Apocrypha.

Q And do you remember Ronnie -- your telling Ronnie Kimble that you had learned some things about the Apocrypha, and his telling you that he would like to know what you learned? Do you remember that?

A No, sir, I do not.

Q And you don't remember telling Ronnie Kimble some things that you had learned from the books of the Apocrypha; is that right?

A No, sir, I do not.

Q Now, isn't it a fact that the Apocrypha would not be normally found in the Bibles that Southern Baptists use?

MR. PANOSH: We object.

MR. HATFIELD: I'll finish this --

THE COURT: Overruled.

MR. HATFIELD: -- in just a minute.

THE COURT: Overruled.

You can answer, sir.

Q Isn't that right, sir?

A Yes, sir, it's not found in the Southern Baptist --

Q But it is --

A -- Bible.

Q -- it can be found in certain Roman Catholic Bibles; is

that right?

A Yes, sir.

Q So, Chaplain Soutiere being a Roman Catholic would have had a Bible that contained the Apocrypha; isn't that right?

A I'm sure he would have.

Q Now, did you talk to Chaplain Soutiere about the Apocrypha?

MR. PANOSH: We object.

THE COURT: Overruled.

A What I --

MR. PANOSH: Your Honor, this is --

A -- remember talking to Chaplain Soutiere about --

MR. PANOSH: Your Honor, there is a privilege.

MR. HATFIELD: This is not a privilege. The guy isn't even --

THE COURT: Overruled.

MR. HATFIELD: This is not a Roman Catholic.

THE COURT: Overruled. Overruled.

Answer the question, sir.

A I remember talking -- what I -- the subject that I remember discussing with Chaplain Soutiere, the only subject that I remember discussing with him, was the origin of the Roman Catholic Church and a few of their beliefs and the origin of their church and where Southern Baptist came into play at.

Q Now --

A That was basically all I remember of talking with him.

Q All right. After the latter days of January of 1997, did you at any other time study the Apocrypha?

MR. PANOSH: Objection.

THE COURT: Overruled.

MR. HATFIELD: Won't take but a minute.

THE COURT: Overruled.

A I haven't studied the Apocrypha in depth. I've studied what the Apocrypha is and the basic thoughts of what the Apocrypha are.

Q All right. Prior to Ronnie's visit to your house, you had begun to study the Apocrypha, right?

A No, sir, I haven't studied the Apocrypha, in the sense that I've studied the Bible and I've studied books of the Bible that as Southern Baptists we use. I have not studied the books of the Apocrypha. I've studied what the Apocrypha is, and that's basically it.

Q But you have looked into it before Ronnie Kimble went up to your house; isn't that right?

A Yes, sir, I'm sure I have.

Q And you haven't really looked into it since then, have you?

A Yes, sir, I have.

Q You have continued to look into it; is that right?

A Yes, sir, I have.

Q But you can't recall any discussions that you and Ronnie had about the Apocrypha; is that right?

A No, sir, I can't recall that.

Q Okay. Now, you were terrified on the morning of January 25th, according to your testimony?

A I was terrified for my family.

Q And yet, while Ronnie Kimble was still upstairs in your house, you just went downstairs and sat in the living room; is that right?

A Yes, sir, I did go downstairs.

Q Now, did you call your sister in Richmond, Virginia?

A Yes, sir, I did.

Q Did you call her that morning, before Ronnie and Kim got up?

A No, sir, I didn't. I called her after they left.

Q All right. So you didn't notify your sister of your terror and your need for a gun that morning, did you?

A I notified her that morning after they left.

Q After they left. And before Debra asked you if Ronnie had confessed murder to you?

A No, I believe it was after that, also, sir.

Q So you and Debra now -- the both of you -- you and your spouse are talking about this business freely among yourselves; isn't that right?

A Yes, sir.

Q And so, then you called your sister?

A Yes, sir.

Q What time did you call her?

A I don't recall the time.

Q Did you remember whether it was before lunch or after lunch?

A No, sir, I don't, because if I recall correctly, we didn't eat that day. Both my wife and I have a tendency not to eat when we're very nervous or very -- nervous.

Q But your wife had another reason for not eating, didn't she?

A That's the only reason I know of.

Q Well, she was pretty sick, too, wasn't she?

A Yes, sir, she was sick from the pregnancy.

Q She was so sick, she'd lost consciousness the night before, in the presence of both Ronnie and Kim; isn't that right?

A Yes, she did. What happened was, she was pregnant, she was low on blood sugar, she was also anemic, and she did lay down and she did lose consciousness for a short period of time. And I didn't feel that -- the reason I haven't mentioned that previous to now was because I just didn't feel that that -- my wife's health was relevant.

Q So when you were sitting with the five educated men on

February 3rd, telling them the story, you just completely left out the fact that your wife had passed out the night before; isn't that right?

A No, sir. I'm sure I told them that. But apparently they did not feel it was relevant, either --

Q So --

A -- or they would have written it down.

Q So this written document that you've got in front of you is really just what they think is important and relevant, isn't it?

A Yes, sir.

Q And it wasn't relevant that your wife passed out in the presence of Ronnie and Kim the night before, was it?

A I don't feel so.

Q Did you feel that it was relevant that Ronnie Kimble carried your wife upstairs while she was still in an unconscious state?

A What happened was, Ronnie Kimble helped me, assisted me to carry my wife up the stairs. That was very distressing to me. But I couldn't carry her up the stairs alone, because of how narrow the stairway was, and I needed help. It was very distressing to me, but I was actually very glad, I thought it was for the best, because I knew that my wife can tell when I was upset, and I knew my wife would not have been able to deal with it, as I was able to deal with it,

and wait until morning. And I was very glad that this had happened, even though I was concerned for her health, because I did not want her aware of that that night, because I was afraid she would not be able to control herself, in that she would be very upset, and that would in turn upset Ronnie Kimble, and he may become violent.

Q He might become violent, when he -- in fact what he was doing was, helping you deal with your wife, who had lost consciousness?

A What I was saying, sir, was that if he was aware that my wife knew, and my wife got upset about it, that he might become violent.

Q This violent murderer helped you deal with your wife's illness that night, didn't he?

A Yes, sir.

Q And even though she passed out, you didn't take her to the emergency room or call a doctor or anything, did you?

A His suggestion to me was that they could stay with the children, while I took her to the hospital. And there was no way I was going to leave him there with the children. And my wife had had these spells in the past, where she had become very dizzy and had to lay down. The doctors had told her it was because of her low blood sugar and things of that nature. So I knew she would be okay. And not only that, we had no money, any way to take her to the doctor, or

insurance.

Q But you would have had the university health insurance that every other student of the 8,000 students at Liberty University has, Mr. Whidden.

A Those health services, you have to pay for those health services, just as you would a normal doctor, and I don't believe they're available 24 hours a day.

Q Now, this was the beginning of your second semester of your first year at the Bible Institute; isn't that right?

A Yes, sir.

Q You were very familiar with the practices and the procedures of the school, because you had already completed an entire semester there, hadn't you?

A No, sir. I was familiar with the Bible Institute's. I never really got that much involved with the university.

Q But didn't you tell me a few minutes ago that the Bible Institute students have the same benefits as the university students?

A Yes, sir. But the particular benefits never did actually interest me to take an interest and notice into what all those benefits were.

Q Now, did you tell the five educated men --

MR. PANOSH: We would object.

THE COURT: Well, sustained.

Disregard that comment, members of the jury.

Q Did you tell the two lawyers, the homicide sergeant, the SBI agent, and the lead investigator of this first-degree murder case, who were all assembled in an office with you, this story that you have now told the jury, about your wife literally passing out, and Ronnie Kimble helping you to do what you could not have done by yourself and carry her upstairs? Did you tell those men that story?

A I know that I told those men that story. I don't recall exactly which visit that I told them that in.

Q All right.

A Although I have mentioned it to them at some point.

Q But if you look at the exhibit that you have before you, there's not a trace of that story in it, is there?

A Not that I see, sir.

Q Now, of course, you also told those gentlemen the story of your terror of Ronnie Kimble, didn't you?

A Yes, sir.

Q But you had a perfect opportunity to get rid of Ronnie Kimble, because you could have said, "I've got to take my wife to the emergency room. I'll just take these kids with me. And you and Kim, get in your car and go to a motel or go home, because I want to lock this house"?

A Yes, sir. I wish I would have thought of that at that time.

Q The fact is, you weren't the least bit afraid of Ronnie

Kimble that night, and you were very grateful for the help he was able to give you; isn't that right?

A No, sir, that's untrue.

Q And the fact is, that that motel you claim you checked in the next night cost more than it would have cost to take your wife to the emergency room; isn't that right?

MR. PANOSH: Objection.

THE COURT: Overruled.

A I can't begin to estimate what the cost would have been at the emergency room.

Q Well, could you estimate the cost of that motel room, by looking at the receipt?

A If I'm not mistaken, it was around \$90 --

Q You don't remember, do you?

A -- altogether.

(Time was allowed for the witness.)

A It appears that it was \$75. I believe the --

Q \$90, \$75, who paid it?

A We paid it.

Q Well, you could have paid an emergency room visit.

THE COURT: Well, you're arguing with him --

MR. PANOSH: Objection.

THE COURT: -- Mr. Hatfield. Objection sustained.

Q The fact is --

THE COURT: Move along.

Q -- on the night of the 24th of January, you chose not to pay an emergency room visit bill, did you, if you really had to pay one?

MR. PANOSH: We object.

Q But the next night, when Ronnie Kimble was in Julian, North Carolina, you chose to go and check in a motel; isn't that right?

A Yes, sir, I did go check in a motel room.

Q And again, without looking at that receipt, you couldn't remember to within \$15 of how much that motel room cost, could you?

A What happened was, we had had a certain amount of money in the bank at that time that we had to live off of. We were concerned about money. But at the time, when I saw how fearful and how frightened my wife was, at that point, I would have done anything to get a hotel, because of how frightened she was, in looking after my family.

Q Why didn't you take her to the emergency room the next day, after the Kimbles had gone down to Julian?

MR. PANOSH: Objection, please.

THE COURT: Sustained.

We've been over it. He's answered. Move on.

Q The fact is that the decision to go to the motel was your sister's advice, wasn't it?

A I'm quite sure that my sister and my wife and I sat

around and discussed it, and that's the conclusion that we came to, together.

Q So you didn't decide to go to a motel until your sister had driven from Richmond, Virginia to Lynchburg, Virginia; is that right?

A I don't recall the exact time that we decided to stay in the motel.

Q Do you recall your sister -- you called her in Richmond, didn't you?

A Yes, sir.

Q What's the distance between Richmond and Lynchburg?

A I'm not sure how many miles. I know it takes approximately two to two and a half hours to drive that distance.

Q And your wife -- your sister got in the car and drove down; is that right?

A Yes, sir, with a friend.

Q With what?

A Yes, sir, with a friend.

Q With a friend. And with a gun?

A Yes, sir.

Q And the gun was for you; is that right?

A Yes, sir.

Q So that you could protect yourself against a Marine who was heading back to the Marine base?

MR. PANOSH: Object, please. Argument.

THE COURT: Sustained.

Q What was your purpose in --

MR. HATFIELD: Argument?

Q What was your purpose in having the gun?

A In case Ronnie Kimble got to thinking about me being the only one he had told, and got upset about that and wanted to come back and harm my wife and I.

Q Ronnie Kimble didn't even know you thought he'd killed Patricia, did he? When he left your house that morning, he had no idea that you thought he had killed Patricia, did he?

A He knew that. I mean --

Q You completely --

A -- that's the reason he left.

Q -- dissembled --

MR. PANOSH: May he finish?

THE COURT: Wait just a minute.

Q Did you have more to say?

A He knew -- he knew that he had told me, and he knew that's the reason he had to leave when he left.

Q Well, you had a perfect way to have him leave, because your wife was passed out and you needed to take her to an emergency room, and you didn't use that as an opportunity to have him leave.

MR. PANOSH: Objection.

Q He didn't know he had to leave, did he?

MR. PANOSH: Objection.

THE COURT: Objection sustained.

We've been over that, Mr. Hatfield. Move along.

Q The fact is, you and Ronnie Kimble, according to your statements, agreed while you were upstairs in your bedroom that you wouldn't let the wives know what you'd been talking about; isn't that right?

A Yes, sir, we did.

Q Because that's what you said in the statement, isn't it?

A Yes, sir.

Q And so, you and Ronnie Kimble, after you agreed that you were going to go down and look at the weather report, to see whether Ronnie should leave -- that's what you told the officers, isn't it?

A Yes, sir.

Q You went down and looked at the weather report, didn't you?

A Yes, sir.

Q And what did you find out when you were looking at the weather report?

A I forget what the exact weather was, but I do remember that the weather did not -- was not relevant to him leaving that night. The weather would not have been a good excuse

for him to leave that night, in other words, to avoid any bad weather --

Q So --

A -- in traveling.

Q -- you and he had this agreement that you were going to go down and check the weather, and according to what the weather was, he was either going to stay or go; is that right?

A Yes, sir.

Q So what was the weather?

A The weather was not going to be bad the next day or to some extent, whatever the end result of what the weather was, was that it would not be relevant to him leaving that night.

Q You don't remember what the weather was, do you?

A No, sir, I don't remember exactly what the weather was.

Q You don't remember what the weather report said the weather was, do you?

MR. PANOSH: Objection.

THE COURT: Sustained.

He's answered that, sir.

Q You do not recall what you found out from seeing the weather report, do you?

MR. PANOSH: Objection.

A Yes, sir, I do.

THE COURT: Overruled.

Q What did you find out?

A I found out that he had no excuse to leave that night

--

Q Did you find out --

A -- due to the weather.

Q -- that it was --

THE COURT: Well, he's answered it, sir. Move on.

MR. HATFIELD: Your Honor, he said --

THE COURT: He's answered. He's said. He's told what the weather was.

MR. HATFIELD: Request a voir dire. I'd like to put --

THE COURT: He's answered --

MR. HATFIELD: -- this on the record.

THE COURT: -- the question. Move along. Next question.

Q Was it sleeting?

THE COURT: He's been over it, sir. He's answered that question. Move on.

Q You told the jury yesterday that you found out the weather was nice, and therefore, he didn't have to leave; isn't that right?

A I found out that the weather was not an excuse for him to leave that night.

Q But if the weather was nice, it would have been fine for him to leave, wouldn't it?

MR. PANOSH: Object.

THE COURT: You're arguing with the witness, Mr. Hatfield. He's answered the question. Move on, sir.

Q If it was not sleeting and snowing, then it would have been safe for Ronnie and Kim to get in their vehicle and drive the hundred miles to Greensboro that night, wouldn't it?

A I don't recall exactly what the weather was.

Q Now, on February 3, 1997, when you met with the five gentlemen, had you decided at that point in time that you were going to withdraw from school?

A I don't remember exactly at what point I decided not to with-- decided -- Oh, actually, yes, sir, I do. Sorry.

Q Do you remember?

A Yes, sir, I do. I did decide at some point before that meeting that I would be leaving school, because during that meeting, they asked me to help them out, and I told them that I would not be around long enough to do that, because I was moving out of the state and dropping out of school.

Q So you told them you were going to quit school?

A Yes.

Q You told them you were going to pull out of there, if they were going to try to make you be a witness; isn't that

right?

A Yes -- no, no, no, sir, that's not correct. Would you please restate the question.

Q You told them you were going to pull out of there, if they expected you to be a witness in this case, didn't you?

A No, sir, I didn't tell them that.

Q Well, then, can you explain why in Paragraph 3 of that statement, Mr. Pendergrass wrote, "Whidden stated he is currently attending Liberty University and is planning to enter the ministry following graduation"?

A Could you please say what page and paragraph, sir.

Q Yes, sir. That's Page 1, third paragraph, first sentence.

A That appears to be -- again, this is just a summary of what I said, not my exact words, but what it appears to be was, me giving them my plan for attending the university and going into the ministry afterwards.

Q So they wrote that you were currently expected to graduate, but the fact is that you told them you were going to pull out of school, if they wanted to make you a witness; isn't that right?

MR. PANOSH: Objection.

THE COURT: Overruled.

A No, sir, I never told them that I would not be a witness. All I told them was that I would not wear a wire

and/or a tape recording device. And I told them that I would be -- I told them that I would finish school and go into the ministry afterwards, but I would have to come back to do that --

Q Well, now, you know, sir --

A -- after they were in jail.

Q Okay. You know that there's not one word in the February 3rd statement about wearing a wire, whether you wanted to or not, is there?

A No, sir. This is a statement of -- this is a summary of what I said, not a summary of what they had asked me to do.

Q But you just told the jury that you were talking to them about quitting school being put in the report, talking about -- to them about not wearing a wire, which they didn't put in the report. They put nothing in the report about whether you were willing to wear a wire or not, did they?

A I don't see anything in there about that.

Q And they also put nothing in there about you having any substantial fear of Ronnie Kimble, did they?

A I would have to read over all of it, to actually say that they never said that that's not in the statement. If you'd like me to read over the statement, I can do that.

Q Well, I thought you read it over before you testified. Isn't that what you told us earlier?

A Yes, sir, I did, but I don't remember the entire statement verbatim.

Q There's nothing in there about you being distraught, either, is there?

A Again, I'd have to reread the whole statement, to --

Q You heard Dr. Falwell describe your appearance when he saw you as distraught, didn't you?

A Yes, sir, he did.

Q Is that -- was that an accurate description by Mr. Falwell?

A Yes, sir, I believe it was.

Q Well, now, your sister got down here before you went to the basketball game, didn't she?

A Yes, sir.

Q So, by the time you went to the basketball game, where was your gun?

A I don't remember where we kept it.

Q Did you take it to the game with you?

A I'm sure I wouldn't have taken it in the game. It may have been in the vehicle. I don't remember.

Q Now, Dr. Falwell said it was difficult for students to get to him when he was in the chancellor's box. Did your sister go in there and help you get to Dr. Falwell?

A It was my sister and her friend.

Q Did they introduce you to Dr. Falwell?

A They brought me to Dr. Falwell. We had already been introduced, to the best of my memory.

Q So, the reason Dr. Falwell talked to you was because your sister accompanied you and helped you get right up to him while the game was going on?

A My sister and her friend.

Q Who was Falwell's friend, your sister or her friend?

A Her friend that helped me get there was Dr. Falwell's daughter.

Q So, the way you got to talk to Dr. Falwell in the middle of the basketball game was, his own daughter --

A Yes, sir.

Q -- brought the matter to his attention?

A What his daughter told him, to the best of my memory, was that I needed to speak with him about an urgent matter.

Q And Dr. Falwell observed that you appeared to be distraught, didn't he?

A Yes, sir.

Q And after you told him the story, he observed that it was a bizarre story, didn't he?

A Yes, sir, he did.

Q Well, tell us what you told him.

A I told him, to the best of my memory, without trying to quote word for word what I told him, I told him that Ronnie Kimble had confessed to murder to me, that he had killed his

sister-in-law, and that he had did it for money, his brother paid him to do it, and that it was the same man that had spoken with him the day prior.

Q Now, when you spoke to Dr. Falwell and told him this story, he didn't understand who you were really talking about, did he?

A I can't be sure. I know that I explained to him who it was. I can't be sure as to what -- I can't be sure as to what his recollection of that was.

Q First, he knew you were talking about murder; isn't that right?

A I don't remember whether I told him names first or events first. I can't recall the chronology that I talked to him in. I just know that I told him both names and events.

Q Isn't it a fact that he had to ask you some questions, in order to clarify in his own mind who you were talking about?

A Not that I recall. I believe I stated that to him, explained to him who it was.

Q So, do you think that he immediately understood that you were talking about his old friend, Ron Kimble's --

MR. PANOSH: Objection.

Q -- sons?

THE COURT: Sustained to the form of the question.

Q You knew way before any of this happened that Ronnie Kimble had a substantial connection to Liberty Bible Institute, didn't you?

MR. PANOSH: Objection. Which Ronnie?

THE COURT: Overruled, if he knows.

A I knew that he had a connection from the Bible Institute, because he told me that that's where his father went to school.

Q Right. Ronnie, who's seated beside me, told you his dad went to Liberty Bible Institute, right?

A Yes, sir.

Q You knew that, didn't you?

A Yes, sir.

Q You knew it before Kim and Ronnie came up to your house?

A Yes, sir.

Q And you knew that from talking to Ronnie, that Dr. Falwell had consecrated Ronnie's dad's church down here in North Carolina, didn't you?

A I don't recall whether I knew that at that time or not.

Q Well, you knew Ron, Sr. had taken a certificate and finished the Bible Institute, didn't you?

A All I knew was that his father had went to the Bible Institute.

Q I mean, that was something that was very similar about

both you and Ronnie, not only were both of you Marines, right?

A Yes, sir.

Q And both of you had spent some time in the chaplain's office; that's correct, isn't it?

A Yes, sir.

Q And neither one of you really wanted to make a career in the Marine Corps, right?

A No.

Q And both of you were very interested in biblical studies; am I right about that?

A I was, and I assume he was.

Q You knew he was --

A He expressed that interest to me.

Q On many occasions, right?

A I wouldn't use the term "many."

Q Well, it wasn't all shooting pool and talking about Patricia's death, was it?

A No.

Q It was also talking about Bible studies, talking about faith, talking about your future in the ministry, and those kinds of things, right?

A I'm sure it would have been.

Q The cement of your friendship with Ronnie Kimble was your common devotion to the Lord, your membership in the

Southern Baptist faith, and your desire to be ministers of the gospel; isn't that right?

A No, sir, I wouldn't say that.

Q That's not the cement that held you guys together?

A No, sir, I wouldn't say that.

Q In any event, when you went up to Dr. Falwell, to tell him what you believed Ronnie had told you, did you make an effort for Dr. Falwell to understand which family you were talking about?

A Yes, sir, I believe I did.

Q And when you finally got that idea across, he was horrified, wasn't he?

A I can't say what his state of mind is. He deals with so much stress and pressure every day, that he doesn't let things affect him overly. So I can't state whether he was horrified or not. I don't know what his mental state was at that time.

Q You saw that he was shocked, wasn't he?

A Yes, sir, he was shocked.

Q And when he said you were conflicted yesterday, he was conflicted, too, wasn't he?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q You saw that, didn't you?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q Based on your observations, and the shock that you saw in his demeanor, you knew that he was conflicted, too, didn't you?

A Again, sir, I can't tell.

Q So he immediately told you to go see the lawyers, right?

A Yes, sir, he did.

Q Now, you say that when you left the basketball game, it was dark?

A Yes, sir.

Q But you met with the lawyers after the basketball game, didn't you?

A Yes, sir, I did.

Q Where did you meet with them?

A I met with only one of the lawyers after the basketball game, and that was actually in the -- in the -- in the basketball court there. Dr. Falwell recommended that I talk to his son, and that we set up a meeting, and that's what we intended to do. But it so happened that he was available that night, so I was able to discuss it with him then.

Q So you talked to the lawyer Jerry Falwell, Jr. that night --

A Yes, sir, I did.

Q -- in the basketball arena?

A Yes, sir, I did.

Q Where did you and he go?

A We discussed it in the bleachers, after the game.

Q So the people are streaming out of the basketball arena, and you and Jerry Falwell, Jr. are just sitting in the bleacher, talking?

A No, sir. We discussed it after the basketball game, when most of the people had already cleared out.

Q So the arena was basically empty, other than the cleanup people?

A There was still a few lingering people, part of the crowd. But basically, most of the people had left at that time, to the best of my memory.

Q Did he advise you that you should go to a motel?

A I don't recall whether he advised that or not.

Q Do you remember what he did advise you?

A Yes, sir. He advised me that I take it very seriously. And he told me that he would look into it and he would see who the -- what the next step should be that we should take. Things of that nature.

Q Did he recommend to you that you and your wife and your two children get in your vehicle and immediately drive to Camp Lejeune, to locate Ronnie Kimble?

A No, sir, he did not.

Q But you did, subsequent to talking to Dr. Falwell's

son, in fact do exactly that, didn't you?

A Excuse me, sir?

Q After you talked to Jerry Falwell's son, the lawyer, you then put your family in your vehicle and drove to the vicinity of Camp Lejeune and stayed with friends?

A Not immediately.

Q You didn't do that immediately?

A Not immediately.

Q Well, will you look at your calendar. We do --

A Yes, sir.

Q -- agree, don't we, that you were talking to Jerry Falwell, Jr. on Saturday, January 25th, in the late evening hours, after a basketball game?

A Yes, sir, that's correct.

Q And you didn't meet with any lawyers again until the 3rd of February, did you?

A I don't recall the exact date that I met with lawyers after that, but February 3rd sounds accurate.

Q Well, February the 3rd was a meeting in the offices of Falwell and Yeatts, where the other gentleman whose name I've reiterated?

A Yes, sir.

Q We all agree on that, don't we?

A Yes, sir.

Q What I want to know from you is, between the waning

hours of the 25th of January, and the 3rd of February, did you meet with either Falwell or Yeatts or any other lawyers?

A I would speak with Jerry Falwell, Jr. and Patric Yeatts over the phone, but not an official meeting.

Q Did you tell either one of those gentlemen that it was your intention to put your family in a vehicle and drive down to the vicinity of Camp Lejeune, to meet with Ronnie Kimble?

A I don't recall exactly telling them, but I'm quite sure I would have notified them.

Q Well, you know, I'm really not asking you about assumptions. I would like you to use your memory, to tell facts. Did you meet with the lawyers --

MR. PANOSH: He's answered that.

Q -- between Saturday night at the arena and the 3rd, when there was a big meeting in which your statement was written down?

MR. PANOSH: Object, please.

THE COURT: You may answer again.

A I don't recall whether we met after that or not.

Q Now, let's be clear on something. Did you tell any of those lawyers that you were going to go down to Camp Lejeune and see Ronnie?

A I can't be clear on that.

Q But one thing you did understand from talking to Jerry

Falwell, sitting there in that arena, was that if you had material evidence of a murder, that you would have to be a witness in court; you understood that, didn't you?

A At that point, when I --

Q Yes.

A -- discussed it with Dr. Falwell? I wasn't -- I don't remember when I made that decision that I was -- and when I became aware that I knew that I would have to testify in court. I don't remember when I became aware of that.

Q Well, by the time you talked to Mr. Panosh on the telephone on July 21, 1998, you told him you wanted the ball in your court, didn't you?

A Yes, sir, I did.

Q What did you mean by wanting the ball in your court?

A When we spoke with the -- when I spoke with the investigators, when I spoke with -- excuse me, not the investigators, when I spoke with the lawyers, prior to the meetings that I had with the investigators, I did speak with the lawyers in between then. And when I spoke with them, I -- we discussed it, and basically said it was best -- it would be best if, as he said, the ball remained in my court. And that's why we reached an agreement on the statement, that stated that they would be able to provide police protection for my family, in the event I needed it, and that I would not have to compromise the safety of my family, in

the event that I helped out the police.

Q But none of that was discussed on February 3rd, was it? None of that?

A No, sir, you're correct. We did have a meeting in between that time, because that was discussed before that meeting.

Q So, when was the meeting in between that time? It's Saturday night, you're sitting in the arena with Jerry Falwell, Jr. When did you have the next meeting?

A I can't be dogmatic about the dates, but what I can say is that on Saturday night, after we left, we went and got a hotel. On Monday, the 27th, was -- had to have been sometime around the 27th, that we left to go down to Jacksonville, North Carolina, to stay with friends. We came back. I must have met with the detectives then -- or excuse me, with the lawyers then, because my child's birthday was on February the 1st, and we went up to my sister's house and stayed in Richmond for a couple of days, for birthday parties, came back, and then left for Florida shortly thereafter.

Q After you and Jerry Falwell, Jr. finished talking in the arena, did you go to his office with him and meet with his partner, Patric Yeatts?

A Not immediately after. Immediately after, we went to the hotel.

Q What?

A Immediately after, we went to the hotel.

Q So you finished talking to Jerry Falwell, Jr. in the arena?

A Yes, sir.

Q And that was the first time you'd ever met Jerry Falwell, Jr.?

A Probably was.

Q Where was your sister?

A My sister was probably with her friend, helping baby-sit the children, something of that nature.

Q So you and Jerry Falwell, Jr. were alone?

A If I'm not mistaken, my wife was present. She was sort of in and out, because of the children. She would have to baby-sit the children and may not have been attentive to the whole conversations.

Q But it wasn't a meeting in a lawyer's office, and nobody was taking any notes, it was just a casual consultation between you and Jerry Falwell, Jr.; isn't that right?

MR. PANOSH: Object to compound.

THE COURT: Overruled.

A That's what it was the night of the 25th.

Q Then you and Debra and your children went to the motel; is that right?

A Yes, sir.

Q And you don't recall whether Jerry Falwell, Jr. told you to go to a hotel or whether your sister told you to go to a motel?

A No one told us to go to a motel. It was a decision that we made together. We discussed what the best thing is for us to do next. And somehow, during those conversations, we came to the conclusion it would be best for me and my family to go stay at a hotel, for our safety.

Q The next morning was Sunday morning, wasn't it?

A Yes, sir, it was.

Q Did you go to Thomas Road?

A Yes, sir, I did.

Q And how long did the church services at Thomas Road last?

A They generally last between 11:00 and 12:00.

Q Just an hour?

A Yes.

MR. PANOSH: Objection.

A Sunday school prior to that lasts longer, but if I'm not mistaken, we didn't go to Sunday school that morning.

Q Now, it's Sunday afternoon and you've been to Thomas Road. What did you do then?

A I don't recall. I know sometime between Sunday afternoon, after church, and the 27th, Monday, we left for

North Carolina.

Q Where did you spend that night?

A At some friends' house.

Q Where was that located?

A That was located approximately 30 minutes from the base.

Q So, are you saying that on Sunday afternoon, you drove to Camp Lejeune?

A No, sir, I'm not. I'm saying that sometime between Sunday afternoon and Monday evening, we drove to Camp Lejeune.

Q But I'm asking you specifically what you did Sunday afternoon.

A Yes, sir. I can't recall that.

Q Did you talk to any lawyers Sunday afternoon?

A I don't recall that either. I don't --

Q Did you --

A I don't remember speaking with any lawyers Sunday afternoon, but I may have.

Q Just so we can please move on, where did you spend Sunday night?

A I don't recall whether we spent -- if I'm not mistaken, we spent Sunday night at our home, because we couldn't really afford another night at the motel.

Q Did you at any time during that period on Sunday

attempt to use a telephone to locate the whereabouts of Ronnie Kimble?

A Not that I recall.

Q You didn't call Ronnie's in-laws, the Stumps, in Julian, and ask them if Ronnie had passed through?

A Not that I recall.

Q You didn't call the Marine base and ask them if he had checked back in?

A Not that I recall.

Q Well, back then, you would have been able to remember the names of lots of people associated with the chaplain's office, wouldn't you?

A Yes, sir.

Q Because that was just a few months after you'd left the chaplain's office?

A Yes, sir.

Q Whereas now, it's been 15 months and you can't remember anybody, right?

MR. PANOSH: Objection.

THE COURT: Sustained.

Q All right.

THE COURT: How much longer are you going to be with this witness, sir?

MR. HATFIELD: Probably -- I don't know, Your Honor.

THE COURT: Well, let's --

MR. HATFIELD: Your Honor, I have about five more pages.

THE COURT: All right. Well, let's take the morning break.

Members of the jury, you may take the morning recess. It'll be a 15-minute recess.

You may step down, Mr. Whidden.

THE WITNESS: Yes, sir.

THE COURT: Let me see the attorneys at the bench a moment on an administrative matter.

(The witness left the witness stand.)

(The jury left the courtroom at 10:58 a.m.)

(All three counsel conferred with the Court at the bench.)

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

(A recess was taken at 11:00 a.m.)

(Court reconvened at 11:18 a.m. The defendant was present.

The jury was not present.)

THE COURT: Bring them back.

(The jury entered the courtroom at 11:18 a.m.)

THE COURT: The bailiff's informed me one of the jurors is having a headache, due to the lights. Is that you, Mrs. West?

JUROR NUMBER 1, MS. WEST: Oh, no.

(Juror Number 8, Ms. Scoggins, raised her hand.)

THE COURT: On the front row, Mrs. Scoggins.

Okay. Do whatever you need to do, ma'am. If you need to wear dark glasses, to cut the --

MS. SCOGGINS: Okay.

THE COURT: -- glare, that's fine. There'll be no problem with that. If you need to close your eyes, you may do that. Just as long as you can keep concentrating on the testimony.

MS. SCOGGINS: I just didn't want you to think I was sleeping --

THE COURT: Well, we --

MS. SCOGGINS: -- during the trial.

THE COURT: -- want you to feel okay.

And again, members of the jury, if we don't take breaks frequent enough, don't hesitate, sit there and suffer. Just raise your hand and use a schoolgirl or schoolboy system, just raise your hand, and I'll probably say, "What's the problem?" and you can kindly step out a moment and take care of it. So don't set there and be uncomfortable. If at any point you need a short break, and I'm not taking it frequent enough for you, just raise your hand, tell me you need to step out, and I'll be glad to accommodate you.

Okay. Come back to the witness stand, please, Mr. Whidden.

(The witness returned to the witness stand.)

THE COURT: You may continue with cross-examination, Mr. Hatfield.

MR. HATFIELD: All right. Thank you, Your Honor.

CONTINUED CROSS-EXAMINATION by MR. HATFIELD:

Q Mr. Whidden, you spent the night back in your apartment on Sunday night and got up the next day; is that right?

A Yes, sir, that's correct.

Q And the next morning, did you and your wife and the two children drive down to North Carolina?

A Actually, my wife just refreshed my memory. We went to the doctor's that morning. She had a doctor's appointment that morning.

Q And --

A And we went to the doctor's first thing Monday morning.

Q Okay. Was that her obstetrician?

A Yes, it was.

Q She was expecting your third child at that time; is that correct?

A Yes.

Q And can you tell us in what month she was in the period for the child?

MR. PANOSH: Object to relevance.

MR. HATFIELD: That's all I want to know.

THE COURT: Overruled.

A I can't imagine her being more than a couple months pregnant at that time.

Q Okay. She was pretty close to delivery time when all this was happening; is that right?

MR. PANOSH: Object.

A No, sir. I said --

THE COURT: Sustained.

A -- that she was only --

Q She had only been pregnant a couple of months, or she was a couple of months away from delivery?

MR. PANOSH: We object. This is not relevant.

THE COURT: Well, sustained.

MR. HATFIELD: It is relevant, because she passed out two nights before, and I just wanted to find out what her state of health was, without asking personal questions.

MR. PANOSH: She'll take the witness stand.

MR. HATFIELD: Judge, should I just change chairs?

THE COURT: Well, gentlemen, sit down, pace yourselves, behave yourselves, and move along.

Q Can you just tell us what month of pregnancy she was in?

MR. PANOSH: Object, please.

THE COURT: Answer the question, sir, if you know.

A He was -- she was one to two months pregnant at that time.

Q Thank you. All right. After seeing the doctor, what did you then do?

A After seeing the doctor, we then shortly thereafter packed up our stuff and went down to North Carolina.

Q What?

A We packed up our stuff and went down to North Carolina.

Q Did you pack up enough stuff so you wouldn't have to go back to that apartment?

A No, sir. Just enough to stay a couple days.

Q And you visited friends in the vicinity of Camp Lejeune; is that right?

A Yes, sir.

Q Now, when you were with these friends, did you tell the friends what you believed that you'd found out from Ronnie Kimble?

A No, sir, I did not.

Q You didn't share your concerns with them at all; is that right?

A All I said to them was that, a friend of ours was in a great deal of trouble, and that I was -- that I had come down to talk to him, to try to get him to do the right thing. And that's basically where we left it.

Q All right. Now, before you left, did you talk to Rick Buck?

A I don't believe I talked with him before I left for

North Carolina.

Q Do you recall telling Rick Buck that you had a friend in trouble?

A I don't recall.

Q In any event, you told your people -- your acquaintances down near Lejeune that you did have a friend in trouble; is that right?

A Yes, sir.

Q Did you tell Dr. Wilmington that you were going down to Camp Lejeune?

A Not that I recall. I believe at that point, I had not yet discussed it with Dr. Wilmington.

Q Now, the next day, did you get up and pack your bags and leave those friends?

A What day are you referring to, sir?

Q The day -- the 28th, the day you went on the base at Camp Lejeune and presumably met with Ronnie Kimble.

A We either left on the 28th, that evening, or on the 29th, which was Wednesday. I do not recall which day we left on.

Q But you found -- later on, you found a receipt that appeared to indicate that you'd been at Lejeune on the 28th of January, didn't you?

A I kept the receipt that was required to get a pass into the base, if you don't have the proper decal on your car.

And I kept that receipt in my wallet.

Q And the receipt says the 28th of January, doesn't it?

A Yes, sir.

Q So, since you have --

A Or, excuse me, sir. I'm mistaken on that. I have it here, and it's the 29th, actually, says. Yes, it does. It says the 29th. I had the dates confused, sir.

(The witness handed an exhibit to Mr. Hatfield.)

Q Could you show me where it says the 29th. Well, wasn't it issued on the 28th?

A Oh, no, I'm mistaken. That must have been the date that it was good through.

Q Right.

A That must have been the date that it was good through. What I saw on there was the 28th.

Q All right. So looking at the receipt --

MR. PANOSH: It has a red sticker on it.

MR. HATFIELD: Oh, okay. Sorry. No, I don't see a red sticker. Maybe it's on the envelope.

MR. PANOSH: On the envelope.

MR. HATFIELD: Okay.

Q Showing what's been either marked for identification or received into evidence as State's 120, and looking at it, you can read that it was issued on the 28th; is that correct?

A Yes, that's correct.

Q And expires on the 29th?

A Yes.

Q Well, which day did you go there?

A I went there on the 28th.

Q Did you leave your friends' house and pack up and go someplace else on the 29th, or did you go back and see your friends again?

A I know that I left -- I know that I left by the 29th.

Q Now, at this point in time, you're down at Camp Lejeune, the only conversation that you've had with any attorney at law was your short conversation with Jerry Falwell, Jr. in the arena after the basketball game, right?

A I can't be sure of that. I met with the lawyers several times, and I can't be sure of exactly the dates that we met on.

Q So you just can't tell us whether you were down there at the direction of lawyers or whether you were down there on your own?

A Yes, sir, I can say that.

Q What?

A I went down on my own initiative, because I felt it was the right thing to do.

Q And the next day, did you and your wife go to the base, or did you just go by yourself?

A I went by myself.

Q Did you take your gun?

A No, sir.

Q Did you have your gun with you on this trip?

A I'm sure I would have brought it.

Q Well, do you remember, sir?

A Yes, sir, I did bring it.

Q So you carried a gun over state lines. Did you have a permit for it?

MR. PANOSH: We object.

THE COURT: Well, sustained.

Q So, where did you keep the gun?

A In my vehicle.

Q But you didn't take --

A And then at the house, we took it out. I transported it down to my vehicle, and then I left it at the house with my wife, while I went to the base.

Q So when you went to the base, you didn't have the gun with you; is that right?

A Yes, sir, that's right.

Q You can't take a gun on a military base, can you?

A No, sir.

Q All right. Now, the people you visited had a telephone, didn't they?

A Yes, sir.

Q And before you left to go over to Lejeune to visit with Ronnie, you made a call, didn't you?

A Yes, sir, I did.

Q You called Ronnie, didn't you?

A Yes, sir.

Q And your wife got on the phone, didn't she?

A Yes, sir.

Q And your wife said, "Hi, Ronnie," didn't she?

A Yes, sir.

Q And she was very friendly to him --

A Yes, sir.

Q -- isn't that a fact?

A Yes, sir.

Q And you could hear what she said to Ronnie Kimble?

A Yes, sir.

Q And she said, "We had a great time visiting with you and Kim," didn't she?

A Yes, sir.

Q "And we look forward to seeing you again," didn't she say that?

A I'm sure she would have.

Q And then you got on the phone and said, "Let's have lunch"?

A Yes, sir.

Q And he said, "Fine." And that was your indicator that

it was all right for you to go over and see Ronnie; is that right?

A Yes, sir.

Q He was completely friendly and receptive to you, wasn't he?

A Yes, sir.

Q You all were nice to him and he was nice to you; isn't that right?

A Yes, sir.

Q Now, when you located him, he was at his assignment in the chaplain's office, wasn't he?

A Yes, sir.

Q And you found him vacuuming --

A Yes, sir.

Q -- a few minutes before lunchtime, at noon, right?

A Yes, sir.

Q And you had already told him you wanted to have lunch with him?

A Yes, sir.

Q So you said, "Let's go," and he said, "I just need to finish up"?

A Yes, sir.

Q And then he said he had to find his coworker or his supervisor and let her know that he was going to take off for a few minutes, right?

A Yes, sir.

Q But he couldn't find her, right?

A I don't recall whether he contacted her or not.

Q You don't remember whether there was a third party there?

A As I said again, I don't recall whether he contacted his supervisor or not.

Q In any event, other than Ronnie, you didn't talk to anybody that day, until you'd finished talking to Ronnie, right?

A Yes, sir, I did talk to someone else.

Q Before you talked to Ronnie on the base?

A Yes, sir.

Q Who?

A I talked to -- where he was -- the chapel that he was in, I was -- my old barracks, where I used to work at, was across the street. So I just walked over there and looked around, maybe spoke to just a couple of people, asked how things were going there at my old unit.

Q And that was because you had to kill a little time before your engagement with Ronnie for lunch; is that right?

A Probably.

Q Yeah. Then you found him vacuuming; is that right?

A Yes, sir.

Q So you -- he couldn't locate his coworker, so he

decided to lock the chapel, so you all could go have a quick lunch; is that correct?

A I don't recall whether he locked the chapel or not.

Q In any event, you and he went out and got in his truck, didn't you?

A Yes, we did.

Q And he thought you were going to go to lunch, as far as you know; isn't that right?

A I don't recall what he thought at that time.

Q Well, but in any event, you made the engagement with him, based on having lunch?

A The way I remember it, sir, that we agreed to meet during lunchtime. I don't believe we agreed to eat together.

Q So, as you were walking to his vehicle, you said, "I've consulted some people about what you told me the other night," didn't you?

A No, sir. If I'm not mistaken, I said that at the end of the conversation.

Q So, you said -- what did you say to him?

A I just told him that I had come down to talk to him about a few things, and he said, "Well, we can talk in the truck." We got in his truck. And then, we went from there.

Q And you told him that you were very concerned about what you'd found out from him a couple of nights before, and

he expressed surprise that you thought you'd found out anything, didn't he?

A No, sir, he didn't.

Q Didn't he tell you, when you brought up the subject, that that was a dream?

A Yes, sir, he did tell me that.

Q And you argued with him about that, didn't you?

A No, sir. I wouldn't call it an argument.

Q Well, when you told the gentlemen on the 5th of February what had happened with Ronnie, you told them that it seemed as if he was backing away from what he'd told you before, didn't you?

A Yes, sir.

Q So, he clearly said to you "What we were talking about was a dream," didn't he? He clearly said that to you?

A No, sir, he didn't clearly say that.

Q You understood that he told you that the substance of what he had said to you while he was up at your house was based upon a dream; isn't that right?

A No, sir. That wasn't clearly established.

Q And in fact, you again discussed with him a dream that you had had, didn't you?

A I don't recall discussing a dream at that time.

Q Because just like Ronnie, you have the same dream again and again and again, don't you?

A I don't recall any reoccurring dreams that I've had.

Q You've had that dream that you told the jury about before the break several times, haven't you?

A No, sir. I've had that dream once.

Q Once that you can remember?

A No, sir. Once.

Q And after Ronnie told you that it was a dream, there was nothing more to talk about, you didn't have lunch, and you left; isn't that right?

A No, sir. There was more to that conversation.

Q Well, tell the jury how many minutes you and Ronnie were in his truck.

A I don't recall exactly how many minutes we were in the truck.

Q It was about --

A I wasn't --

Q -- three minutes, wasn't it?

A -- keeping track of the time.

Q Sir?

A I don't know.

Q It was about two or three minutes, wasn't it?

A I don't know, sir.

Q Long enough to have an extremely brief conversation, and after he told you it was a dream, you said, "Well, I've checked on what my responsibilities are." And he said,

"What do you mean?" And you said, "I've been to a lawyer," didn't you?

A That's not exactly the way the conversation went.

Q Well, I don't want to put words in your mouth. Tell the members of the jury what you did say about a lawyer.

A What happened was, we set in the truck and then -- and then we discussed this. He told me that he thought it was a dream, that he wasn't sure whether it was a dream or not. And I told him that if it -- that he would know if it was a dream or not, because he would know where the murder weapon was, and he would also be receiving money from his brother, and that would indicate that it was not a dream. And he said he just wasn't sure if it was a dream or not, and he thought maybe it was just a bad dream.

Afterwards, when I was getting ready to leave, I told him, I said, "Well," I said, "I've consulted a lawyer, and I've talked to them about what my responsibilities are." (Mr. Hatfield and Mr. Panosh conferred.)

Q I show you a document, sir, and ask you if you will look. Is this the official court transcript of the proceedings on October (sic) 3rd? Can you tell from glancing at this? See that? (Indicated.)

A I assume it is a -- Yes, sir.

Q Have you ever seen this before?

A No, sir, I haven't.

Q Okay. I ask you to look at Page 14, and these are questions and answers that Mr. Panosh was asking you. Do you see that Mr. Panosh asked you "And did you in fact speak to a lawyer or lawyers in Lynchburg, Virginia?" Do you see that?

A Yes, sir.

Q And you said, "Yes"?

A Yes, sir.

Q "And based upon their advice, did you at a later time contact the police department," then he corrects himself and says "the sheriff's department?" Do you see that?

A Yes, sir.

Q And you said, "Yes." And then it says, "And did there come a time when you were interviewed by Agent Pendergrass of the SBI and Detective Church of the Guilford County Sheriff's Department?" Do you see that?

A Yes, sir.

Q And you said, "Yes, sir" to Mr. Panosh, didn't you?

A Yes, sir.

Q And the question is, "And where did that take place?" What was your answer?

A "That took place in the lawyer's office."

Q Now, were you referring to the February 3rd meeting in Yeatts and Falwell's office?

A Yes, I must have been.

Q Okay. Now, you see the question Mr. Panosh asked you, "Now, before actually being interviewed by Pendergrass and Church, did you have further contact with the defendant, Ronnie Kimble?" Do you see that question?

(Time was allowed for the witness.)

A Yes, sir, and I answered incorrectly. I answered, "No, I did not, before the first interview." I must have been confused on the --

MR. PANOSH: May he have the rest of the transcript, before counsel takes it away and he was trying to read from it?

Q Do you need to read this further? I'm sorry. I didn't know you needed to read it further. I thought you were explaining the mistake you'd made.

A Yes, sir, I would like to read more of that.

(Mr. Hatfield handed a document to the witness, and time was allowed for the witness.)

A Yes, sir, that was a mistake that I made on the chronology of events.

MR. HATFIELD: I have no further questions.

THE COURT: Mr. Panosh, additional questions?

MR. PANOSH: Yes, please.

REDIRECT EXAMINATION by MR. PANOSH:

Q Showing you then State's Number 120, which you've already referred to, is that the parking pass?

A Yes, sir, it is.

MR. PANOSH: Seek to introduce Number 120.

THE COURT: The Court'll allow the introduction of 120.

Q Showing you 117, which you've already referred to, is that the receipt from Days Inn?

A Yes, sir, it is.

MR. PANOSH: Seek to introduce 117.

THE COURT: The Court'll allow the introduction.

Q Showing you 131, the agreement that your counsel negotiated with the DA's Office, is that the agreement?

A Yes, sir.

MR. PANOSH: Seek to introduce 131.

MR. LLOYD: Object on the grounds previously stated, Your Honor.

THE COURT: Objection overruled. I mean, objection sustained as to that.

MR. PANOSH: Your Honor, after their objection, they went into it extensively on cross-examination. I believe it's necessary for --

THE COURT: I've already ruled.

MR. PANOSH: -- clarity.

THE COURT: I've ruled, Mr. Panosh.

MR. PANOSH: Yes, sir.

THE COURT: Further questions of the witness?

MR. PANOSH: Yes, please.

Q You were specifically asked about what, if any, conversation you had with Ronnie Kimble at or about the time he was leaving your residence. What do you recall of that?

A After the time he was leaving the residence, we talked and he said that he would -- he said that he would call me, that -- but he would not call me from his home phone, because he believed his home phone was tapped or had a bug or something of that nature, and that -- but that he would call me from a pay phone somewhere and contact me further. I then told him that I did not think that would be a good idea. And he was pretty insistent that he would want to call me later, and I said I didn't think it would be a good idea. And we left it at that.

Q And in the conversation that you had with him at Camp Lejeune, did he make any similar comments?

A No, sir, not that I recall.

Q When he admitted to you that he had killed Patricia Kimble, what was his demeanor?

MR. HATFIELD: Objection.

THE COURT: Sustained.

Q At the time he made the statements to you in your bedroom, what was his demeanor?

A He was crying and very upset.

Q You were asked about a date in July of 1996 and asked

whether you started school in July of 1996. Have you been able to clarify that?

A Yes, sir, I have. We enrolled on July -- on the first of July. We enrolled the first part of July. And we -- but we didn't actually start school, classes didn't actually start until the following month. I was mistaken. They started around August 21st, was the actual classes.

MR. PANOSH: No further. Thank you, sir.

MR. HATFIELD: Just two questions, please, Your Honor.

THE COURT: Yes, sir.

RE-CROSS-EXAMINATION by MR. HATFIELD:

Q Will you look at the exhibit -- your statement of November -- February 3rd, look at Page 4, please.

A Yes, sir.

Q Looking at the paragraph at the top of the page, in the middle of that paragraph, "Following this, Whidden stated ..." Will you read that, please. Could you read it out loud to the jury.

A Yes, sir, I could. It says, "Following this, Whidden stated he suggested to Ronnie Kimble that if he needed to talk with Whidden any further, that he should give him a call (sic) Lynchburg, Virginia residence."

Q So, the fact is that on that date, you stated that you invited Ronnie to call you again; isn't that right? That's

what you said?

A I don't recall that. I don't recall ever telling -- asking him to call. I do recall asking him not to call our home.

Q That's just another mistake, isn't it?

A Yes, sir, that is a mistake.

Q That one of the five gentlemen made when they wrote it up?

A I can't say -- I can't say about how they copied what I said. All I can know is that what I told Ronnie Kimble is that I would rather he not call me.

Q All right. Now, here's what you said under oath on the -- on Page 16 of your August 3rd statement. Read -- you were asked the question "Did there come a time when you offered to have further conversation with him?" I did read that question correctly, didn't I?

A Yes, sir, you did.

Q All right. Will you read your answer.

A "He expressed interest that he might want to call me, and I suggested that he not."

Q Okay. So that's your sworn statement, isn't it?

A Yes, sir.

Q And it's right, isn't it?

A Yes, sir.

Q And the statement in the exhibit up there is wrong,

isn't it?

A (No response was given.)

THE COURT: Is that the extent of your questions, Mr. Hatfield?

MR. HATFIELD: Yes. That's my question.

THE COURT: You may step down.

MR. HATFIELD: Well, he hasn't answered, I don't believe.

A Yes, sir, that is an incorrect statement, and I did tell Ronnie Kimble that I would not want him to call me any further.

THE COURT: You may step down, sir.

THE WITNESS: Yes, sir.

(The witness left the witness stand.)

THE COURT: Stand and stretch, if you'd like, members of the jury.

Next witness, please.

MR. PANOSH: Mrs. Whidden, please.

DEBRA MARIE WHIDDEN, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you please state your name.

A Debra Marie Whidden.

Q And Mrs. Whidden, you're the wife of Reverend Whidden who just testified; is that correct?

A Yes.

Q During the period of time that Reverend Whidden was in the Marine Corps, did you know Ronnie Kimble?

A No, I didn't.

Q Did there come a time on or about January the 23rd when Ronnie Kimble came to your home?

A Yes.

Q Would you tell the ladies and gentlemen of the jury of the circumstances leading up to that visit, as you recall them.

A I remember my husband stating that one of his friends in the Marine Corps wanted to come and visit the school. And he asked if it would be okay if they came to our house. And I said yes.

Q And he asked if it would be okay to come to your house, and what was your response?

A "That's fine with me."

Q And I take it there were several telephone conversations setting up the visit?

A No.

Q How many were there, that you recall?

A That I recall, there was only two. Well, there was one, and then the one when they arrived in town. That's what I recall.

Q And when they arrived, had you been expecting them to arrive for some days?

A I had expected them, but not -- I didn't know exactly when they were coming.

Q Had you made any preparations for them to come?

A No.

Q So, the fact that they were coming was not unexpected, just the day?

A Right.

Q Do you remember the evening that they arrived at your home?

A Yes, I do.

Q Would you tell the jury the circumstances of how they got to your home, as you recall them.

A They called from the university, and Mitch went up and met them, and they followed him to our house.

Q And when they arrived at your home, was it -- could you characterize it as being early or late in the evening?

A It was after dark. It was bedtime.

Q And when you said "bedtime," you're referring to your minor children?

A (The witness nodded her head up and down.)

Q Were your children in bed when they arrived?

A No.

Q They were up, expecting visitors?

A Well, they were just up. They weren't in bed yet.

Q What happened, after Ronnie and Kimberly Kimble came to

your house?

A They came that night, and we just sat around and talked. I got along very well with Kim. I really like her. We just talked about general things. I was pregnant at the time. Talked about my pregnancy. And then we went up to bed.

Q Briefly, what were the sleeping arrangements made for them?

A They slept on a mattress in my kids' room.

Q And where did your kids sleep?

A With us, in our room.

Q The next morning, which would have been the 24th, do you recall the events of that day?

A They left before I got up, to go to school with Mitch. I hadn't planned anything for lunch, because I wasn't sure what their plans were, so I hadn't made anything for lunch. But they got home around quarter after 12:00, 12:30, and they had already eaten. So I believe that Mitch made hot dogs for us and the kids -- for me and the kids, since I wasn't feeling very well.

Q Do you remember the events of the afternoon -- of that afternoon?

A We just sat around. And they were trying to get a-hold of Dr. Falwell. They wanted to get up to meet him. And they had been trying to call his office, to see when he'd be

in. We sat around, played Nintendo. We just talked.

Q Other than play Nintendo, were there any other specific activities you remember?

A No.

Q As the day progressed, did there come a time when they left your home?

A Yes. They left -- Dr. Falwell's secretary didn't know exactly what time he would be in, so they decided to go up there and wait for him, because they knew that it would be anytime. So Ronnie and Kim left.

Q And I take it they were gone for a period of time?

A Yes.

Q And when they returned, what occurred?

A When they returned, Kim decided to call her mother, to let her know that they made it safe, and her mother was on the other line with Detective Church.

Q How do you know that?

A Because when she got off the phone -- they got off quickly, and when she got off the phone, she said that her mom would call her back at the house, because she was on the other line. And Ronnie got upset.

Q What you say "got upset," what do you mean?

A He was upset. He thought that the detectives were done bothering him. He said they had been harassing him basically. And he was upset that they were still calling.

Q Did that cause any further discussion into the events of Patricia Kimble's death?

A They talked about her death. Word for word, I don't remember what happened. They just had said that the sister-in-law was murdered, and I remember asking how Ronnie's brother was dealing with it, because I know that's hard. And Kim told me good under the circumstances. And that's really all that I remember.

Q Thereafter, did you go to dinner with your husband and the Kimbles and your children?

A Yes, we did.

Q Do you remember the restaurant?

A We went to Country Cooking.

Q And what type of restaurant is that?

A It's a buffet, a vegetable buffet, and then you order your meat. And it's very inexpensive. That's why we decided to go to that one.

Q And do you remember if you and your guests had the same table or a different table?

A We sat at the same. It was a booth.

Q And because it was a buffet, would you explain the way the meal went.

A People were leaving the whole time, to go up and get food.

Q Is it the type of restaurant where you could get up and

get as much as you want, whenever you want to?

A Yes.

Q And this applies to everything but the meats?

A Right.

Q In the course of that evening there at the dinner table, did the discussion turn toward Ronnie Kimble and his desire to come to Liberty University?

A Yes. Ronnie was telling us that he really wanted to come to the university, but he kept making up all these excuses, like, his dog, his parents wouldn't want to have his dog. And Mitch made the comment, "Just give up everything. Come and serve God. That's what we did."

Q Do you remember what Ronnie Kimble said to that?

A He got very serious and he said, "I can't, because I have a haunted past."

Q Did you reply to that in any way?

A I just kind of made light of it, and I said, "Oh, we've all been kids once. I'm sure you haven't done anything that the rest of us haven't done." I kind of hit Mitch, and I said, "At least Mitch," kind of joking. And he got very serious, and he said, "I wouldn't be too sure about that."

Q After you had finished your meal, do you remember where you went as a group?

A Yes. We went over to -- Kim and I walked over to Best. It was in the same shopping area. They were going out of

business. And every week, things were less and less. So we walked over there. And Mitch and Ronnie drove the van around to closer to the store.

Q Do you remember if you walked over with the children?

A I can't remember.

Q But you do remember that the gentlemen were in the van and you were walking?

A Yes.

Q And when you got to Best, then you got back together with Mitch and Ronnie and the children?

A Yes.

Q And you did some shopping?

A (The witness nodded her head up and down.)

Q And items were purchased?

A Yes.

Q Do you remember what items?

A We bought an office chair. We were using a metal chair upstairs, and we bought an office chair for our desk. And they purchased the same one.

Q And that was basically because it was a very good deal?

A Yes.

Q Do you remember how long you shopped?

A It was quite awhile. We walked around in there quite awhile, but I don't know any exact times. I don't keep track.

Q But you returned to your -- and then you returned to your home, correct?

A Yes, we did.

Q And if you recall, was this close to the children's bedtime when you returned?

A Yes, it was.

Q And your children's ages at that time were?

A Mitchell was -- it was a week before his third birthday, and Mindy was going to be one in a couple of weeks.

Q When you returned to your home, what do you recall of the events there?

A I wasn't feeling very well, so I sat down on the couch, and we played Nintendo, just kind of were hanging out. And the last thing I remember, the men went upstairs. And then I fell asleep.

Q Did there come a time when it became necessary to carry you to your room? Do you recall that?

A Barely.

Q Okay. And that was due to your existing medical condition?

A Yes.

Q Did you feel at that time that your -- First of all, was this an unusual event for you?

A I had low blood sugar throughout my pregnancy, and I

was having trouble. I had seen the doctor about it. And basically she said, "Eat cookies first thing in the morning. And if you have any more trouble, come and see me." And so, I just wanted to wait. We didn't have any insurance. We didn't have any Medicaid. I just wanted to try to get by long enough to where I could get in to see the doctor, because I knew that it wouldn't cost us any more. And I called her first thing Monday morning.

Q Now, there's been mention of the university health services. Were those available to you?

A It was a walk-in clinic, but it cost just as much as any other clinic. It wasn't -- and I don't think they were open. I know they weren't open 24 hours, and I'm sure that they weren't open that night.

Q In any event, you decided that it was not necessary to see a doctor at that point?

A Yes.

Q But there probably was discussion about that?

A I don't remember. I don't remember anything till the next morning.

Q What do you remember of the next morning?

A I remember waking up, and Mitch had come upstairs, and he said, "I didn't sleep very well last night. I'm not --" he said, "I didn't sleep last night. I'm not feeling very well. I'm going to lay down." And the kids were still

asleep, and so, he came upstairs and he laid down. And he -- I just thought maybe he wasn't feeling good.

I know my husband very well. We've been together eight years, been married almost six. And I can read him like a book. And I've never seen him this upset.

Q Based upon your observations of him, what did you do?

A Well, I just kind of -- I -- I kept asking him questions, about like, "Do you think Ronnie and Kim are going to move up here?" And he just kept saying, "I don't want to talk about it right now." He just kept kind of -- And so, I just kind of left him alone.

And then, later on that afternoon, I just could tell that things were getting more tense. I could tell that it's just not like him. He's very laid back, easy to get along with. And I sat there and I said, "When you and Ronnie went upstairs, he told you that he'd killed his sister-in-law, didn't he?" (Crying.) And he looked at me and he said, "Yes." And I started crying, and I said, "What are we going to do?" I was so afraid. And he said, "I have to turn him in. I don't have a choice."

Q Did you discuss that further?

A I'm sure that we did, but I don't remember exactly. I know that he said, "I'm going to call Kay."

Q His sister?

A Yes. He said, "I'm going to call Kay, and I'm going to

have her come over and keep the kids, while I go and meet with Dr. Falwell, because I need to get some advice from him."

Q Did there come a time when Kay drove down from Richmond?

A Yes. She came immediately. Within an hour, she left.

Q And after Kay came down to Lynchburg, what occurred?

A Her and Jeanie came over to the house. And at that time, Mitch hadn't told her before she got there what had happened. He just told her that he needed her there. And he sat down and told her exactly what was going on and what he needed to talk to Dr. Falwell about.

Q Who's Jeanie?

A Dr. Falwell's daughter.

Q Based upon that, were plans made to see Dr. Falwell at the basketball game?

A Yes. Well, we decided that we'd all go up to the game.

Q And you took the children?

A Yes, we did.

Q And while Mitch had an opportunity to speak to Dr. Falwell, were you present?

A I was in and out, yes.

Q Taking care of the children?

A Yes.

Q And the same applied to Kay and Jeanie, is that

correct, or do you recall?

A I don't recall.

Q How long did Mitch talk to Dr. Falwell?

A It wasn't long. 15, 20 minutes, if that. I don't know exactly.

Q And after Mitch talked to Dr. Falwell, did he tell you what Dr. Falwell's advice was?

A Well, I was standing --

MR. LLOYD: Well, objection, Your Honor.

THE COURT: Sustained.

Q All right. Based upon what Mitch told you, what action did you and Mitch take?

A We decided to go get a hotel. But that was our decision, prior to him. And we met with Jerry, Jr.

Q And the meeting with Jerry Falwell, Jr., did that occur before you went to get the motel?

A Yes, it did.

Q Was that also in the basketball area there --

A Yes.

Q -- arena there? Were you present there?

A I was in and out.

Q Did you hear -- Or let me just ask you to state the purpose of that meeting.

A They just wanted to set up a time when they could get together. And we don't have a computer, so Mitch wanted him

to see if he could find anything out about this case, as far as, find out where Detective Church was and how we could contact him, if we decided to.

Q I take it then you went to the motel?

A We went home and packed up a few things. I stayed in the van with the kids, and Mitch just ran inside to get us church clothes, and then we went to the hotel.

Q And when you arrived at the motel, what happened?

A He stayed in the van with the kids, and I went inside to get the room. And I told the receptionist not to tell anyone that we're here, unless Kay Whidden comes, because I thought maybe she would stay with us.

Q So, that evening, did you and your husband discuss the situation?

A I'm sure we did.

Q And the next day, what did you decide to do?

A I can't remember.

Q All right.

A I know that he -- I can't remember.

Q The next day would have been Sunday.

A We went to church. After church, we went out to eat with Jeanie and Kay. And then we went back to the house. And I didn't want to leave yet, to go -- I guess we did decide to go to North Carolina, but I didn't want to leave yet, because I wanted to go see a doctor first.

Q Do you know if there were conversations with the attorney on the telephone on Sunday?

A I don't. I'm not sure.

Q Then the next day, which would have been Monday, and you made your doctor's appointment, and at some point, you left for North Carolina; is that correct?

A Yes, after my doctor's appointment.

Q When you went to North Carolina, where did you stay?

A We stayed at our old landlords' house, some friends' house.

Q And where is that in relationship to the base?

A It's about -- it's towards Richlands, which is about 30 minutes from the base.

Q Did you and your husband discuss the reason that you were going to Camp Lejeune?

A Yes.

Q What did Mitch tell you?

A He wanted to go and try to talk Ronnie into turning himself in.

Q How did you feel about that?

A I was all for it. I was -- I was all for it. I just wanted him to turn his self in.

Q Why was that?

A Because I was afraid.

Q Afraid of what?

A I was afraid, because he told Mitch that Mitch was the only one that he had told, and I was afraid he would come and try to harm us.

Q Did you feel that by going to Camp Lejeune, you were placing yourselves in danger?

A No. Camp Lejeune is safe. I wasn't going to go up there, but I wasn't afraid for him to go.

Q And eventually, Mitch did call Ronnie?

A Yes.

Q Did there come a time when you spoke to Ronnie?

A Yes, I did.

Q And what did you tell him?

A On the way -- on the way to Camp Lejeune, I told Mitch, I said, "What are you going to do if Ronnie asks you if you told anyone?" I said, "If you told him that --" "If you tell him that I know, then it's really going to --" I was afraid that it would make him upset. And so, I got on the phone, to -- I got on the phone and I was nice to him, just so that he wouldn't ask Mitch if I knew.

Q And there came a time when your husband did meet with Ronnie, and it was about lunchtime; is that correct?

A Yes.

Q And during the period of time he was meeting with him, you waited there at the friends' house?

A Yes, I did.

Q When he returned, what, if anything, did Mitch tell you?

A He told me that Ronnie said that it was all just a bad dream, and that Ronnie had an alibi. He thought that it was just a bad dream. And Mitch said, "Well, if it's a bad dream, then you'll know that it's not when your brother tries to give you money or if you know where the weapon is."

Q And thereafter, did you stay with your friends that evening?

A Yes, we did. We stayed that evening and we left the following day.

Q Where did you go?

A We went straight to church on Wednesday night. We got there just in time for church, because I was in the nursery. And then that Wednesday night, we stayed at our house, I believe.

Q And you're talking about Lynchburg?

A Yes.

Q And then after Wednesday night in Lynchburg, where did you go?

A We left Thursday and went to Richmond. My son and daughter's birthdays. My son's February 1st and my daughter's February 10th. And we planned a birthday party at Chuck E Cheese on the 1st. And so, we went to Richmond.

Q Did there come a time when you returned to Lynchburg?

A Yes, we did. That was Sunday afternoon.

Q And you were present for part of the time that he met with Detective Church and Agent Pendergrass?

A Yes, I was, just at the very end.

Q And what happened after that?

A Well, before that, we decided to -- I told him, I said, "I can't live like this. I'm not sleeping. I'm not eating. I'm afraid I'm going to lose the baby. We need to go home." (Crying.)

Q And did you move away from Lynchburg?

A (The witness nodded her head up and down.)

Q What was the reason you left Lynchburg?

A We were afraid. I couldn't stay at the house by myself.

Q And Mitch dropped out of school?

A (The witness nodded her head up and down.)

Q Did you tell anybody your location?

A We told -- we told Jerry, Jr., and we told the LBI office, but we told them not to tell anyone else.

Q What's --

A I don't know if we told --

Q What's the OBI office?

A LBI office. That was his school, Liberty Bible Institute.

Q Did there come a time when he was able to return to

Liberty Institute?

A Yes, he did.

Q And when was that?

A Fall of '97, August '97.

Q And why did you feel that you could return at that time?

A Because Ronnie and Ted were in jail.

Q And you're now living in Florida, where he's a pastor, aren't you?

A Yes, we are. But he wasn't able to graduate, because of all of this.

MR. PANOSH: No further. Thank you, ma'am.

THE COURT: Cross-examination?

MR. LLOYD: Thank you, Your Honor.

CROSS-EXAMINATION by MR. LLOYD:

Q Now, Ms. Whidden, when Mitch told you that morning, confirmed what you had brought up to him --

A Yes.

Q -- that Ronnie had told him upstairs that he was responsible for his sister-in-law's death, that was very upsetting to you, wasn't it?

A Yes, it was.

Q In fact, it's fair to say, and I believe you indicated on your testimony on direct examination that you started crying at that time?

A Yes, I did.

Q And it was very traumatic; is that a fair word to use?

A Yes.

Q Upset you a great deal?

A Yes.

Q And that was because your husband told you that the person who had spent the night before under your roof in your children's bedroom was a murderer; is that right?

A Yes. (Crying.)

Q Now, you indicated on direct that you had never met --
Excuse me. If you --

A That's all right.

Q -- need some water --

A Go ahead.

Q You had never met Ronnie Kimble or his wife, Kim --

A No, I hadn't.

Q -- when Ronnie and Mitch were both in the Marines together; is that right?

A No, I hadn't.

Q But let me ask you this, Mrs. Whidden. You had heard something about Patricia Kimble's death from your husband, Mitch --

A Yes.

Q -- while you were down -- while Mitch was still in the Marine Corps; is that right?

A Yes.

Q Okay. But that was the only source that you had heard it from?

A Until they came to our house.

Q I understand.

A Yes.

Q And you hadn't read -- there weren't any newspaper articles that you had read --

A No.

Q -- or anything like that? You hadn't seen anything on the Internet or anything of that sort? So, what little you knew about it came from your husband, Mitch --

A Yes.

Q -- is that right? And let me ask you this, Mrs. Whidden. Did you all talk about it a great deal?

A No, we didn't.

Q All right. So it was just sort of mentioned in passing at maybe dinnertime conversation or something of that sort?

A Yes. My husband and I are very close and we share everything.

Q All right. And so, when -- whatever opinions or views, in terms of what the evidence in the case showed, you would have gotten from your husband, Mitch; is that right?

A Yes.

Q Now, did Mitch tell you, Mrs. Whidden, that based on

what he had heard down at Camp Lejeune, that he thought perhaps Ronnie Kimble's brother, Ted, was guilty of this offense?

A No.

Q All right. And he certainly did not tell you that he thought that Ronnie was in any way guilty or responsible --

A No.

Q -- did he?

A No.

Q All right. Now, when you woke up that morning, which would have been, I guess, that Saturday morning --

A Yes.

Q -- that Ronnie and Kim left, Ronnie and Kim had already left at that time --

A Yes.

Q -- is that right? And if you recall, Mrs. Whidden, what time was it that you think that you woke up?

A I don't know. I -- it's hard to say.

Q All right. But you -- at any rate, on direct examination, I believe you indicated that the children were still asleep?

A Yes, they were.

Q And your first recollection of that morning is, that Mitch came back into the bedroom and said that he wasn't feeling well and had not slept --

A Yes.

Q -- and that he was going to lie down again; is that right?

A Yes.

Q All right. And by that time, you were beginning to wake up?

A Yes.

Q Did you ask him at that time, Mrs. Whidden, where Ronnie and Kim were?

A I asked him if they had left yet.

Q All right.

A And he told me yes, I believe.

Q He told you at that time that they had left?

A Yes.

Q All right. And then, at some point, very shortly thereafter, you asked Mitch if Ronnie and Kim were going to come up there and start living, and if Ronnie was going to go to Liberty Bible College; is that right?

A Yes.

Q All right. And Mitch's response to you was that, he didn't think so, and he didn't want to talk about it; is that right?

A He said he didn't want to talk about it --

Q All right.

A -- yes.

Q Now -- and you -- you didn't ask him any more questions about it, you honored that request; is that right?

A Yes.

Q Okay. Now, sometime after that, I take it you got up?

A Yes.

Q All right. And you got the kids up or -- and you did what you normally do during the day. Now, was Mitch asleep at that time or --

A No. Mitch got up with me.

Q All right. Did you make breakfast for the family or --

A I made breakfast for the kids --

Q All right.

A -- I remember, but I don't know about us.

Q Okay. But you indicated on direct examination that you could tell at that time that something was bothering Mitch, that he was upset, that he was tense; is that right?

A Yes.

Q All right. You didn't ask him any more questions about Ronnie and Kim at that point, because he had told you he didn't want to talk about it?

A Right.

Q And you indicated there were some time later on, after you had gotten up, that you confronted Mitch and said to him that "Ronnie Kimble had told you that he'd killed his sister-in-law"?

A Yes.

Q And Mitch confirmed that?

A Yes.

Q Now, that was -- was that into the afternoon that you said that?

A Yes. It was --

Q All right.

A -- much later.

Q Okay. But you and Mitch had not talked about Ronnie and Kim or their leaving prior to that?

A No.

Q All right. So, this was something that you asked him spontaneously of your own accord?

A Yes, it was.

Q Okay. So it wasn't something like, it came up in the course of conversation or anything like that?

A No.

Q And basically, is it fair to say, Ms. Whidden, that you just divined that that's what Mitch was thinking about?

MR. PANOSH: Object, please.

THE COURT: Overruled.

A Like I said, I have never seen my husband that upset. And I knew that this wasn't anything little that he was upset about. I knew that Ronnie must have told him something. And by the way Ronnie acted the day before, when

Detective Church was on the phone with his mother-in-law, indicated to me -- I couldn't understand why he would be so mad. If it were my sister-in-law, I would want them to find who did it.

Q Okay. So this was based in part on the fact that Ronnie was angry?

A Yes.

Q All right. And you've used the adjective that he was mad?

A Yes, I would.

Q All right. And is it fair to say that he was very mad? Is that an apt description of the way he was?

A I don't know.

Q Okay. Well, of course, I wasn't there, Mrs. Whidden, and that's why we have --

A I know.

Q -- to ask you questions.

A I understand that.

Q But at any rate, the appropriate adjective, as far as you're concerned, about Ronnie Kimble's demeanor, after the call or after he learned that Detective Church had called, was that he was mad or angry?

A Yes.

Q All right. And going back to when you confronted Mitch and said to him, "Ronnie Kimble told you he killed his

sister-in-law, didn't he?" You basically -- would it be fair to say that you, through intuition, or some other sense, knew what was bothering Mitch?

A Yes, I guess.

Q Now, going back to the night before, Mrs. Whidden, the first night that Ronnie and Kim came was late on January 23rd?

A Yes.

Q And that would have been Thursday; is that right?

A Yes.

Q And do you recall what time of night they actually got there?

A No, I don't.

Q But at any rate, although it was at night, the children were still up --

A Yeah.

Q -- on that first night? And there wasn't time for you folks to go out or anything like that, so basically, you just got acquainted at that time; is that right?

A Yes.

Q All right. And then you made up the sleeping arrangements, where Ronnie and Kim slept in your children's bedroom?

A Yes.

Q And you moved the children into your -- y'all's room;

is that right?

A Yes.

Q All right. And then when you got up the next morning, that was when Ronnie and Kim went with Mitch to classes --

A Yes.

Q -- at Liberty Bible Institute? And you stayed home with the children?

A Yes, I did.

Q At some point, they came back in the afternoon; is that right?

A Yes. All of them came back together.

Q Now, and Mitch had been in class that morning?

A Yes.

Q All right. But he stayed with you during the afternoon; is that right?

A Yes, he did, if I recall correctly.

Q Okay. So he did not have afternoon classes?

A No. His classes were 8:00 to noon --

Q Okay. Was that --

A -- every day.

Q -- the way his schedule was arranged every day?

A It was 8:00 to noon Monday, Wednesday and Friday, and I think that it was 8:00 to 10:30 or 11:00 on Tuesdays and Thursdays.

Q All right. And after lunch, Ronnie and Kim went back

to Liberty Bible Institute or back to the campus, to try to see Dr. Falwell; is that right?

A Well, they had already had lunch when --

Q Yes.

A -- Mitch was in class.

Q All right.

A After lunch, they did go back.

Q So, do you recall what time that was?

A I don't.

Q But at some point --

A Late afternoon.

Q -- they went to the campus and saw Dr. Falwell, and then they came back --

A Yes.

Q -- to y'all's apartment? And it was at that time that they -- y'all decided to go out to dinner; is that right?

A Yes. I was planning on cooking, but like I said, I wasn't feeling well, and so, we all decided to go out to eat.

Q Okay. And do you recall, Mrs. Whidden, if Ronnie and Kim told you that it would be their treat, as sort of a reciprocal kindness, for the kindness that you had showed them, in letting them stay there?

A Well, I had planned on buying theirs, because I'd felt bad. I was supposed to be -- they were staying at my house,

and I thought that I should cook, so I was planning on paying, but then when it came time to pay, Kim decided to pay, and we put down the tip, and I appreciated that.

Q All right. And the restaurant that y'all went out to is basically a family restaurant; is that right?

A Yes.

Q All right. And was it -- you'd indicated on direct examination that that was when the conversation turned to Ronnie's possible attendance at Liberty Bible College; is that right?

A Yes.

Q All right. And what you recall, Mrs. Whidden, is Ronnie at some point making the statement that he had a haunted past?

A Yes.

Q Now, are you telling the jury that that's your recollection of his actual words?

A Yes.

Q And that you made sort of light of the situation --

A I did.

Q -- by making this comment "Well, you haven't done anything that any of the rest of us hadn't done," and you even made some reference to Mitch; is that right?

A Yes.

Q All right. And at that time, it was Ronnie who

supposedly said, "I wouldn't be so sure about that"?

A Yes, he did. And he was very serious.

Q All right. And of course, you were just making light of the situation. Do you recall any comments that Kim --

A I don't -- no, I don't.

Q Okay.

A I don't remember. She might have been gone to the buffet. I don't recall anything about that.

Q You said in your statement to police officers, Mrs. Whidden, that after that, Ronnie said that he needed to talk to Mitch in private, outside the presence of you and Kim --

A Yes --

Q -- is that right?

A -- he did say that.

Q Not to mention the children, but that was --

A No.

Q -- understood, as well?

A Right.

Q Now, at the time that he said -- and that was -- was that at the dinner table, I mean, at the --

A Yes.

Q -- booth where you were having dinner?

A Yes.

Q At the time, did you think there was anything odd about that statement, Mrs. Whidden?

A No.

Q Well, you've indicated --

A Not -- I don't --

Q I don't mean to cut you off.

A I don't know -- no, I don't -- it's just so hard to remember. It's been 19 months. It's --

Q I understand. But you've indicated that you and your husband share everything, that you don't have any secrets?

A Yes.

Q And my -- I guess my question to you, Mrs. Whidden, you say that you don't -- you didn't think anything odd about that statement at the time --

MR. PANOSH: Objection. She didn't say that.

THE COURT: Overruled.

You may continue with the question, Mr. Lloyd.

Q Well, you correct me if I'm correct, Mrs. Whidden. Did you think there was anything odd about that statement, when Ronnie Kimble made it?

A Not everyone's like me and Mitch. Not everyone are as open as we are with each other.

Q Okay. I guess my question to you, Mrs. Whidden, is, did you look over at Kim and think "What if my husband had said that, that he wanted to say something in private, to Ronnie Kimble outside of my presence? And I would feel strange about that"? Did that --

A No.

Q -- thought ever go through your mind?

A No. It might have, but I don't remember it.

Q But it doesn't stand out?

A No.

Q Now, when you got back -- Well, let me ask you this, Mrs. Whidden, if you remember. You've testified about the phone call --

A Yes.

Q -- that Kim called her mother?

A Yes.

Q And that her mother relayed the information or the phone call had to be cut short to Detective Church. Now, was that specific name used --

A Yes. That's the first time --

Q -- to your recollection?

A -- that I heard that name.

Q All right. And that was the first time you had ever heard that name?

A Yes.

Q And did this happen before or after you went to dinner?

A Before.

Q This happened before? So, after dinner, you didn't go directly home, did you?

A No.

Q And you went -- I believe you've indicated that you went to a department store called Best; is that right?

A Yes.

Q And was there -- I wasn't clear on this, Mrs. Whidden. It was going out of business at the time; is that correct?

A Yes, it was. And every week, they kept lowering --

Q All right.

A -- the --

Q Now, Mrs. Whidden, do you recall -- either before or after going to Best Department Store, do you recall going to a shoe store and shopping for some shoes, or at least window-shopping for some shoes?

A Yes. There's a shoe store right beside there. I do remember that.

Q And so, you do recall that you went there?

A Yes. As we were walking along. I don't know if we went inside. But there is a shoe store right there.

Q Do you recall specifically that you and Kim did some window-shopping?

A Yes, as we walked over to Best.

Q All right. And do you recall, Mrs. Whidden, after going to Best and you and Mitch bought a chair, an office chair, and Kim and Ronnie also bought the same chair; is that right?

A Yes.

Q Do you recall what you paid for it?

A No, I don't.

Q Okay. But it was a good deal, as far as you were concerned?

A Yes.

Q Do you recall after that going to -- or do you recall looking and Mitch considering buying some kind of karaoke tape recorder?

A Yes, at Best.

Q At Best. All right. Do you recall considering whether or not that was too expensive or --

A I don't remember.

Q Okay. But as far as your recollection, did you buy it on that occasion?

A No, we didn't.

Q Okay. And after that, you went home; is that correct?

A Yes.

Q And as far as what you did when you got home, do you recall what time it was when you got home, Mrs. Whidden?

A It was pretty late. It was almost bedtime for the kids.

Q Okay.

A Which would be around 9:00, around that. I'm not sure exactly.

Q And do you recall Ronnie Kimble assembling the chair or

helping Mitch to assemble the chair?

A I remember that they assembled the chair, but I think that it was upstairs. I'm not positive.

Q Well, let me ask you this, Mrs. Whidden. Do you recall your, I guess it would have been your son, Mitchell, playing on a chair at that time --

A I don't.

Q -- with Ronnie?

A I don't. I don't.

Q Now, was it during this time that you passed out from low blood sugar?

A It was while we were downstairs and they were upstairs -- or while they were down-- yeah, while we were downstairs and they were upstairs. I do remember Mitchell was with his daddy, but --

Q Okay. So, is what you're saying, Mrs. Whidden, that when you passed out, when you actually became unconscious, that Ronnie and Mitch were upstairs at that time?

A Yes, they were, if I remember correctly.

Q All right.

A I'm not for sure where they assembled the chair. I just don't remember.

Q Okay. When you passed out, was it before the children had gone to bed or after the children had gone to bed?

A I don't remember.

Q And do you recall, Mrs. Whidden, when you passed out, I take it your husband would have been very concerned?

A Yes.

Q And do you recall him coming downstairs and asking you what was wrong and --

A I don't remember.

Q You don't remember that at all?

A (The witness shook her head from side to side.)

Q But if they had been upstairs, Mitch and Ronnie had been upstairs, do you remember whether -- if you were downstairs with only Kim, do you remember whether Kim summoned them from upstairs, to come downstairs?

A I don't remember.

Q And is it possible, Mrs. Whidden, that when you actually passed out, everyone was downstairs with you at that time? If you remember.

A It's possible, but I don't remember. I was very sick those couple of days.

Q And do you have any recollection of Ronnie Kimble helping you upstairs to bed, after you'd passed out --

A Vaguely.

Q -- Ronnie and Mitch?

A Vaguely.

THE COURT: Mr. Lloyd, are you going to be some additional time?

MR. LLOYD: Just some additional time, Your Honor. I don't think it's going to take much longer.

THE COURT: All right.

You may step down, Ms. Whidden. Watch your step.

(The witness left the witness stand.)

THE COURT: Members of the jury, we'll take our lunch recess. You'll need to be back at 2:00 o'clock. Please report to the jury room. Again, remember the jury responsibility sheet.

Have a nice lunch. I'll see you at 2:00 o'clock.

(The jury left the courtroom at 12:34 p.m.)

MR. PANOSH: May we approach on a scheduling matter?

THE COURT: Yes, you may.

(All three counsel conferred with the Court at the bench.)

THE COURT: 2:00 o'clock, sheriff.

(A recess was taken at 12:36 p.m.)

(Court reconvened at 2:01 p.m. The defendant was present.

The jury was not present.)

(The jury entered the courtroom at 2:01 p.m.)

THE COURT: Ms. Scoggins, are you feeling better?

MS. SCOGGINS: I'm feeling better, but I'm not going to -- I can tell a difference, with these lights.

THE COURT: Okay. Do you need any Tylenol or anything like that?

MS. SCOGGINS: I've taken quite a bit at lunch.

THE COURT: All right.

Anybody else having any problems on the panel?

Hope you had a nice lunch and feeling okay.

All right. The State call its next witness,
please.

MR. LLOYD: We're still in cross-examination, Your
Honor.

THE COURT: That's right. Excuse me. You're
right. You are.

(The witness Debra Marie Whidden returned to the witness
stand.)

THE COURT: Ms. Whidden, you're still under oath,
ma'am.

(The witness nodded her head up and down.)

THE COURT: You may continue.

MR. LLOYD: Thank you, Your Honor.

CONTINUED CROSS-EXAMINATION by MR. LLOYD:

Q Mrs. Whidden, that Saturday when Ronnie and Kim left,
and after Mitch had told you about a conversation between
him and Ronnie, do you recall him mentioning a passage in
Leviticus?

A No. That was not until later.

Q Do you recall when that was, Mrs. Whidden?

A It was sometime after we were in Florida.

Q Excuse me. I didn't hear.

A Sometime after we were in Florida, after we had already moved.

Q Now, you called -- were you the one, Mrs. Whidden, that called Ronnie down at Camp Lejeune?

A No. Mitch did.

Q All right. But you talked to him?

A Yes, I did.

Q And that was early in the phone conversation?

A I believe so.

Q Okay. And basically, you just identified yourself?

A Yes.

Q All right. And made some small talk about the visit that they had made up to Lynchburg?

A Yes.

Q All right. And of course, that visit to Lynchburg was the only time that you had met Ronnie and Kim; is that right, Mrs. Whidden?

A Yes.

Q And I believe you indicated on direct examination that you did that based on your fear that Ronnie might ask Mitch whether he had talked to you about this; is that right?

A Yes.

Q Let me ask you this, Mrs. Whidden. Did you consider that just bringing yourself into the situation, the fact

that you were down near Camp Lejeune, might alert Ronnie to the fact that you were involved somehow?

A I was just so afraid, that I just wanted to do anything that we could. I --

Q But, of course, your fear was not based on any threat that Ronnie had ever made to you or to Mitch, was it?

A No.

Q Now, after this conversation down at Camp Lejeune, Mitch came back and he talked to you about it; is that right?

A Yes, he did.

Q And he basically told you that at some point in that conversation -- Well, let me ask you this, Ms. Whidden. Of course, Mitch relayed to you that -- the whole purpose of going down there, to talk to Ronnie at Camp Lejeune, according to Mitch's testimony, was, to convince him to turn himself in; is that right?

A Yes.

Q And Mitch relayed to you, as far as the conversation with Ronnie down at Camp Lejeune, that he had told Ronnie that he had talked to a lawyer concerning his legal responsibility in the matter?

A I believe so.

Q All right. And Mitch told you that basically, Ronnie had said that the whole thing was a dream and never

happened; is that right?

A Yes.

Q And as Mitch related it to you, his response to Ronnie was that he could tell that it was not a dream when Ronnie's brother gave him money; is that right?

A Yes.

Q And then there was something else that Mitch said, that Ronnie -- he told Ronnie he could tell it was not a dream, if he gave Ronnie the -- or if -- something about the murder weapon; is that right?

A Something about it, yes.

Q Do you recall exactly how -- what Mitch's explanation of his comment about the murder weapon was, Mrs. Whidden?

A I don't.

Q But at any rate, as Mitch relayed the conversation between him and Ronnie to you, Mitch never confronted Ronnie with the fact that it was not a dream, never said anything to you about that, did he?

A No.

Q Merely told you that he suggested to Ronnie he would know it was not a dream when his brother paid him money, and then something about the murder weapon; is that right?

A Right.

Q Now, Mrs. Whidden, you recall making a signed statement in connection with this case, don't you?

A Yes, I do.

Q And did you write that out in your own handwriting, Mrs. Whidden?

A No, I didn't.

Q Okay. But you read it over?

A Yes, I did.

Q And you were given a chance to make any corrections?

A Yes.

Q And it was based on something someone wrote, based on what you said; is that right?

A Yes.

Q Do you recall who wrote it?

A I think that Detective Church did.

Q Okay. And he wrote it while you were talking to him, while you were giving a statement to him?

A Yes.

Q And he told you, of course, that you needed to go over it and make sure that it was accurate, and he encouraged you to make corrections, if any needed to be made?

A He just told me to read over it and sign it, yes.

Q All right. Okay. And if there was anything that was inaccurate -- in fact --

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

THE COURT: You may.

Q Mrs. Whidden, I show you what's been marked as

Defendant's Exhibit Number 11, and ask you if you recognize that.

A Where's the rest of it?

(Mr. Lloyd indicated.)

Q And you can look at the other pages, too.

(Time was allowed for the witness.)

Q Let me just ask you this, Ms. Whidden. Is that the statement that Detective Church wrote out --

A Yes.

Q -- and that you signed?

A Yes --

Q All right.

A -- it was.

Q Now, Mrs. Whidden, directing your attention to the fourth page of this, I would ask you to read, and starting at the top of the page, if you would just read that, down to the middle of the paragraph or whatever you want, to yourself. (Indicated.)

A To myself?

Q Yeah.

(Time was allowed for the witness.)

Q All right. Now, Mrs. Whidden, that's what you told Detective Church; is that right?

A Yes. But we also stated that Mitch found this later --

Q Well --

A -- when we were talking to him --

Q All right.

A -- this Leviticus, while the statement was --

Q All right. Well, let me ask you this, Mrs. Whidden.

Does your statement not say, "And Mitch also told me later that he had to turn him in, because the Bible said in Leviticus 5:1, 'If a person sins because he does not speak up when he hears a public charge to testify --'" Excuse me.

A "Regarding."

Q "'-- regarding something he has seen or --'"

A "Learned."

Q What does it say?

A "Learned."

Q "'-- learned about, he will be held responsible'"? And then the next sentence is, "The following Tuesday, the 28th of January, I rode with Mitch to Camp Lejeune"?

A I do understand that, but we really did, when we were sitting at the table, Mitch made it clear that we found this later.

Q Well, my question to you is, Mrs. Whidden, is based on the statement that you signed for Detective Church, does it not indicate that you made the statement concerning -- or Mitch made the statement concerning Leviticus prior to the trip down to Camp Lejeune on the 28th?

A Right, it is read like that. That's a mistake on my

part. I'm sorry about that. I should have had it cleared up.

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

THE COURT: You may.

Q Now, Mrs. Whidden, if I could see the statement again. (The witness handed the exhibit to Mr. Lloyd.)

Q And directing your attention to, if you can just follow along with me, "We drove --" Is this your statement, "We drove back to our house, and there was about five minutes when Ronnie and Mitch went upstairs together. And I remained downstairs and played Nintendo"? Now, that's what you said in your statement --

A Kimberly, uh-huh.

Q -- "Kimberly and I"? That's what you said in your statement to Detective Church; is that right?

A Yes.

Q And in fact, Mrs. Whidden, it was after the chair had been assembled downstairs that anybody went upstairs to talk, that Mitch and Ronnie went upstairs to talk, was it not?

A I couldn't remember if they assembled the chair downstairs or upstairs. I'm sorry. It's been too long.

Q Okay. Well, is it your testimony now, Mrs. Whidden, that in fact Ronnie and your husband went upstairs after you had been home within five minutes or a longer period of

time?

A It was around that. But I -- it's hard to say.

Q Well, did they assemble the chair upstairs or downstairs?

A I cannot remember. I'm sorry, I can't remember.

Q Well, do you -- Let me ask you this, Mrs. Whidden. Do you remember your son, Mitchell, playing on the chair with Ronnie --

A I don't --

Q -- spinning around?

A I don't remember that. I was very sick. The only reason I don't know if it was assembled upstairs or downstairs is because the computer -- the desk was upstairs. And so, I didn't know if they had assembled it downstairs and carried it up, or just assembled it upstairs. But I cannot remember. I was very sick.

Q Now, can you remember, Mrs. Whidden, whether or not Mitchell, your son, was going upstairs while Ronnie and your husband were upstairs? Do you remember that?

A I can't remember.

Q Do you remember having to call him back down, to --

A No.

Q -- not to bother them, that they were doing devotionals?

A I don't remember that.

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

MR. PANOSH: May I approach?

THE COURT: You may.

REDIRECT EXAMINATION by MR. PANOSH:

Q I'll show you now State's Number 133. Is that another copy of the same statement?

A Yes, it is.

Q Drawing your attention to Page 4, about three-quarters of the way down, where your statement says, "Mitch came back from talking to Ronnie," do you see that?

A Yes.

Q Would you review that, please.

(Time was allowed for the witness.)

Q What did you tell Detective Church in reference to that portion?

MR. LLOYD: Well, objection, Your Honor. My recollection is that she stated she could not remember that part.

THE COURT: Overruled.

A I don't remember.

Q You testified earlier about what Mitch said when he came back from the base. Do you see that portion in there?

A Yes.

Q Okay. What did you say about that?

A I said that it might -- that he said that it might have

been a bad dream.

Q Okay. Who said that?

A Ronnie told Mitch that.

MR. PANOSH: Your Honor, we'd seek to introduce State's 134 (sic), her prior statement.

MR. LLOYD: Well, objection, Your Honor. She's testified at length. She's been cross-examined. That's what is the evidence in this case. The evidence in this case is not some prior statement. Even if I use it to impeach her, that's not evidence in this case. That's something that I can argue for impeachment purposes. It's not substantive evidence, Your Honor. It's not admissible.

THE COURT: Objection sustained.

MR. PANOSH: We only ask it be admitted to corroborate, not as substantive.

MR. LLOYD: Well, it's a distinction without a difference, Your Honor.

THE COURT: Sustained.

MR. PANOSH: No further.

THE COURT: You may step down, Ms. Whidden.

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

(The witness left the witness stand.)

THE COURT: Next witness for the State, please.

MR. PANOSH: Mr. Pendergrass, please.

HAROLD G. PENDERGRASS, being first duly sworn, testified as

follows during DIRECT EXAMINATION by MR. PANOSH:

Q Would you state your name, please.

A Harold G. Pendergrass.

Q Mr. Pendergrass, you're an agent for the State Bureau of Investigation; is that correct?

A Yes, sir.

Q How long have you been with the State Bureau of Investigation?

A 22 years.

Q And in the course of your duties as an agent with the State Bureau of Investigation, were you assigned to assist the Greensboro -- the Guilford County Sheriff's Department in reference to the homicide of Patricia Blakley Kimble?

A Yes, sir, I was.

Q And did your duties include assisting Detective Church with certain interviews and other matters?

A Yes, sir.

Q In the course of your duties, did you bring to court a full map of the county, showing all the relevant points in this proceeding?

A Yes, sir.

MR. PANOSH: And we'd mark that as State's 132 and move for its admission.

MR. HATFIELD: I don't know whether it has markings on it.

MR. PANOSH: You can review it, counsel.

THE COURT: Overruled. The Court will allow its admission.

MR. HATFIELD: Your Honor, may I look at it?

THE COURT: Yes, sir.

(Time was allowed for Mr. Hatfield.)

MR. HATFIELD: No objection, Your Honor.

Q In the course of your duties, did there come a time when you interviewed Janet Blakley?

A Yes, sir, I did.

Q And do you have that with you? Do you have that interview with you?

A No, sir.

(Mr. Panosh handed documents to the witness.)

MR. LLOYD: Your Honor, if the purpose of this interview is to -- I mean, if the purpose of this exhibit is to introduce it into evidence, I object. We've heard from Janet Blakley. She's testified at length on direct and on cross-examination. Her testimony stands. This is simply not competent evidence. It's as if --

MR. PANOSH: We're not moving the introduction.

THE COURT: All right, sir.

He's not going to introduce the exhibit.

Q Did you on or about August the 29th interview Janet Carol Blakley?

A Yes, sir, I did.

Q And what was the purpose of interviewing her?

A She was identified as a former girlfriend of Ted Kimble, and myself and Detective Church interviewed her.

Q And what did she tell you?

A During that --

MR. LLOYD: Objection, Your Honor.

THE COURT: Overruled.

Members of the jury, this is being offered for the purpose of corroborating the testimony of an earlier witness. It'd 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 the statement was made on that occasion.

MR. LLOYD: Your Honor, first of all, it needs to be limited solely to -- if it's coming in for corroborative purposes, it needs to be limited to what she testified to in court.

THE COURT: Well, I don't know what -- I haven't seen the statement. I don't know what's in it.

Mr. Panosh, restrict it to that area, sir.

MR. PANOSH: Your Honor, we'll be glad to introduce it and allow counsel to redact those matters that they don't want in.

MR. LLOYD: No, Your Honor. I think --

MR. PANOSH: I'll move along.

THE COURT: Objection sustained.

Q What, if anything, did she tell you about her relationship with Ted Kimble?

A She stated that she first began dating Ted Kimble when she was a senior in high school, that she had been introduced to him by a female cousin of -- a female friend of hers, by the name of Joy Hedgecock, who was dating Ted Kimble at the time.

Q What, if anything, did she tell you in reference to a vehicle that was wrecked?

A Janet Blakley told myself and Detective Church that soon after -- or during the time that she was dating Ted Kimble -- or soon after she started dating him, that she learned that he had just wrecked his vehicle, which was a Conquest. She was unable to recall the year of the vehicle. And as a result of him wrecking the vehicle, that he collected a sum of insurance money from an insurance company.

Q Drawing your attention to the second page, the first full paragraph, what, if anything, did she say in reference to an Isuzu pickup truck -- or an Isuzu, rather?

A She stated during the interview that after the wreck of the Conquest, that Ted Kimble purchased an Isuzu pickup truck with a portion of the insurance proceeds that he

received as a result of the wreck of the Conquest.

Q And what did she tell you that she observed in reference to that truck?

A She stated that she observed Ted Kimble take a key and place key marks on the Isuzu truck.

Q What, if anything, did she tell you in reference to certain stereo equipment that was removed and reported as stolen, when in fact it wasn't?

A She stated that in the fall of 1992, Ted Kimble personally broke into a Camaro Iroc that he had purchased, and removed the stereo equipment, while the vehicle sat stationary on the lot at Lyles Building Material.

Q What, if anything, did she tell you in reference to an insurance claim about that matter?

A After removal of the stereo equipment by Ted Kimble, he subsequently submitted an insurance claim for subsequent replacement for the equipment.

Q Did he -- did she tell you about a similar scheme in reference to a vehicle owned by Scott Shepherd?

MR. LLOYD: Well, Your Honor, I object. We've heard all this before. I question once again the relevance concerning Ronnie Kimble. Now we're going back to Ted Kimble.

THE COURT: Well, I'll sustain the objection.
Approach the bench a moment.

(The following proceedings were had by the Court and all three counsel at the bench, out of the hearing of the jury.)

THE COURT: Is his testimony going to be that he's going to go back over the witness's testimony?

MR. PANOSH: He's going to go through two statements.

THE COURT: Which two?

MR. PANOSH: This one and the one that Whidden gave him. And we're about three-quarters of the way through this one. And I -- you know, if Your Honor tells me not to -- that you're not going to allow me to corroborate, I'll do that, but --

THE COURT: I got a real evidentiary problem, if we keep going over the same evidence about Ted that related to this defendant under a conspiracy theory, unless for corroborative purposes, and the Court's already admitted it for that other purpose. But I think you need to restrict it to the Whidden statements, that he -- he's the one that implicates this defendant.

MR. PANOSH: So you're telling me that you'd rather that I not corroborate -- your ruling is that I can't corroborate Blakley at this point?

THE COURT: You can corroborate her, but I don't think you ought to do it -- I don't want to get in a whole train of witnesses that have already testified.

MR. PANOSH: I don't intend to do that. There are two witnesses.

THE COURT: If you restrict it to this witness and restrict it to the pertinent points, I'll let you do it, but I don't want to go back through the evidence again.

MR. PANOSH: Okay. I -- just please tell me what your ruling is. I don't want to misunderstand you.

THE COURT: You may show statements that Ms. Blakley's made to this officer, she's made to the jury, I'm going to restrict it to her. I don't want to get into any other witnesses. Whidden, who implicates this defendant, you may corroborate the testimony --

MR. PANOSH: Yes, sir.

THE COURT: -- by his statements.

MR. LLOYD: And Judge, just for the record, of course, I have problems with the whole process, and we'd just like to -- I'll make an initial objection --

THE COURT: I understand.

MR. LLOYD: -- on Whidden, and if you'd just note a line objection for the rest of the --

THE COURT: Note an objection as to this line of question by the defendant.

MR. LLOYD: Thank you.

THE COURT: Overruled.

(Proceedings continued in open court.)

THE COURT: You may continue.

Q After she described -- or did there come a time that she described the fraud in reference to Scott Shepherd, "Yes" or "No"?

A Yes, sir.

Q After she described that, did there come a time when she described the end of her relationship with Ted Kimble?

A Yes, sir.

Q What did she tell you?

A She stated that prior to Ted's marriage to Patricia Kimble, that Ted Kimble moved into Patricia's 2401 Brandon Station Court, Pleasant Garden, North Carolina residence. During this same time, she said that she continued to date Ted Kimble, and that after her refusal to marry Ted Kimble, she stated that her relationship with Ted Kimble turned what she termed as sour.

Q And how soon thereafter did she learn of the engagement to Patricia Blakley? I believe that's the last paragraph, Page 2, sir.

(Time was allowed for the witness.)

A In the spring of 1994 is when she learned that -- learned from her sister that following --

Q Without going into what her sister said --

A Okay.

Q -- sir, and drawing your attention to the last

paragraph on Page 2 --

A Oh, okay.

Q -- how long after ending the relationship did she learn that Ted announced his engagement to Patricia?

A Two weeks.

Q In the course of your duties, did there come a time when you interviewed Mitch Whidden on or about February the 3rd of 1997?

A Yes, sir.

Q Do you see that statement before you? I believe it's Number 130.

A Yes, sir.

Q Would you describe the facts that led up to you going to interview Mr. Whidden.

A Yes, sir. Prior to February 3, 1997, Detective Church had gotten a call from Mr. Yeatts, Patric Yeatts, who was counsel at Liberty University, located at Lynchburg, Virginia, and he indicated that --

MR. LLOYD: Well, objection to what he indicated, Your Honor.

THE COURT: Sustained.

Q Based upon what Mr. Patric Yeatts told you, or the information that you received from him, what action did you take?

A We went to Liberty University on February 3rd, to

conduct an interview with an individual who was identified to us as Mitchell Whidden.

Q What was the purpose of that interview?

A Was to conduct an interview and obtain any and all information he had regarding a statement made to him or confession made to him regarding the death of Patricia Kimble.

Q And was this the first meeting you had with Mr. Whidden?

A Yes, sir.

Q Do you know what time it started?

A The interview began at 5:00 p.m.

Q And where was the interview conducted?

A It was conducted in the office of Patric Yeatts, located on the campus of Liberty University.

Q And that's the Yeatts and Falwell office; is that correct?

A Falwell and Yeatts, yes, sir.

Q What time did it end?

A We concluded the interview at 6:30 p.m.

Q During that hour and a half, what, if anything, did Mitch Whidden tell you?

MR. LLOYD: Well, object, Your Honor.

Q Before I get into that, who was present?

A Myself, Detective Church, Detective Sergeant David

Deberry, Mr. Yeatts, and Mr. Falwell, Jr.

Q And during that period of time, what did Mr. Whidden tell you?

MR. LLOYD: Well, object, Your Honor.

THE COURT: Overruled.

Members of the jury, again, this is being offered for the purpose of corroborating the testimony of an earlier witness. It would be -- it will 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 witness made that statement on that occasion.

Proceed.

A During that interview, Mr. Whidden began by saying that he was currently attending the University of -- Liberty University, located there at Lynchburg, and that he was planning to enter the ministry, following his graduation.

Prior to entering Liberty University, he was a member of the United States Marine Corps, stationed at the United States Marine Corps base located in Camp Lejeune, North Carolina. While at Camp Lejeune, North Carolina, he was assigned to the chaplain's office.

Whidden stated that he completed his obligation with the United States Marine Corps on August 19, 1996. That he was currently married, that his wife and he were the parents

of one small female child. And that he further related that his wife was expecting their second child.

Q What else did he tell you?

A He went on to say that approximately a year prior to this interview, and while he was stationed at the Marine Corps base, he recalls meeting a fellow Marine who he described as Ronnie Kimble. During that time, Whidden stated Kimble was assigned to the base chaplain's office, and that his duties included -- that is, Kimble's duties included the delivery of requested supplies to each chaplain's office.

That after meeting Kimble, Whidden stated that he was befriended by Kimble and recalls on one occasion Kimble telling Whidden about the death of Ronnie Kimble's sister-in-law. And he also told him on that occasion that Kimble suspected the police were -- he suspected that the police had him as a suspect, him and his brother, and were suspected of murder.

Whidden went on to say that Kimble indicated that the police wanted to arrest someone for the murder and did not care who they arrested.

Q What else did he tell you?

A That after leaving the Marine Corps, Whidden stated he went to Liberty University and began his study in the pursuit of a career in the ministry. At some time during

the recent past, Whidden stated he recalls receiving a call from Kimble. And during the ensuing conversation, Whidden indicated that Kimble expressed interest in joining Whidden at Liberty University in the Bible Institute program, and that Whidden offered Kimble lodging at his home, if and when Kimble decided to visit the campus.

That on January 24, 1997, Kimble stated -- I mean, Whidden stated Kimble, who was accompanied by his wife on that occasion, appeared at Whidden's 31 County Plain Lane, Lynchburg, Virginia residence, they were invited in, and that Kimble and his wife stayed overnight.

During the visit on that occasion, Whidden stated he was approached on the evening of January 24th by Kimble, to speak in private, that Whidden suggested that they go upstairs, to talk, and once upstairs, Whidden stated that Kimble admitted and confessed to the murder of Kimble's sister-in-law.

Whidden stated he was also told by Kimble that Whidden was the only person that Kimble had told about the murder and began crying.

Whidden stated Kimble also told Whidden that he, Kimble, had in fact shot his sister-in-law and that Kimble did not know where the gun was. Whidden stated he was told by Kimble that Kimble had committed the murder purely for greed.

Whidden also stated that Kimble went on to say that Kimble had been approached by Ronnie Kimble's brother, who offered Ronnie money to commit the murder.

During that same conversation, Whidden explained that Ronnie Kimble explained to him that he was -- that Kimble was struggling with himself over the use of the money. And at one point, Whidden stated that Kimble offered Whidden the money Kimble was to receive from his brother, further suggesting Whidden accept the money, which Kimble suggested could be used for God's work. Whidden stated he immediately refused Kimble's offer, further telling Kimble that Whidden considered the money to be blood money, and strongly encouraged Kimble to turn himself in to the authorities. Whidden stated he could not turn himself in to the authorities, for fear of getting -- Whidden stated he, Kimble, could not turn himself in to the authorities, for fear of getting the chair.

Whidden stated that Kimble would not agree to turn himself in to the authorities, with Kimble further explaining that he would kill himself first.

Following that conversation, Whidden stated that Kimble then asked Whidden if it was -- if it was a sin to kill himself. Whidden stated he attempted to ensure (sic) Kimble that Kimble would not go to hell, if Kimble committed suicide, and that he suggested that Kimble not have such

thoughts.

That after confessing to the murder, Whidden stated Kimble asked Whidden, "Do you think any less of me now?" with Whidden stating that Kimble further told Whidden -- Whidden stated Kimble further told Whidden that Kimble believed it was her (Patricia Kimble's) time to go, whether Kimble had done it or not.

Based on what Kimble had just admitted during -- what Whidden stated, he suggested Ronnie Kimble should leave Whidden's residence. After some further thought, and not to upset Kimble, Whidden stated he then agreed to allow Kimble and his wife to remain overnight, before leaving the following day.

Following that conversation with Kimble, Whidden stated he was so concerned about what he'd been told by Ronnie Kimble on -- earlier, that Whidden decided to speak with Dr. Wilmington, who was one of Whidden's professors, for guidance, and to ascertain what Whidden should do. Whidden stated Dr. Wilmington suggested that Whidden speak with Liberty University attorneys Yeatts and Falwell. I suggested -- Whidden stated on January 25, 1997, he met with Yeatts and Falwell, to determine Whidden's legal responsibility was regarding what had been told to him by Ronnie Kimble. Whidden stated he was told by attorneys Falwell and Yeatts that they would investigate the matter

and contact Whidden at a later time.

Concerned that Kimble's -- about Kimble's thoughts of committing suicide, Whidden stated on January 28, 1997, he decided to travel to the United States Marine Corps base at Camp Lejeune, North Carolina, where Whidden met with Kimble. On that occasion, Whidden stated he again suggested Kimble should not think of taking his own life, but instead suggested that Ronnie Kimble turn himself in to authorities. During that same conversation, Whidden stated he did tell Kimble that Whidden had talked with an attorney, regarding any legal problems that Whidden may now be facing, based on Kimble's confession to Whidden on January 24, 1997 at Lynchburg, Virginia.

At that point, Whidden stated to Kimble -- at that point, Whidden stated Ronnie Kimble told Whidden that what Kimble had confessed to Whidden earlier must have been a dream, because Kimble didn't remember doing it now.

Whidden stated he responded by saying, "If you (Kimble) get the money from your brother, then you'll know it wasn't a dream."

Following that, Whidden stated he suggested to Ronnie Kimble that Kimble needed to talk with -- if Kimble needed to talk with Whidden further, then Kimble should give Whidden a call at his Lynchburg, Virginia residence. Whidden stated Kimble then told Whidden that he, Kimble, was

afraid the police had his telephone bugged and would not call from his home telephone.

During this same interview, I asked -- or Whidden was asked to state the primary reason he came forward with the above-related information, and he stated it was because he felt it was the moral thing to do. In addition, Whidden stated he felt the murder confessed to him by Ronnie Kimble was premeditated, and as a result of the murder, Ronnie Kimble was to receive an amount of money from his brother.

Whidden stated that, had the murder victim been his wife or sister, he would hope someone would come forward and provide authorities with this type of information.

Whidden further stated he would be willing to assist law enforcement in furtherance of the Patricia Kimble murder investigation and would also be willing to testify in court, if necessary.

Q Now, this interview was conducted over an hour and an half's period of time. Do you remember who asked the questions?

A I think they were primarily asked by Detective Church, and some questions were probably asked by Detective Sergeant Deberry.

Q And you took notes; is that correct?

A Yes, sir.

Q Now, is this three and a half page statement all of the

information that Mr. Whidden gave you during that hour and a half?

A Yes, sir.

Q Is it a verbatim transcript of everything he said during that period of time?

A This was based -- this final product was based on the notes that I took during the interview and was reduced to writing, which produced this particular interview report.

Q And are these your words or Mr. Whidden's?

A They're my words.

Q Okay. Specifically, drawing your attention to the second paragraph of the -- on the first page, you put in there "Whidden was recently approached by Ronnie Lee Kimble, white male, date of birth January 17, '72." Did Mr. Whidden actually say that, or did you supply that information?

A I supplied that information, because it was -- the interview was predicated upon -- the purpose of our interview was predicated upon Mr. Kimble approaching Whidden on this occasion.

Q And although you indicated that these -- this statement is in your words, there are certain places throughout the statement where you used quotation marks. And drawing your attention to Page 2, about three-quarters of the way down, you put quotation marks around the word "greed." Why was that, sir?

A That was to point out the important aspects of why this murder was committed.

Q Is that exactly what Mitch Whidden told you, placed in quotations?

A The word "greed" was used.

Q Okay. And further on down, when you put in "could be better used for God's work" in quotations and "blood money," was that because those were Mr. Whidden's exact words?

A Yes, sir.

Q And throughout the interview, you distinguished the exact words of Mr. Whidden with quotation marks; is that correct?

A Yes, sir.

Q Now, in the course of the interview, did he tell you -- he obviously gave you his current address. Did he tell you where he would be living after the interview?

A He didn't give us an exact address. He told us he would be returning to Florida.

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

MR. LLOYD: Objection, Your Honor.

THE COURT: Sustained.

Q Did you make an arrangement, whereby you could contact Mr. Whidden in the future?

A Yes, sir. Those arrangements were made with Mr.

Yeatts, who had control of that situation, as far as our contacting Mitch Whidden in the future.

Q Are you indicating then you didn't know his future location?

A No, sir, not at that time.

Q And contact, if any, would be through the attorney; is that right?

A That's correct.

Q What, if anything, did he indicate to you about his plans for quitting school?

A He indicated that following this interview, he would be returning back to Florida for a period of time, but did not give a specific amount of time that he would be remaining in Florida, before returning back to school.

Q What, if anything, did he tell you about his fear of Ronnie Kimble at the time that you interviewed him?

A He indicated to us that -- and told us that he was in fear of his life and his family's wife (sic), as a result of what Ronnie Kimble had told him, that he had committed the murder.

Q Now, on Page 2 of your statement -- of the statement you prepared, beginning with the paragraph "On January 24th," you used the word "unexpectedly" in that paragraph. Could you explain that to the ladies and gentlemen of the jury.

A At the time of that interview, Mr. Whidden explained that Ronnie Kimble and his wife came to Lynchburg, Virginia to visit them, but they didn't know exactly what time they were to be there. There was an expectation for them to be coming, but not on that particular date.

Q In the course of your duties, did you follow up this interview by interviewing Dr. Wilmington?

A Yes, sir.

Q And was that on January the 25th of 1997? Do you have that with you?

A No, sir.

MR. PANOSH: May I approach?

THE COURT: You may.

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

MR. LLOYD: Your Honor, may we 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.)

THE COURT: All right, sir.

MR. LLOYD: Judge, surely Mr. Panosh is not going to attempt to --

THE COURT: Dr. Wilmington hasn't testified.

MR. PANOSH: No, Your Honor, but they intend to call him, and I'm just going to establish that there was an interview, date and time, so we can use it in rebuttal, if

we need to.

THE COURT: All right.

MR. LLOYD: Well, here's what I object to, Judge. He's perfectly within his rights to ask him when and where such an interview happened, but when he marches up with an interview sheet, some sort of interview in his hand, puts it in front of the box, it's for identification --

MR. PANOSH: I didn't mark it and don't intend to.

MR. LLOYD: Well, but the jury thinks --

THE COURT: He's entitled to ask him if he took the statement. But again, as to whether or not he was a witness, I don't know at this point.

MR. LLOYD: Well, I don't want to disagree with that, Judge, but what I'm disagreeing to is Mr. Panosh's practice of bringing the interview up, putting it in front of the witness, so the jury can see it, and so that they all know there's an interview, and then when we object, we're keeping evidence away from them. And that's what I object to.

MR. PANOSH: Well, you don't have to object, because I'm not going to try to put it in. I'm just going to ask him if he did an interview, when and where.

MR. HATFIELD: Well, how is that relevant? How is it relevant?

THE COURT: It may be relevant, if he testifies

for the defense.

MR. HATFIELD: Well, it wasn't relevant when I tried to talk about Steve Swaney, and it wasn't relevant when we asked questions about James Ogburn.

MR. PANOSH: But they're not named witnesses.

THE COURT: They're not on the list.

MR. LLOYD: James Ogburn is.

THE COURT: That's the extent of what you can ask him.

MR. PANOSH: Yes, sir.

THE COURT: Move on.

(Proceedings continued in open court.)

Q Agent, in the course of your duties, did you interview Dr. Wilmington?

A Yes, sir, I did.

Q When and where, please?

A That interview was conducted on February 25, 1997, in Dr. Wilmington's office, located on the Liberty University campus, located in Lynchburg, Virginia.

MR. PANOSH: We'd seek to introduce State's Exhibit Number 130, Your Honor.

MR. LLOYD: Your Honor, let me check.

THE COURT: What's State's Exhibit 130?

MR. PANOSH: That's Mr. Whidden's prior statement.

THE COURT: The Court'll allow --

MR. LLOYD: We object to that, on the grounds previously stated, Your Honor.

THE COURT: The Court'll allow the introduction.

MR. PANOSH: No further questions. Thank you, sir.

CROSS-EXAMINATION by MR. LLOYD:

Q Now, Mr. Pendergrass, on this February 3rd interview with Mitch Whidden, you were present, Detective Deberry was present, Detective Church was present, and two lawyers were present, along with Mitch Whidden; is that right?

A Yes, sir.

Q Were you the only law-enforcement officer who was taking notes on that occasion?

A I believe I was.

Q All right. And you knew it was an important interview, didn't you?

A Yes, sir.

Q And you endeavored to take everything down accurately, correctly and truthfully, didn't you?

A Yes, sir.

Q All right. And you did so, didn't you?

A I think I did.

Q All right. You didn't ask any questions basically during this interview, your job while you were there was to take notes; is that right?

A Yes, sir.

Q And of course, you had a good working knowledge of the case?

A I had as -- I didn't get involved in this case until March of 1997.

Q But you had been debriefed --

A I mean, 1996. Excuse me.

Q '96?

A Yes, sir.

Q You had been debriefed by Detective Church, hadn't you?

A Yes, sir.

Q All right. So you knew -- you had a good overview of the case, you were satisfied in your own mind that you did?

A Yes, sir.

Q All right. And you endeavored to be just as accurate and as correct as you possibly could when you were taking notes on this occasion, did you not?

A Yes, sir.

Q And the first thing that Mr. Whidden told you on that occasion -- Well, let me ask you this, Agent Pendergrass. Did you tape record this interview?

A No, sir.

Q All right. You indicated earlier in your direct examination that you had some raw notes from which State's Number 130 was prepared. Do you have those raw notes, sir?

A No, sir.

Q Do you have them somewhere in your files?

A No, sir. I -- once -- the reason I don't have them, I destroy my notes, once the final product is finished.

Q Okay. And is that so you can't be cross-examined on the basis of your notes?

A Not exactly, but the reason I discard the notes is, because this is the final product, based on what I took from my notes.

Q But your notes were taken contemporaneously with the event, were they not?

A Yes, sir.

Q And the final product was done sometime after that, was it not?

A Yes, sir.

Q So, if there were any discrepancies between your notes and the final product, your notes would likely be more accurate; is that correct?

A Possibly would, yes, sir.

Q Because they were taken contemporaneously with the event itself?

A Yes, sir.

Q I'll ask you again, Agent Pendergrass, did you destroy your notes so you couldn't be cross-examined on the basis of your notes?

A No, sir. This is our policy that -- bureau policy is that when we complete a final work product, there's no necessity to keep the notes --

Q So everybody --

A -- so we discard them.

Q Excuse me. I didn't mean to cut you off. Everybody in the SBI does that; is that right?

A Pretty much, that I know of, the ones that I --

Q As far as what you were taught, that was bureau policy; is that right?

A Yes, sir.

Q All right. Now, Agent Pendergrass, one of the first things that Mitch Whidden told you was that he was currently attending Liberty University; is that right?

A Yes, sir.

Q Planning for a career in the ministry; is that right?

A Following graduation.

Q All right. And he told you that Whidden and his wife are the parents of one small female child; is that correct?

A Yes, sir.

Q And that Whidden further related his wife is expecting their second child?

A Yes, sir.

Q So, if there's any discrepancy in what Mr. Whidden testified to here in court and your interview here, is it

your testimony, Agent Pendergrass, that that is actually what he told you on that occasion?

A This is what I recall him telling me. Now, he may have told me that he had more than one child. But this is -- what I have here in this report is what I recollect him telling me on that occasion.

Q But you don't have your raw notes, so you could go back to them and check, to see whether you mistook a 1 for a 2 or a 2 for a 3, do you?

A No, sir.

Q Now, did Mr. Whidden state to you that -- at the top of Page 2, for your reference -- "He was befriended by Kimble and recalls on one occasion Kimble telling Whidden about the death of Kimble's sister-in-law"?

A Do I remember him saying that?

Q Yes, sir.

A Yes, sir.

Q And he didn't talk to you at that time about a number of other occasions when he talked to Mr. Ronnie Kimble about the death of his sister-in-law, did he?

A Not that I recall, no, sir.

Q Now, in the second full paragraph of the second page, you recorded that Mr. Whidden told you that he was approached on the evening of January 24, 1997 by Ronnie Kimble to speak in private. "Whidden stated he suggested

they (Whidden and Kimble) go upstairs to talk." And that sentence follows immediately after "On January 24, 1997, Whidden stated Kimble, along with his wife, Kimberly, appeared unexpectedly." Do you recall, Agent Pendergrass, that Mitch Whidden told you anything about going to dinner and a conversation at dinner?

A I don't recall him saying anything about a dinner on -- during this interview.

Q All right. Or any comments about -- or any statements concerning what Ronnie Kimble might have said at dinner about having a haunted past or anything of that sort?

A Not at that time, no, sir. I don't recall anything being said about that during that particular interview.

Q And you would have noted that, because you would have considered that significant?

A Yes, sir.

Q All right. And you do recall Mr. Whidden stating to you that Ronnie Kimble began crying --

A Yes, sir.

Q -- during this conversation?

A Yes, sir.

Q And you recall specifically -- you recall Mr. Whidden stating to you that "Whidden stated Kimble told Whidden that he (Kimble) had in fact shot his (Kimble's) sister-in-law, and that Kimble did not know where the gun was"?

A Yes, sir, I remember that.

Q All right. And directing your attention, Agent Pendergrass, to the second paragraph on Page 3, do you recall Mitch Whidden telling you that he was so concerned about what he had been told by Ronnie Kimble earlier, that Whidden decided to speak with Dr. Wilmington, who is a professor of his, for guidance on what -- and to ascertain what Whidden should do?

A Yes, sir, that's --

Q All right.

A -- that's what I recall him telling us.

Q Now, he did not tell you in that interview about speaking to Dr. Jerry Falwell, did he?

A No, sir --

Q You would have --

A -- not on this occasion.

Q Excuse me. I didn't mean to --

A Not on this occasion, no, sir.

Q All right. You would have noted that, because that was important?

A Yes, sir.

Q And also, the next sentence that Mr. Whidden told you was "Whidden stated Dr. Wilmington suggested that Whidden speak with Liberty University attorneys Yeatts and Falwell"; is that right?

A Yes, sir.

Q Is that correct? Do you recall him making that statement?

A Yes, sir.

Q Did he not tell you that Dr. Jerry Falwell told him that he should speak with the Liberty University attorneys, Jerry Falwell, Jr. and Mr. Yeatts?

A That's correct.

Q Now, Agent Pendergrass, directing your attention to the third paragraph on that page, did Mitch Whidden tell you that he was concerned about Kimble's thoughts of committing suicide, and on January 28th, he decided to travel to the United States Marine Corps base at Camp Lejeune, where Whidden met with Kimble? Did he tell you that?

A Yes, sir.

Q Did he tell you that on that occasion, down at Camp Lejeune, Whidden stated that he again suggested Kimble should not think of taking his own life, but instead, suggested that Ronnie Kimble should turn himself in to authorities?

A I recall him saying that, yes, sir.

Q And directing your attention to the next paragraph, which is your continuation of the account of what Mitch Whidden told you transpired down at Camp Lejeune, let me ask you if Mr. Whidden didn't tell you at this point, "Whidden

stated Ronnie Kimble told Whidden that what Kimble had confessed to Whidden earlier 'must have been a dream, because I (Kimble) don't remember doing it now.'" Do you recall Mitch Whidden telling you that?

A Yes, sir.

Q And the significance of the quotation marks, Agent Pendergrass, are that those are in fact Mitch Whidden's exact words, as a quotation of what Ronnie Kimble told him; is that correct?

A It's to set out what was -- what was told to Mitch Whidden, yes, sir.

Q Okay. And it's written up as a quotation?

A Yes, sir.

Q All right. And when you wrote it up as a quotation, those words in quotes were the exact words that Mitch Whidden used to you; is that right?

A Yes, sir.

Q And of course, you don't know if those are the exact words that Ronnie Kimble used, because you weren't there, were you?

A That's correct.

Q And the next sentence, did Mitch Whidden make this statement to you: "Whidden stated he responded by saying, 'If you (Kimble) get the money from your brother, then you'll know it wasn't a dream'"?

A Yes, sir.

Q Mr. Whidden tell you that?

A Yes, sir.

Q And did Mr. Whidden tell you the following sentence, "Following this, Whidden stated he suggested to Ronnie Kimble that if Kimble needed to talk with Whidden further, then Kimble should give Whidden a call at his Lynchburg, Virginia residence"? End of sentence. Did Mr. Whidden tell you that?

A Yes, sir.

Q Now --

A He also --

Q -- Agent Pendergrass, Mr. Whidden told you that -- on the February 3rd interview, he told you that he was planning on moving to Florida; is that right?

A Yes, sir.

Q All right.

A Returning to Florida. I think it was his --

Q Okay.

A -- home.

Q He did not give you an exact address at that time?

A No, sir.

Q And in fact, he at that time was not living in Florida, was he?

A That's correct. And I think he indicated to us that he

preferred that if we try to get in touch with him, that he -- that we should go through Mr. Yeatts.

Q All right. But he couldn't give you an address at that time, because he hadn't actually moved?

A That's right.

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

REDIRECT EXAMINATION by MR. PANOSH:

Q In reference to the information about Dr. Wilmington, in the course of your interview with him, did you confirm the information that was given to you by Mr. Whidden?

A Yes, sir, I did.

Q In reference to Dr. Falwell, based upon your subsequent investigation, do you have any doubt that Mitch Whidden did in fact --

MR. LLOYD: Well --

Q -- talk to Dr. Falwell?

MR. LLOYD: -- objection to that, Your Honor.

THE COURT: Sustained.

Q In reference to him being in Florida, do you know whether or not Mr. Whidden had family at the particular location he was moving to?

A Yes, sir, he had family in Florida.

Q So you're indicating that rather than give you that family address, he wanted you to go through the attorneys?

A That's correct.

Q Now, when you were asked about --

MR. PANOSH: No further. Thank you.

MR. LLOYD: Just one or two follow-up questions --

THE COURT: All right, sir.

MR. LLOYD: -- on what Mr. Panosh asked.

RE-CROSS-EXAMINATION by MR. LLOYD:

Q Agent Pendergrass, Mitch Whidden in the February 3rd interview never told you he had talked to Jerry Falwell, Dr. Jerry Falwell, did he?

A I don't recall him saying that he talked to Dr. Falwell. My recollection of that interview was that he talked to Dr. Wilmington.

Q And if he had mentioned Dr. Falwell's name, you knew him, didn't you?

A Oh --

Q I mean, you knew who he was?

A I knew the name, yes, sir. And I was talking to his -- his son was present during the --

Q All right.

A -- interview, yes, sir.

Q Okay. And you would have made a note of that, had he mentioned that?

A Yes, sir.

Q All right. And he told you in the February 3rd interview it was Dr. Wilmington who recommended that he

speak to the Liberty University attorneys, Jerry Falwell, Jr. and Mr. Yeatts; is that right?

A Yes, sir.

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

THE COURT: Step down, sir.

(The witness left the witness stand.)

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

Next witness for the State, please.

MR. PANOSH: Your Honor, as part of the formal presentation of the State's case, we would ask that the jury be allowed to review each of the items of evidence and the videotape. We don't necessarily want that done at this point. And that would be the State's -- the case for the State.

MR. LLOYD: Well, Your Honor, we'd ask to be heard.

THE COURT: Well, members of the jury, at this point, you may take your afternoon recess. It'll be a 15-minute recess. At the end of the 15-minute period, please report back to the jury room. If court's in session, do not come into the courtroom (sic) until the Court allows you to. (The jury left the courtroom at 3:12 p.m.)

THE COURT: All right, sir. I'll hear you.

MR. LLOYD: Well, Your Honor, of course, at the

close of all of the evidence, we'd move for a nonsuit at this time, do not ask to be heard.

I did want, Judge, to bring up, on the issue of publishing all of the evidence to the jury, once again -- of course, we raised all our initial objections that we raised at the time that the evidence was admitted. But specifically -- and I don't ask to be heard on all of it -- but specifically, Your Honor, with respect to the so-called corroborating statements -- and I believe there are corroborating statements from Patrick Pardee and Rob Nicholes in that -- I would ask once again, Your Honor, that -- and I know Your Honor gave the instruction about that they're -- you know, they're to consider them only if you do find that they corroborate. Well, there are statements in there which don't corroborate what the witness said on the stand. And my concern, Your Honor, is, we've heard the testimony from the witnesses. It's been presented on direct, redirect. There's been extensive cross-examination. We, of course, don't have a chance to cross-examine the statements themselves.

And also, the problem is, when you give someone a written statement, it makes it seem much more official. There's much more credibility attached to it. And I'm afraid, Your Honor, that even though we instruct the jury that you're only to consider this as corroborating the

witness's testimony, they don't -- they can't understand the distinction between substantive evidence that they hear from the witness stand and corroborative evidence in the form of a statement. And they're liable to take those statements, and since it's been a long trial, they're liable to put more credence in that written word. And as Your Honor has already instructed them on their own notes, they can't even do that on their own notes.

And that, Your Honor, is the basic problem I have with this.

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

MR. PANOSH: First of all, I don't believe there are statements of Pardee. There are statements of Nicholes, and solely because there are four separate statements. And I believe Mr. Hatfield cross-examined, I believe, but whichever counsel was cross-examining, they went through them in great detail and pointed out specific points and asked why there were four statements and why one was terminated and the other began on a separate date. And that's why they were admitted, because they have essentially plowed through all that evidence. And we would only submit that since it's in evidence, the jury is entitled to see that evidence.

Now, there's one statement in there we agreed to redact, and I believe it was Ms. Jackson, and we haven't

done that, but I would agree to do that, prior to presenting them to the jury, and probably to the satisfaction of counsel, unless I don't understand the issue.

THE COURT: The Court's already ruled. Some have been included into evidence. Some have been excluded. The one statement that needs to be redacted, that's not going to be shown to the jury until it is redacted. The Court's not going to allow the jury to look at them at this particular point in the trial, anyway, reserve it to a point in time when they can review all the evidence, and give them sufficient time to do that.

MR. PANOSH: Yes, sir.

THE COURT: All right. The defense evidence, are you ready to proceed this afternoon, sir?

MR. LLOYD: Yes, sir, Your Honor. We're ready to begin.

THE COURT: All right, sir. We'll take about a 10-minute break and then we'll begin.

(A recess was taken at 3:16 p.m.)

(Court reconvened at 3:29 p.m. The defendant was not present. The jury was not present.)

(The defendant entered the courtroom at 3:30 p.m.)

(The jury entered the courtroom at 3:30 p.m.)

THE COURT: If you'll call the first witness for the defense, please.

MR. LLOYD: Thank you, Your Honor.

The defense would call Kim Kimble to the stand.

KIMBERLY KIMBLE, being first duly sworn, testified as follows during DIRECT EXAMINATION by MR. LLOYD:

Q Mrs. Kimble, would you state your name for the record, please.

A Kimberly Kimble.

Q If you could keep your voice up, so the jurors all the way over here at the end can hear you. And Mrs. Kimble, where do you live now?

A 5821 Monnett Road in Julian.

Q And where do you work, Mrs. Kimble?

A Jefferson-Pilot Financial Insurance.

Q And do you know the defendant in this case, Ronnie Kimble?

A Yes.

Q How is it that you know him?

A He's my husband.

Q And Mrs. Kimble, when were you married?

A December 10, 1994.

Q And was that here in Greensboro?

A Julian.

Q All right. And how long prior to that had you known your husband?

A About 12 years.

Q And after your marriage, what sort of work pursuit did Ronnie Kimble pursue?

A He was in the military when we got married, and he was continuously in it.

Q And what branch of the military, Mrs. Kimble?

A Marines.

Q All right. And where was he stationed at that time?

A Camp Lejeune.

Q All right. And after your marriage, where did you live?

A For the first six months, we lived in Swansboro, which is right there at Camp Lejeune. And then, we moved back six months after that, approximately June, and got a mobile home, and it's where we are now, currently.

Q All right. And when you got the mobile home, where was that mobile home?

A Where it's located now?

Q Yeah. Well, yes, where it's located now. Where is it?

A 5821 Monnett Road.

Q Okay. So that's the same residence that you're living at now?

A Correct.

Q And when did you get your mobile home?

A We got -- we ordered it like in May, and we -- and it was delivered like the first week in June of '95.

Q All right. And so, you moved into it sometime in June of '95 or shortly thereafter?

A Yes.

Q All right. Now, were you working at that time --

A Yes.

Q -- around that date when you moved into the mobile home in June?

A Yes.

Q And where were you working at that time?

A Physical Therapy and Sports Rehab in Greensboro.

Q And what did you do for them?

A I was a physical therapy assistant.

Q And what did your duties and responsibilities entail?

A Massages, phonophoresis, exercise, you know, things like that, for people who had injuries, sports injuries.

Q Now, Kim, directing your attention to the weekend of October 9th and that prior weekend of 1995, do you recall if your husband, Ronnie, came home that weekend?

A The weekend --

Q Of Patricia's death.

A -- right before --

Q Yes.

A Yes, he did.

Q All right. And where did he come home from?

A Camp Lejeune. He had a 96 that week.

Q And when you say a 96, for members of the jury who don't have military experience, what does that refer to?

A It was a holiday for the military, or federal, I'm not sure. But he got off on that Friday and didn't have to report back till like the following Tuesday.

Q All right. And do you recall what time he got in on that Friday?

A It was sometime that evening. It wasn't late, because he got in just there right -- I mean, it was maybe 30 minutes after I got home from work.

Q And directing your attention to the events of October the 9th, the day that Kim -- that Patricia died, excuse me --

A Uh-huh.

Q -- do you recall what you did that morning?

A I went to work.

Q All right. And was Ronnie -- what time did you get up, Kim?

A Around 6:30.

Q All right. And did Ronnie get up with you at that time?

A Yes.

Q Do you recall what he did?

A He was going to get dressed and leave before myself.

Q All right. And did he do so?

A Yes.

Q All right. And do you know what his plans were that day?

A He -- since he was off that day and I had to work, our plans were for him to get some underpinning, to underpin our trailer, because it was already October and, you know, we didn't want pipes to start freezing.

Q All right. And do you know if he had any plans to get the underpinning in a particular place?

A Atlantic Mobile Home Supply.

Q And do you know how he planned on transporting the underpinning?

A He had asked his brother that weekend if he could borrow a box truck, to haul it in, because we didn't have a vehicle that would haul that.

Q All right. And was that his brother Ted?

A Yes.

Q And when he left that morning, do you remember which car he was driving?

A He drove the Camaro.

Q All right.

A It's --

Q And so, what car did that leave you with?

A White Daytona, Dodge.

Q And do you know where Ronnie was going when he left

your mobile home that morning?

A He was going to go over to Ted's and Patricia's house, to pick up the box truck, because that's where he was told it would be.

Q Okay. Now, after you left for work, did you hear anything from Ronnie?

A Yes, I did.

Q All right. And when was that?

A It was around 12:30.

Q And what did Ronnie tell you at 12:30?

A We had planned on possibly going to lunch together that day, because we never get to do that, because he's not in during the week. And I asked him had he picked up the underpinning, and he said, "Yes." And I said, "Well, have you got started on it?" And he said, "No." He's a procrastinator. And so, I told him to go on and go home and start putting up the underpinning, because I knew he had to be back at work the next day.

Q All right. So you did not go to lunch --

A No.

Q -- with your husband that day?

A No, sir.

Q And instead, encouraged him to get on the job installing the underpinning?

A Correct.

Q Now, did you hear from him again during the course of the day, before you saw him after you came home from work?

A Yes, I did.

Q All right. And about when was that, if you remember?

A It was sometime after 3:00. It wasn't much after 3:00. And he called, and was just letting me know that he was going to go up to Ted's business to pick up a tooth saw blade or something like that, to cut the underpinning, because he couldn't cut it with what he had, it wasn't cutting it right, it was tearing it up.

Q And did you encourage him to get on the job with installing the underpinning at that time?

A Yes, I did.

Q Now, Kim, when was it that you actually saw Ronnie, after you got the call from him about the saw blade?

A I get home from work -- I got -- at that time, I got home from work around 20 minutes till 6:00.

Q All right. So that would have been 5:40; is that correct?

A Yes.

Q And did you see Ronnie at that time?

A Yes, I did.

Q And how was the underpinning job progressing?

A It was -- he had had like a tracking put up, but the underpinning was laying out.

Q All right.

A I told you he's a procrastinator, so he --

Q And what did you say to Ronnie when you saw him when you got home from work?

A Well, I went over there and I hugged him and kissed him and asked him "What you been doing?" "You know the underpinning needs to be --" you know, "Are we going to get this underpinning up before you go back in the morning?" He was having trouble with it. It wasn't staying on the track right. And he had just said, "Did you just --" "Didn't you just miss your dad? He was just here." And I said, "I didn't pass him." Of course, I probably came a different way than he went home.

Q Now, when you say your dad, what is his name?

A James Stump.

Q All right. And where do your parents live, Kim?

A Just around the corner --

Q Okay.

A -- on Coble Church Road.

Q And if you know, Kim, how far is it, in terms of --

A I don't know. I don't know.

Q Well, is it less than a mile?

A Yes.

Q All right. Is it a distance that you could walk?

A Oh, yes, definitely. I have before.

Q And had you -- on that occasion, had you seen your father?

A No, I had not.

Q All right. And what did you -- after you had gotten home, what did you and Ronnie do at that point?

A We pretty much -- he'd gave up on the underpinning. He said that dad and a friend was going to look at it, and try to get it up or, you know, help him out, until he had to come back in for the weekend. And I was hungry, he was hungry, so we decided we was going to get something to eat. But I didn't want to cook. I'm not much of a cook. I don't like to cook. And so -- but I didn't want to really go out. And I knew I needed to go over to my mother's, so we were discussing that. And he was going to go on in and take a shower, and then we were going to head out.

Q All right. And did Ronnie in fact take a shower?

A Yes, he did.

Q And you mentioned something about your mother's. Did you go over to your mother's?

A Yes, we did.

Q And if you recall, Kim, what time did you get over to your mother's?

A It was about 6:15, somewhere around there.

Q All right. And was there anything that you were able to gauge the time by?

A The news was on. When we got in, I -- my mother and I was going to go over ABC Distributing catalog. I was going to get some stuff for Christmas presents. And Ronnie went in partially into the living room, because he didn't want to take his shoes off, and you don't walk on the carpet with shoes. And he and my dad were sitting there watching Channel 2, and "2 Wants to Know" was on, and they were talking something about mobile homes. So him and my dad was kind of interested in that, since we had just purchased one, and we had had trouble ourselves, trying to get things fixed that was supposed to have been fixed and wasn't, things that was supposed to have been added and wasn't, and that's what Channel 2 was talking about.

Q So this was some kind of investigative reporting on defects in mobile homes that people were having difficulty in getting fixed or refunds on or whatever; is that correct?

A Yes.

Q All right. And you said something about your mother and ABC Distributing company?

A That's correct.

Q Did you talk with your mother?

A Yes. We were in the kitchen discussing it.

Q And you had mentioned something, Kim, that this was -- this involved a catalog?

A Yes. You order out of it items, you know. So we were

-- she was writing it down, because she was going to take it to her place of employment, and they do it there, and so, she was going to take it to her place of employment and give them my order, so I could get it back before Christmas.

Q And you indicated that you were -- this was primarily for getting Christmas presents --

A Yes.

Q -- for you, right?

A Yes.

Q Do you remember how many Christmas presents you were going to order from that catalog?

A Quite a few. I don't know the exact amount, but it was -- it was quite a few.

Q All right. And did you and your mother sit down and talk about that?

A Yes, we did. It took some time, because like I said, it -- I ordered a lot, and I think she'd even ordered some herself, so we were just writing it all down together, so she could give it all to them at once.

Q And did you socialize during the course of your conversation?

A My mother and I?

Q Yes.

A Yes, we did.

Q All right. Now, did you eat at your parents' house?

A No, sir, we did not.

Q Do you remember, Kim, how long you stayed there?

A At least an hour or so, because I know that when we were getting ready to leave, "Wheel of Fortune" was on, and I know it comes on at 7:00. So it was -- it was at least an hour or more.

Q Okay. What happened when you left?

A Ronnie and I headed to Winn-Dixie, to pick up some supper.

Q All right. Now, let me get you to back up in your memory, Kim.

A Okay.

Q Do you recall anything significant about leaving?

A Yes. Mom and dad -- we're all real close, and Ronnie travels all the time. He'd come home on weekends and then he would leave. And mom and dad's always made a point that when we get ready to leave their house, they walk out with us, to tell him "Bye. Be careful." And they were doing that, you know, because they knew he was going to leave the next day. They were telling him "Bye" and "Be careful" and "Don't fall asleep," because he has a sleeping disorder. And we probably were out there maybe five or 10 minutes, and then we headed on.

Q So Ronnie had to be back at the base --

A The next --

Q -- noon of the next morning?

A Yes.

Q Which would have been Tuesday; is that correct?

A Correct.

Q So what time was he planning on leaving in the morning?

A Pretty early, because like I said, he's -- he has a hard time staying awake, so he wanted to try to get back. Plus, it's hard to get on the base when you've had a 96 or something and everybody's trying to get on it at once.

Q So he was going to allow himself extra time to get checked in; is that right?

A Yes.

Q All right. Now, after you left your parents' house, where did you go?

A We went to the Winn-Dixie at Forest Oaks.

Q And what was the purpose of that, Kim?

A To pick up something to eat for supper.

Q Okay. Do you remember -- Well, let me strike that. When you went to the Winn-Dixie, what did you purchase there?

A We wanted something quick, and so -- because we wanted to get to bed early, and so, we picked up like two stuffed flounders and a bag of Tater Tots.

Q Okay. Did you have any problems in getting anything at the --

A Yeah. No one was at the seafood, and so, it took awhile to get someone to come to the seafood. And one of the girls that I had had as a patient at physical therapy worked there, and I saw her, and so, we spoke, and I introduced her to Ronnie.

Q Now, what was her name, Kim?

A Melissa Williford.

Q And how did you know this woman?

A She was a patient at Physical Therapy and Sports Rehab. She had had an ACL done on her knee.

Q Okay. When you say ACL, what do you mean?

A She had had to have surgery, because it was -- the tendons and stuff were all messed up and she couldn't walk on it, so she had to have surgery.

Q Now, did she help you in getting someone into the seafood department?

A Yes, she did. She motioned for someone to -- she went up and motioned for somebody to come in, to go back to the seafood counter and get what we needed.

Q And you indicated that sometime during this conversation with her, that you introduced her to Ronnie?

A Yes, I did.

Q Had she -- I take it by that she had not met Ronnie prior to that point?

A No. I had talked to her, you know, because when you're

working with somebody in a physical therapy setting, you kind of get to know them pretty well, because you're sitting there just kind of talking to them, while they're riding a bike or something. And I had told her about him being in the military and told her that he came home on weekends. So she sort of knew him, but she -- you know, she'd not met him. So when we were there at the grocery store, I introduced her. And after he walked off, she goes, "Well, he's really cute," you know, so she -- you know --

Q All right. Did you take that as a compliment?

A Yes, I did. I told her "Thank you."

Q After that conversation, and after you got the fish and -- I believe you said you got another food item; is that right?

A Yes, we did.

Q Did you check out and pay for your purchases?

A Yes, we did.

Q All right.

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

THE COURT: You may.

Q Now, Kim, I hand you what's been marked as Defendant's Exhibit Number 12, and ask you if you recognize that.

A Yes, I do.

Q And what is it?

A It's the check that I used to pay for the food items

that we got at Winn-Dixie that night.

Q All right. And when you paid for the check -- for the food items with the -- with your personal check, did the cashier run it through the machine?

A Yes.

Q All right. And what is the date on the check that you wrote, Kim, your date that you put on it?

A October 9, 1995.

Q Now, directing your attention to the back, the cancelled part of the check, does the writing show on there a time?

A Yes, it does.

Q And what is that time?

A 7:36 p.m.

Q All right. And is that consistent with what you remember about when you checked out of Winn-Dixie and paid for your purchases?

A Yes.

Q And after that, what did you do, Kim?

A We went back to our home.

Q All right. Now, had you gone straight from your parents' house to Winn-Dixie?

A Yes, we did.

Q All right. And what did you do when you got home?

A We put the stuffed flounder in the oven. And I wanted

to go ahead and take my shower and wash my hair, so I jumped in the shower, and he sits there and talks to me while I'm in the shower. And I told him, I said, "Keep an eye on the," you know, "the food, so we don't burn." And after I got out of the shower, we sat in our living room and watched the program that came on at 8:30, which was a 30-minute program, and sat there and ate.

Q All right. And did there come a time when you went to bed?

A Yes, at 9:00 o'clock --

Q All right.

A -- after that show was off.

Q Now, did you get any phone calls that night?

A Yes, we did.

Q And if you remember, Kim, when did you get a phone call?

A It was about 9:15. We were just -- you know, like I say, we went to bed about 9:00 o'clock, so we had not really gotten in bed pretty good. So --

Q And did you answer the phone at that time?

A Yes, I did.

Q And --

A It was beside me.

Q -- who was it on the phone?

A It was -- well, I didn't know at that time. It sounded

like a frantic voice, and she was just like, "Edna?" which is my mother-in-law. I said, "No, this is not Edna, but this is her youngest son's residence. Can I help you?" And she said, "No. I just need to speak to Edna." She said, "I'll just call there." And I said, "Okay." And she seemed, you know, sort of fearful in her voice or something like that.

And so, I hung up the phone, and Ronnie said, "Who was that?" I said, "I don't know. I didn't ask." I said, "Probably somebody from the church." Because my father-in-law is a minister at Monnett Road Baptist Church. And I said, "But she sounded really worried." I said, "I wonder if everything's okay?" And I know just about everybody in our church, so I was a little worried myself, because it's not a huge church, but I've been there for so long, I know everybody.

And so, I tried to call Edna myself at home, at her home, and no one answered. So I was like, "Well," you know, "maybe I'll find out tomorrow."

So within two or three minutes, the phone rung again, and she told me her name was Christie Blakley, and that it was Reuben's wife, which was Patricia's brother. And I said, "Yeah," you know, "what's wrong?" And she says, "Don't be too alarmed, but Ted and Trish's house is on fire. I was wondering if y'all could come on up here." And I

said, "Okay." And then I started getting a little frantic. I said, "Is everybody okay?" And she said, "Well, Ted's here. We don't know where Patricia is, but," you know, "we don't know. If y'all could just come on up there. And if you could get in touch with Edna." Well, Ron's out of town, because he was in Lynchburg, Virginia.

Q Now, when you say "Ron," who do you mean by Ron?

A Ronnie Kimble. He's my father-in-law.

Q This would be Ron, Sr.?

A Yes. I'm sorry.

Q All right. And so, were you able to get in touch with Ronnie's mother?

A No. I paged her twice, and I never got a return call. That's when I called my mother and told her, and she said -- I said, "Please keep trying to get in touch with Edna," because I felt like she needed to know. And she said, "Okay." And I said, "We'll get back in touch with you, once we come back." And so, I left it to my mother -- I left it up to my mother, to try to get in touch with Edna.

Q And what did you and Ronnie do at that point?

A We quickly got dressed and went over to Patricia and Ted's house in the white Daytona.

Q Did you -- and what did you find when you got to Patricia's house?

A Tons of emergency vehicles, and just personnel. And

when we got there, we parked on the other side of Brandon Station Court, on the right-hand side, I guess it was Brandon Station Road, because that's the only place we could find a place to park.

Q And did you learn immediately the situation regarding Patricia?

A No. I mean, we knew that the house, you know, had been on fire, because the fire trucks were there, but that's all we knew, until, you know, we went up there. And we were trying to get through the heavy traffic of people, and they're like -- one of the, I think it was a fireman said, "You can't go through." Or it might have been a police officer. And Ronnie said, "Well, this is my brother's house." And they were like, "Oh, okay. You can go on in."

And a lady that I used to know really well, named Suzy Marley, came up to me. Her husband, I don't know if he's a chief now, but he used to be chief at Pleasant Garden, hugged me, and she said she was really sorry. And I was like, "What are you talking about?" you know, because, I mean, I didn't know anything, I'd just got there. And she said, "I think there's a body in there." And she said, "The house is on fire." That's all I know and that's all she told me. And then we headed on through.

Q Okay. And what did you -- what happened after that?

A We were heading on through, like I said, we were

already in the driveway area, and Ted came up.

Q And did Ted tell you anything concerning Patricia?

A He had tears in his eyes, and he was just like, "I feel like this is a dream. I don't know what's going on. How can this happen?" And that was the -- pretty much the extent of it.

Q Now, did you see your parents, did you see your parents at the scene?

A No, sir.

Q All right. How long did you remain there at Ted and Patricia's house?

A Maybe 30, 40 minutes. Not too long. I don't -- I don't like things that stress me out a lot, and it was really bothering me, and I told Ronnie it was way too much going on, that, you know, "Let's head back to mom and dad's house and pick them up," because we knew that everybody was heading back to the South Elm Street Baptist Church. And so, we were going to go back there. We were going to go pick up my parents first and head over there with the family.

Q All right. And did you go back and pick up your parents?

A Yes.

Q And did you go to the South Elm Street Baptist Church?

A Yes. We went back to my mom and dad's, and they drove

over to South Elm Street Baptist Church and we rode with them.

Q And how long did you stay there?

A Oh, probably until like 1:00 or 2:00 o'clock in the morning. It was -- it was real early in the morning.

Q And what was Ronnie's demeanor during that time?

A During which part?

Q Well, during the time from the fire, to the time that you went to the South Elm Street Baptist Church.

A Oh, he was upset. I mean, he was just like me. I was upset. We was trying to figure out what was going on. I mean, you know, I don't -- seeing a fire, seeing all these personnel -- I mean, we didn't really see the fire, but the house was like, you could tell that it had -- the fire was in there, you know, and they'd already putten (phon.) it out, but it was real dark and just -- you could smell smoke. And I mean, it's just -- not knowing where Trish was and not knowing anything, it just really bothered us and -- I mean, it just upset us both.

Q Now, when you got to the South Elm Street Baptist Church, did you know at that time that there was a body inside the house?

A Yes.

Q All right. And did anyone tell you that it was Patricia's body?

A We had heard that that's what it was. And I -- you know, I wanted -- I wasn't 100 percent sure. That's what we heard. And, you know, we were just wanting to hear it from more than, you know, one or two sources. But yeah, that's pretty much what we had heard.

Q All right. Now, after you left the church, what did you do then?

A We went back -- Let's see. I drove Edna, my mother-in-law's car, and Ronnie rode with me. And my mother and my father -- my mother drove their vehicle, my mom and dad's vehicle. And dad drove Ronnie and -- I think Ronnie and Edna's vehicle, another vehicle, back -- no, excuse me, Ted's vehicle, Ted and Trish's vehicle, back to Ron and Edna's house. Ron and Edna -- not Ron, Edna was really upset, and they didn't think Ted should drive, so, you know, I was wanting -- I didn't have a car, so I was driving Edna's vehicle. Mom, like I said, was driving their own vehicle. And then my dad was driving Ted's vehicle, Ted and Trish's vehicle, to go back to the Kimbles' house, so they wouldn't have to drive, because they didn't think they were in any state to drive.

Q Now, did Ronnie go back to Camp Lejeune the next day?

A No, sir.

Q What happened with respect to that?

A He called the next morning, to let them know what had

happened, and that he would let them know when he would be back.

Q And when did Ronnie get permission to come back?

A I'm not 100 percent sure. I don't think -- I think he went back like the following Sunday or Monday, but I'm not 100 percent sure.

Q Did there come a time after that when you went to Patricia's funeral?

A Yes, we did.

Q All right. Now, Kim, directing your attention back to October the 9th, when you first came home --

A Yes.

Q -- from work, and you saw Ronnie, and I believe you indicated that it was around 5:40 p.m.?

A Uh-huh.

Q Did you notice anything unusual about Ronnie's demeanor at that time?

A No. He looked just like he always did. It was kind of warm that day, and he had on jeans. He always wears a cowboy hat when he works. So he had his cowboy hat on, and he had on work boots, and he didn't have a shirt on, but it was laying right there, so --

Q All right.

A And he was working on the underpinning.

Q Did you say anything to him about it -- at that time

about not having done the underpinning?

A Yeah. I mean, I always pick on him, because, you know, like I said, he's just a procrastinator. I mean, he didn't have a lot of time, because he was there only on weekends, and -- but he always says he's going to get something done. And it seems like it took months, but -- I mean, he eventually gets to it, but that's just -- that was just Ronnie. So that, yeah, I was -- I was like "This doesn't look like it's going to get done today, so --"

Q Kim, did you smell anything unusual about Ronnie?

A No. Like I said, I went over there and I hugged him and I kissed him, and I didn't smell a thing.

Q All right. Now, directing your attention to late January of 1997, did there come a time when you and Ronnie went up to Virginia?

A Yes.

Q All right. And what was the purpose of your trip to Virginia?

A He was actually going to Norfolk, Virginia, to the naval hospital there, to get a sleep test done. And he got permission from the military base for me to go along with him, and they would reimburse us if I had to stay in a motel room, because they didn't think that with him having a sleep problem, that he should be going that distance by himself.

Q Okay. And what was the nature of Ronnie's sleep

disorder?

A Like -- Explain.

Q I mean, what did you observe concerning his sleep problems?

A I'm a light sleeper, and he would wake me up all the time. He had these weird dreams constantly. One night, he woke -- he woke me up, and he's at the end of the bed growling, and I was like, "What is wrong with you? Wake up." And he just -- he was like, "A wolf was after me." I said, "No, I think you are the wolf." I said, "You're sitting there, growling." And you know, he just had dreams like that. It was just really weird. He would like jerk in his sleep, things like that. So, his sleep pattern weren't that good, so it kept me up a lot.

Q Now, as far as his duties in the Marine Corps were concerned, how did his sleeping problems affect his duties in the Marine Corps?

A He just -- I know the reason why they put him in the chaplain's office, because he was in the grunt unit, and in the grunt unit, you -- I don't know the name of the guns, I think it's like M-16's or something, that they would go out in the field and have and stuff, and he couldn't -- he would fall asleep out in the field. And so, they thought it would be dangerous to him. So they put him in the chaplain's office, because they didn't want to harm him or others, just

because he had a sleep -- you know, he was always falling asleep. I mean --

MR. PANOSH: Your Honor, we believe this is beyond her actual knowledge. We'd object, please.

MR. LLOYD: That's all right.

THE COURT: Sustained.

Q Now, Kim, to your knowledge, had Ronnie been evaluated prior to this date for his sleeping problems?

A He was like evaluated a few times, just briefly, down at Camp Lejeune, but they didn't have a sleep study lab. And if he went to Norfolk prior to that or somewhere else, it was before we got married.

Q All right. So, as far as you know, he was just evaluated by the Marine Corps doctor down at Camp Lejeune?

A Yes.

Q But he had never been to any sort of sleep disorder center?

A Not since we were married.

Q All right. And on this occasion in January, what was the purpose of going to Norfolk?

A For him to have a sleep test done, where they put electrodes on him and watch him while he sleeps.

Q Okay. And if you recall, Kim, when did you go up for that?

A I think it was like on Tuesday, the 21st or 22nd of

January.

Q Okay.

A I don't have a calendar. I can't --

Q All right. But regardless of what the date was, your recollection is that it was a Tuesday?

A Yes.

Q All right. And what happened when you got to the hospital there?

A He -- we -- they signed him in. And we hung out for a little while. They were telling him what was going to happen. And they said, "But you can go on and leave --"

MR. PANOSH: We object, please.

THE COURT: Sustained.

Q Okay. Don't say what they said. But he signed in, and after that, what happened?

A We -- he didn't have to be back till 9:00 that evening back at the sleep lab. So we went to, I think Holiday Inn, which is right there on the water, to sign -- to get me a room, because I couldn't stay there while he was having the sleep test done.

Q All right. And did you in fact stay in a room in a motel?

A Yes.

Q All right. And how many nights was Ronnie there at the sleep center, being tested?

A Two, I think. Yeah.

Q All right.

A If -- yeah, two.

Q And was he there during the day, as well, being evaluated?

A Part of the day. But like I said, he can sleep at any time. And so, you know, they wouldn't wake him until like -- I don't know exactly how it works, but they would only wake him at certain like intervals and phrases and stuff -- phases that he goes through. So, it was like they would wake him like at 9:00 or maybe 10:00, and then he'd go back to sleep like at 12:00 or 1:00 or something like that. It was just that type of test.

Q All right. Now, after Ronnie's sleep evaluation, what did y'all do then?

A We -- after we left -- we were heading to Lynchburg, Virginia on Thursday, because he didn't get done till real late Thursday afternoon. We weren't sure if we were going to make it to Lynchburg Thursday.

Q And did there come a time when you called the Whiddens?

A Yes. Ronnie did.

Q All right. And when was that, if you remember?

A Sometime after -- like I said, he didn't get done with that sleep test till it was like going on 4:00 or 5:00 o'clock that Thursday. And so, he called them somewhere

around there. I remember us getting something to eat, because he was hungry. And he called them somewhere around that time.

Q Okay. And as a result of that phone call, did you and Ronnie establish plans for Thursday night?

A Yes.

Q And what were those plans?

A To meet them at the school -- well, to meet Mitch at the school, at Liberty University, to have him -- us follow him back to their home.

Q All right. Now, Kim, what was the purpose of going to Lynchburg and staying with the Whiddens?

A Ronnie was going to be getting out of the military, and he'd serve four years come April 6th, and he was trying to decide what he wanted to do in life. And he had thought about the ministry, following his dad's footsteps, and he'd been praying about it. And so, he wanted to just go check Liberty University out. So that's -- since, you know, we were already in Virginia and I had time off, we decided to go and do that.

Q And did you establish plans for spending the night with the Whiddens?

A Yes.

Q All right. And what were your feelings on it?

A I really didn't want to, because I didn't know them.

And I --

MR. PANOSH: We object to feelings, please.

THE COURT: Overruled.

A I didn't want to, because I didn't know them. And I'm just the kind of person, if I don't know you, I don't really want to stay with you. I'd like to get to know someone first, before I go and stay at someone's home. That's just how I've always been.

Q But in spite of that, did you agree to --

A Yes.

Q -- stay with the Whiddens?

A Yes. I mean, because we were kind of low on cash. We didn't -- I mean, we wasn't well off, but, you know, we had enough to do us, but we didn't know if we were going to stay one or two nights, so I decided that, yeah, I would stay, you know, I'd get to know them, and if I still felt uncomfortable, maybe the next night we could get a room or something, because like I say, I just didn't know them.

Q So you had not met the Whiddens prior to this?

A No, sir.

Q And did you -- what time did you arrive at the Whiddens'?

A It was after 10:00.

Q All right. And what did you do that first night?

A We kind of introduced ourselves. And, like I say, it

was kind of late, so we -- I could tell the kids seemed like they were tired. They had two children. And they showed us where we were going to sleep. At first, they were going to put their little girl, she has a crib, and they were going to put her in there with us, but she was kind of whiny and crying, so they said, "No. She'll keep you up all night. So we'll just let her stay in here with us."

And Ronnie asked if he could take a shower, because he had had all that glue from the electrodes on him. And they said, "Yeah. Sure." So, you know, he took a shower. They pretty much went on to bed, I went on to bed, and he came on to bed, too.

Q Now, when you woke up the next morning, what did you do then?

A We had made plans to go with Mitch to the campus, just to check it out, maybe go to a couple of his classes and see what it was like.

Q And did you do that?

A Yes.

Q All right. And did you go to all of Mitch's classes?

A No.

Q What did y'all do?

A We went to his 8:00 o'clock class for probably an hour and a half. I was bored. And so, I -- he got up, Mitch, Ronnie and I got up. And it was during their break, they

had a break or something. And he was introducing us to everybody. And Dr. Wilmington was supposed to be there that day, teaching, because that was his class, but he was like on some kind of trip or something that he wasn't there. So, I think Rick Buck and someone else spoke. And so, he had introduced us to him and to a lot of his friends that was in that class. And then he went back to -- no, I take that back. Then he showed us around the campus, showed us the church where Dr. Falwell's office was, where the library was, where Dr. Wilmington's office was. And then he headed back to class and -- it was probably around 11:00, and Ronnie and I decided to go get something to eat, because we hadn't had breakfast that morning, so we decided to go away from the campus and grab a bite to eat.

Q Now, did there come a time, Kim, when you got back up with Mitch Whidden?

A Yes. Because we had drove that day, we had drove our vehicle, and he had rode with us. So we went back to the campus to pick him up.

Q And what did you do after you picked Mitch up?

A We went back to his apartment.

Q And when you got back to his apartment, what happened then?

A We just kind of hung out for a little while. We wanted to get in touch with -- we knew -- we wanted to see Dr.

Wilmington, but we knew we wouldn't be able to see him, because he wasn't there. And so, we wanted to talk to Dr. Falwell. And the reason why we wanted to speak to both of those was because, Dr. Falwell had been to our church before, to dedicate the new sanctuary. I had met Dr. Wilmington through my father-in-law, Ronnie Kimble, Sr. And so, we wanted just, you know, to say "Hey" and then talk to Dr. Falwell about the school itself.

Q And did there come a time when you went back to the campus?

A Yes.

Q All right. Did Mitch go with you then?

A No.

Q All right. And what did you do when you got back to the campus?

A We went to Dr. Falwell's office and stood outside, and asked the secretary if -- you know, would he be available just to come out and speak to us for a moment. And within probably 10 or 15 minutes, he came out.

Q All right. And did you have a conversation with Dr. Falwell then?

A Yes. And he also gave us a book on Strengthening the Journey and signed it.

Q And if you recall, Kim, about what time was this?

A Probably around 3:00, 3:15, somewhere around there.

Q And what did you do after that?

A We headed back to his apartment. It was -- actually, the weather was kind of icy. Because I remember going by Dr. Falwell's vehicle, and I said, "Ooh. He's already getting ice all over his windows." So we wanted to head back. And we had -- I told Ronnie on the way back, I said, "I don't know. Maybe we should just go on and leave tonight," because, you know, I didn't want to -- ice is not something you can just drive on. And so, we -- I had talked to him about it. But, you know, we hadn't made any plans to do that at that time. So we just went on back to the apartment.

Q So there was not actually ice on the streets at this point?

A No. It was just falling on the trees and the vehicles.

Q Now, what time did you get back to the Whiddens'?

A I don't know. It was probably around 4:00, 4:15, somewhere around there.

Q All right. And what did you do at that point, Kim?

A We were debating on -- well, actually she -- Ms. Whidden was talking about how she -- what did we want to do, did we want to go out to eat, did she want to cook, you know, kind of debating over that. And she wasn't feeling good. She -- I remember her stating she really wasn't feeling good at all. And I said, "Well, then, let's just go

out to eat," you know. "Let's -- y'all pick the place and" you know, "we'll -- it's on us." You know, "You've let us stay in your home," you know. "You don't even know me, and," you know, "you don't even know Ronnie, but Mitch does." And I said, you know, "That's the least we can do." So we decided to go out to eat.

Q Okay. Now, before you went out to eat, do you recall any phone calls?

A Yes.

Q All right. And --

A Well, actually no. I had called my mother.

Q Uh-huh.

A And I wanted to let her know how Ronnie's sleep study went, and to let her know that we were in Lynchburg. My mother and I have a close relationship, so I always kind of keep in contact with her. So I was just calling her to let her know. And I could tell that she -- you can always tell -- because she's got call waiting, you can always tell when she pushed the button, she was on the phone. I said, "Who are you talking to?" And she said, "Well, I'll call you back." And I said, "Who are you talking to?" She said, "Detective Church." And I said, I said, "Well, what's he want?" And she said, "Well, I'll call you back. What's the number?" So I gave her the number and she called me back.

Q All right. Now, was there a discussion about --

A No. I had just told Ronnie that. I said, "Well, Mom's going to call back. Detective Church is on the phone, asking her some questions."

Q Okay.

A But that was the extent of it, because I didn't know what he was wanting. So she said she'd call back.

Q And did your mother in fact call back?

A Yes, she did.

Q And did you talk to her?

A I'm sorry?

Q Did you talk to her?

A Yes.

Q Was that -- do you recall, Kim, how long that conversation was?

A I don't know. Maybe around 15 minutes, maybe. We just really discussed -- I -- you know, like I said, I called her to begin with, to let her know that everything was okay and that we got to Lynchburg okay, and we got -- we didn't really know anything about his sleep study yet, because they didn't get the result. And then I proceeded to ask her "What did Detective Church want?" because, I mean, this was January of '97, and I -- you know, I figured that they had already gotten everything they needed, and we told them that if we knew anything, we'd get in touch with them.

Q All right. Now, did you --- after your conversation

with your mother, did you carry on a conversation regarding what Detective Church had --

A It was --

Q -- talked to your mother about?

A -- brief. I just got off the phone, and I said that, "Ronnie, Detective Church was just asking more questions." And I know it was just last year, but I can't remember the exact questions he was asking. I said, "I guess," you know, "they're going to keep on bugging us," and that's exactly how I said it, "until they figure out who did this." I said, "But," you know, "I don't blame them," you know. "I'd like to know, too." I said, "But," you know, "we told them and told them that if we knew anything, that we would definitely let them know." Because I had cooperated 100 percent with them, talking to them. So --

Q Now, did you go out to eat, as planned?

A Yes, we did.

Q And do you recall where you went?

A I don't know the name of it. I just remember them saying that a bunch of people from the school, from his classes, always went there, because it wasn't real expensive and, you know, being students, it was something that most everybody could afford.

Q All right. And who went when you went out to eat, Kim?

A Ronnie, myself, Mitch, Debra, and their two children.

Q All right. And do you recall what the restaurant was like?

A It was okay. It wasn't nothing fancy. We sat in a large booth, and it was like a buffet type thing, so we would go up and get our food and then come back to the table.

Q Now, do you recall a conversation at dinner that evening centering around Ronnie's desire or thoughts about going into the ministry and attending Liberty?

A Yes.

Q All right. And do you recall Ronnie ever saying anything about having a haunted past?

A No.

Q Do you recall Ronnie saying anything about wanting to talk to Mitch in private, without your being present or without Debra Whidden being present?

A No, because if he had said that, I would have asked him what was he wanting to talk about, where I couldn't hear it.

Q All right. And do you think if he had made the comment about having a haunted past, do you think that that would have stuck out in your mind?

A Yeah, definitely.

Q Do you recall Mrs. Whidden saying anything about -- to Ronnie, "You haven't done anything that any of the rest of us haven't done"?

A No, I sure don't.

Q Now, after you finished your meal, who paid for it?

A Ronnie and I.

Q And what did y'all do after that?

A Ronnie and Mitch took the two children and headed to the van. They had a van. And Debra and I walked to Best Products. And they were going to get the van and go around to where the store was. And she and I stopped off, I don't know the name of the store, but it was where they sold shoes, and she was looking at the children's shoes and stuff, because they had like a little sale rack outside and then just a little bit on the inside. And then she said, "Well, we'd better get on over to Best, because the boys are going to be looking for us." So we headed on over there and went to Best Products.

Q All right. What did you do at Best?

A Looked around. They were closing, just like the one here, they were closing, and everything was marked down more than, you know -- each week, they were marking stuff down. So we were just kind of looking around, seeing what kind of deals there was. They were looking at a karaoke machine. I think they went back to it two or three times, looking at the karaoke machine, thinking that it would be a good investment for something that has to do with church. And I recall the price, because they were like, "No, it's too

expensive." It was like \$100. So they decided against it. And then we went over to the housewares, which consisted of different chairs and stuff. And we purchased an office chair, because we had a desk, we didn't have chairs for it. And then they purchased one, as well.

Q All right. After you made those purchases, what did you do at that point?

A We headed back to the apartment.

Q And if you know, Kim, what time do you think you got back to the apartment?

A I can give you an approximate. It was probably around 9:00.

Q All right.

A I really couldn't tell you. I know it was dark, but --

Q And what did you do at that point?

A Ronnie took our chair and put it in our vehicle. And Mitch -- and then we all went back into the apartment.

Ronnie and him started, you know, taking the chair out. And Ronnie was going to put it together downstairs. And me and -- Debra and I started playing Nintendo and Game Boys again.

Q Were the children in bed at this time?

A No. We had just got home, so they were still downstairs with us.

Q All right. And if you know, Kim, how long did it take to put together the chair?

A Maybe 10 minutes.

Q And what happened after the chair was put together?

A It's a chair that spins around, so Ronnie was spinning it around. And their little son kind of was like jumping on it, and then Ronnie was spinning him around, and he'd jump off. He was -- he was tired, but he was hyper, in the same sense, so it was just -- you know, he was jumping back and forth on the chair.

Q All right. And what happened after that?

A Debra and I kept playing Game Boy and Nintendo, and Ronnie and Mitch said, "We're going to go upstairs and do a Bible study and pray, since you girls don't want to be involved." I guess they could tell, because we were sitting there playing Game Boy. And so, they went on upstairs.

Q And so, that left you and Debra and the children downstairs?

A Yes.

Q All right. Now, do you recall anything with regard to the children?

A The little boy, like I said, was kind of hyper, and he was going -- running back up and forth to the stairs. And she kept saying, "Mitch, get down here," you know. "Stay down here. Leave the boys alone." So finally he did. And I just recall her doing that, because, like I said, she and I was on the couch playing Game Boy. So --

Q Now, how long were Mitch and Ronnie upstairs?

A 15 minutes tops.

Q All right. And when was it -- what were you and Debra doing when they came back downstairs?

A We were still playing Game Boy. She wasn't feeling good, I can tell you that. She kept telling me, she said, "I just don't feel so good." And I said, "Do you need to lay down or anything?" And she said, "Well, I'll be okay. It's probably just my blood sugar." Because, I mean, she just -- you know, like, she was pregnant, and she said she -- her blood sugar would drop now and then.

Q And had she -- had Mrs. Whidden laid down before Ronnie and Mitch came downstairs?

A She had laid down right before they came down the steps. I mean, they probably were coming down the steps as she was laying down.

Q All right.

A Because like I said, she -- we were playing Game Boy, and that was right before, I had told her, I said, "Well, do you need to lay down?" And she said, "Well, I'll be okay. It's probably my blood sugar." And then I heard them coming down the steps, and she did. She decided to go ahead and lay down. And she looked kind of white, you know, I could tell. Being in the medical field, I could tell that she was kind of white. So I was kind of glad she was laying down.

I didn't want her to pass out on me.

Q And when Ronnie and Mitch came down, do you recall them saying anything?

A Well, I told them, I said "Does she get like this --" I was asking Mitch. I said, "She --" I said, "Look at her." And she was white. And next thing I know, she kind of went out. Her eyes was closed. I was like, "Is she okay?" And I said, "You need to get her a wet rag." I said, "Let's put it on her forehead." And so, I said, "Make sure it's cold." So I think Mitch did do that. Ronnie may have done it. I don't know who got the rag, but somebody got the rag.

Q And how long did Mrs. Whidden remain like that?

A She wasn't like that a real long time. But I know when she came to, she just -- she was like a wet noodle. She was just like -- you know, she just felt like she couldn't hardly make it. She didn't look like -- she wasn't able to stand up, more or less walk up steps.

Q And did Ronnie and Mitch help her up to bed at that time, or was that at a later time?

A Mitch says, "Well, do you want to go upstairs and go to bed and lay down up there?" And I said, "Well, don't you think you need to take her to a doctor?" I was concerned. I had -- you know, I know they stated it was her blood sugar, but with her being pregnant, I felt like, you know, they should be concerned about her, but the unborn child, as

well. And they said that she just gets like that all the time, that she'd been like that with one of her past pregnancies. And she said she'd be okay, that she had a doctor's appointment on Monday morning. And she said if it gets worse, that she would definitely go.

Q And so, was it at that time that Ronnie and Mitch helped her upstairs to bed?

A Uh-huh, pretty much. It was probably five minutes and they just took her on up. She just kind of wanted to lay there for a few more minutes, just -- I don't know, I guess because she just didn't want to move.

Q Now, when Ronnie and Mitch came downstairs and you first saw Ronnie, was there anything unusual about his demeanor at that time?

A No.

Q Did he act strange in any way?

A No.

Q And if you remember, Kim, were the children in bed at this time?

A No.

Q All right. So, Ronnie and Mitch helped Mrs. Whidden upstairs to bed?

A Yes.

Q And was she able to get up the stairs on her own, or was --

A No. Like I said, she was like a wet noodle. I guess from passing out and her blood sugar dropping so much, that she just couldn't -- she couldn't stand up by herself. So they picked her up off the couch and carried her up the steps to their bedroom.

Q And did Mitch put the children to bed at that time?

A I think so. It was -- it was right there afterwards. Because I think we all pretty much went to bed after that.

Q All right. And when you went to bed, did you notice anything unusual about Ronnie?

A No. Nothing.

Q Notice anything unusual about his demeanor at that time?

A No, sir.

Q And what happened the next day, with regard to your leaving?

A The next morning?

Q The next morning.

A We decided to get a head start early, because like I said, the night before, the weather wasn't all that great, but it still not had really -- the ice had not formed on the roads yet. It was still somewhat icy. And I knew Ronnie had to go back the next morning to Camp Lejeune. And with his sleep disorder, I really -- you know, I felt like he needed to get a good night's sleep. He had been gone all

week, out of his bed and stuff. Plus, I needed to do some washing and go to the grocery store and things like that. So we were going to leave early.

And I guess it was about 10 minutes till 8:00 when we started to head out. And we go downstairs and Mitch is there, and he says, "Do y'all really have to leave?" And I said, "Well, yeah." I said, you know, "I'd love to stay, but we can't." And he said, "We really wanted you to go to Thomas Road Baptist Church and we wanted -- to Dr. Falwell's church, to see him, since you've never been to the church." I said, "Oh, man, we'd love to." I mean, he and I really wanted to. And I said, "But Ronnie needs to get back." I said, "If he didn't have to be back till Monday," I said, "we'd go for it." But with him, with his sleep, you know, problem and stuff, we were like, "No, we'd better go on." Because like I said, he had to leave the next day, on Sunday, to go back to Camp Lejeune.

Q All right. And how -- if you know, Kim, in terms of -- not necessarily in terms of miles, but in terms of time, how far was the drive from Lynchburg back to Greensboro?

A Hour and 45 to -- a little over -- an hour and 45 to two hours, something like that. Depending on traffic. And that morning, it was not busy.

Q And how far would -- in terms of time, would the drive have been from Greensboro to Camp Lejeune?

A From our house to Camp Lejeune?

Q Yeah.

A Three and a half to four hours.

Q And when did Ronnie have to be back on the base that weekend?

A I can't remember. Sometimes he had to be back like that evening. Sometimes it wasn't till the very next morning, at 6:00 or 7:00 o'clock in the morning. That weekend, I assume it was Sunday night, but I'm not 100 percent sure. Because I know he'd been -- I know he had been gone for a whole week. And usually when you have that much time off, you have to report, you know, like at night or something like that. So it may have been Sunday evening.

Q All right. And did you see Mrs. Whidden when you left?

A No.

Q Now, Kim, directing your attention to the afternoon when you were at the Whiddens', did there come a time when you watched a tape of Dr. Falwell on television?

A Yes. Mitch had it. He had it taped. And it was -- he asked if we wanted to watch it, and we said, "Sure." So we -- he popped it in the VCR, and we sat there and watched it. I don't think we watched the entire thing, but I know we watch at least 30 minutes of it.

Q All right. Do you recall when during the course of the afternoon that was?

A It was after we got back from Dr. Fal-- seeing Dr. Falwell.

Q All right. And what was the mood of the group?

A We kind of laughed about it. I don't remember the whole thing, but it was talking about pornography and how, you know, he thought every -- what's his name, Flynt, I think, he acted like everything's okay with it and all that. And, you know, Dr. Falwell, he debates pretty good, and he was really debating with him and letting him know exactly what he thinks and what, you know, the Bible states. So we were having a good time with that.

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

THE COURT: Mr. Panosh.

CROSS-EXAMINATION by MR. PANOSH:

Q Ma'am, what did you say your marital status is?

A We're separated right now.

Q And is that the extent of your marital status?

A No. I have filed for divorce.

Q And your testimony before this jury today is that, you are -- on October the 9th of 1995, Ronnie Kimble left early in the morning, and you didn't see him again until 5:40?

A Correct.

Q And you have a real good recall of that particular situation and that weekend?

A The -- I'm sorry. What?

Q Do you have a good recall of that particular weekend?

A The weekend prior to her death, that weekend?

Q October the 6th through October the 9th.

A Yes.

Q Okay. Do you remember being interviewed by Detective Pendergrass, Special Agent Pendergrass, on August 4th of 1998? I'm sorry. On July the 31st of 1998?

A Yes, I do.

Q And do you remember telling him, beginning the interview by saying that you could not recall the specifics of the weekend of October the 6th of 1995?

A That is correct.

Q But today you can recall it?

A I have recalled it prior to today. My cousin got married that weekend, and it wasn't like a big event. I mean, it wasn't like my wedding, so, of course, I didn't remember it. But I have seen my cousin, and my sister had came up, and my mother and my aunt and my cousin all went to this wedding. And I have seen them prior to that, so it made me remember it. So that's why the weekend came back to me of that particular weekend, what I remember.

Q So what you're saying then is, when you were interviewed on July the 31st of this year, not even a month ago, you told Agent Pendergrass that you could not recall the specifics of the weekend beginning October 6, 1995?

A I'm sorry. I don't remember being interviewed on July 31st of this year.

Q Okay. Are you saying Agent Pendergrass didn't call you on the telephone?

A Oh, on the phone. Okay. I'm sorry. Yes.

Q And did you begin that interview by telling him that you could not recall the specifics of the weekend beginning October the 6th of 1995?

A That's correct. I said that, yes.

Q So, on July the 31st of this year, less than a month ago, you told him that you could not recall specifics, but today, you can recall every detail of that weekend?

A That's correct. But a couple weeks ago, I -- like I said, I saw my cousin, I've talked to my mother, my sister has came up, and it brought it back. I mean, I just remembered it. Like I said, it wasn't a big event. I mean, it was just a wedding. But I remember it now. I mean, back then, no, of course not, but now I do. I mean, it was brought to my attention that that wedding was that weekend, and then everything fell into place what had happened.

Q Okay. I don't think I understand you. You said, back then, of course not, you could (sic) remember it, are you referring to July --

A Two weeks ago, I remember. Two weeks ago -- or a week -- two weeks ago, my mother and I were discussing it, and

she told me "Do you remember your cousin got married that weekend?"

Q So, when you talked to the detective -- to Agent Pendergrass on July 31st, you did not remember?

A No.

Q But after that, you talked to your mother --

A And she --

Q -- and it all came back to you?

A Yes.

Q So --

A Yes.

Q -- all those details you've related to the jury today all came back to you after you spoke to Agent Pendergrass, based upon your opportunity to speak with your mother about your cousin's wedding?

A The only thing I remember telling the jury was about the other details. I haven't really discussed this -- that past weekend.

Q Oh. You didn't talk about getting up and leaving on October the 9th?

A Yes, but that's on a Monday.

Q So, now you're saying that you -- Let me see if I can ask you again. Do you recall telling Agent Pendergrass that you did not recall the details of the weekend beginning October the 6th of 1995?

A I could not remember the Saturday and Sunday of what we did, especially that Saturday, of what Ronnie and I did when he came in on that Friday evening. But two weeks ago, my mother and I were talking, and she remembered that my cousin got married that weekend, and that's when things started coming back, of what had happened that Saturday and Sunday. I already knew what happened on that Monday, but the Saturday and Sunday, I could not remember, until my mother and I had spoke and she was telling me about my cousin's wedding on that Saturday afternoon.

Q So you recall the events of Monday, but you didn't recall your events of Saturday and Sunday, prior to October the 9th; is that what you're saying?

A Correct.

Q But you do recall them now?

A Yes.

Q Okay. Going back to June the 10th of '96, do you remember being interviewed by Detective Church?

A I don't remember the date, but I remember talking to Detective Church.

Q Okay. And do you remember him asking you specifically if Ronnie Kimble, your husband, had any friends from the military that might have been home with him that weekend from Camp Lejeune?

A I remember him asking me that, yes.

Q And what did you tell him?

A I'm thinking I told him that I thought Neil Silverthorne was there, which was a friend of his, but then I remember that -- I think he was out on float or something in Cuba or something like that.

Q In fact, you told him about Silverthorne, but you didn't tell him about Mr. Dobesh, who was the friend who was home with your husband that weekend?

A That's correct.

Q And you never mentioned Mr. Dobesh being with your husband on October the 6th?

A That's correct.

Q Now, do you recall now when Mr. Dobesh came to your home on October the 6th?

A Yes, I do.

Q And do you recall now whether he stayed there?

A Was that on Friday? I'm sorry.

Q I believe October the 6th would have been a Friday, yes, ma'am.

A Yes.

Q And he stayed there how long?

A He left on Saturday, because --

Q Now, why was it that Mr. Dobesh came to your home on Friday and Saturday?

A That weekend prior to, he had came up with Ronnie. He

was dating a friend of ours, and he came up that weekend prior to. And I recall Ronnie leaving his vehicle at the house that Sunday before they left, and he rode with Dobesh back to Camp Lejeune that week. And then, they came back in together on that Friday afternoon, in Dobesh's vehicle.

Q So, they both came up Friday night in the same vehicle?

A Yes.

Q And he left Saturday morning?

A Saturday afternoon.

Q What time was that?

A I really couldn't tell you. I know that he was still there around lunchtime.

Q So he made the four-hour trip to stay for a half a day and then turned around and left?

A Yes. He was wanting to see the girl that he was dating at that time.

Q My question to you is, he made a four-hour trip, stayed a half a day and left?

A Yes.

Q And are you saying that he had to drive up to Greensboro to see that girl?

A I'm sorry. I couldn't hear you. Someone was coughing.

Q Are you saying that he drove up to Greensboro to see that girl?

A Well, that, and he also was bringing Ronnie home.

Q Can you explain why, in your prior interviews, neither you nor Ronnie Kimble ever mentioned Mr. Dobesh bringing him home on that Friday?

A Like I said, I had forgotten, but it came back to me two weeks ago.

Q Okay. So the events of October the 6th in regards to Mr. Dobesh did not come back to you until two weeks ago?

A That's right.

Q Is there a particular reason you would have difficulty remembering those events shortly after those events occurred, when you were interviewed?

MR. LLOYD: Well, objection to the phrase "shortly after those events occurred." We're referring to an --

THE COURT: Sustained.

MR. LLOYD: -- interviewing on June the 11th, Your Honor.

Q Well, you said that you cooperated 100 percent with the Guilford County Sheriff's Department; is that correct?

A Yes, I did.

Q Did you at any time after the murder of Patricia Kimble relate the events of October the 6th of 1995 to the Guilford County Sheriff's Department?

A No, because I could not remember at that time. If I could have remembered, I would have told them. And I told Mr. Pendergrass that when I was on the phone with him two

weeks ago or three weeks ago.

Q That you couldn't remember?

A I'm sorry?

Q That you couldn't remember?

A Exactly.

Q Okay. So then, Patricia being killed on the 9th, and the investigation starting on the 9th and going through the next several weeks, during those several weeks right after her death, when you said you were cooperating 100 percent with the sheriff's department, did you ever go and mention the fact that Ronnie Kimble came home with Justin Dobesh on October the 6th?

A Are you talking about -- I'm sorry. I was -- I'm confused on what you said. I apologize. Could you repeat that?

Q Yes, ma'am. Patricia Kimble was killed on October the 9th.

A Correct.

Q On the week right after that, when the sheriff's department was actively investigating her death, when you said you were participating and cooperating 100 percent, did you ever go to them and tell them that Ronnie Kimble had come home with Justin Dobesh on October the 6th?

A I don't -- I didn't see why that was relevant at that time. I mean, it was just a weekend, and it was an ordinary

weekend for us.

Q So, first you didn't think it was relevant, and after that, you forgot?

A Right.

THE COURT: Let me stop you there a minute. What time is your flight, Mr. Hatfield?

MR. HATFIELD: 5:40.

THE COURT: What time do you need to leave here, sir?

MR. HATFIELD: In about five or 10 minutes.

THE COURT: All right, sir. We'll stop in about five minutes.

MR. HATFIELD: Thank you.

Q Now, you did say that Ronnie Kimble, your husband, and you lived in Swansboro for about six months?

A Correct.

Q And then after that, you were living in Greensboro?

A Yes.

Q So for approximately three years, he was driving back and forth?

A Yes.

Q Did he drive every weekend?

A Pretty much. Sometimes I went down there.

Q And that's a four-hour approximate drive each way?

A Three and a half, four, depending on which way I go.

Q And you said that he has a sleeping disorder, where he falls asleep?

A Correct.

Q But he drove back and forth?

A Like I said, not every weekend, but some.

Q Quite frequently?

A Yes.

Q Most weekends?

A Yes.

Q And in fact, he had the sleeping disorder before you were married; isn't that right?

A He -- yes, but it wasn't like they -- they were checking it out, but they didn't know that that's what it was at that point.

Q Would it surprise you to find out that he said in the medical records that he'd had this sleeping disorder all his life?

A No, it would not surprise me.

Q And in fact, the reason he was being checked out in 1997 is because he was applying for an early discharge; isn't that right?

A Yes.

Q And he was applying for disability; isn't that right?

A They had looked into it, because the military said that he can't do his job, which his job was being in the grunt

unit. His job wasn't the chaplain's office. That's just where they put him.

Q But he knew at the time he went into the military that he had a sleeping disorder?

A But it wasn't that bad.

Q And he also knew he could get out of the military because of a sleeping disorder?

A No, he did not know that at that time.

Q Isn't it a fact that that's how his father got out of the Marine Corps?

A That his --

MR. LLOYD: Well, object, Your Honor.

THE COURT: Sustained.

MR. LLOYD: She doesn't know why his father got out of the Marine Corps.

Q If you know, isn't it a fact that that's how Ronnie Kimble, Sr. got out of the Marine Corps in 1967?

A I did not know my father-in-law was in the military.

Q In any event, when he signed up for the Marine Corps, he was well aware of his -- of what you refer to as a sleeping disorder?

A I'm sorry. Repeat that, please.

Q When he signed up in the Marine Corps, he was well aware that he had a sleeping disorder?

MR. LLOYD: Well, object, Your Honor. She doesn't

know what he's well aware of or --

THE COURT: Well, sustained.

Q Were you married to him at that time?

A When he was in the military? He was in the military before we got married, yes.

Q Okay. Were you dating him and acquainted with him at the time that he went into the United States Marine Corps?

A I was -- acquaintance, yeah, we were friends, but I was not dating him.

Q And you said, I think, that you had been dating him or acquainted with him for approximately 12 years?

A Yes. We had been friends since -- for 12 years.

Q Okay. So you knew then about his, what he refers to as a sleeping disorder?

A No, I did not, because like I said, it never -- it wasn't -- I didn't know it till we get married that, you know, he was having problems at night sleeping and things like that and during the daytime. I wasn't --

Q When you were dating him or driving around with him as a friend, did he ever tell you about his propensity to fall asleep?

A No. I mean, when we were dating, we were very young.

Q Regardless of your age, when you were dating him, or was driving around with him as a friend, did he tell you about his propensity to fall asleep?

A That's probably --

MR. LLOYD: Objection. Asked and answered, Your Honor. She said no.

THE COURT: Overruled.

You may answer the question.

A The year before we got married, I remember him saying something about him getting really sleepy at times, but I wouldn't call that a sleep disorder. I mean, if you don't get a lot of sleep, you get sleepy.

Q Uh-huh. And you said part of it is that he has bad dreams?

A Well, that is -- that's what I've observed, when I've gone to --

Q And based upon that --

A -- bed with him at night.

Q Excuse me?

A I said that's what I observed when I went to bed with him at night.

Q Would it surprise you to find out that all the times he's been evaluated, he doesn't mention the fact that his sleeping disorder includes bad dreams?

A I recall that when I was with him in Norfolk, Virginia, that was mentioned.

Q So that would be reflected in the reports?

A I just know that it was mentioned. I don't know what's

in the reports, I haven't seen them, but I know that that was mentioned.

Q So you have not seen the results?

A No.

Q You don't know --

A They don't give them to us.

Q They don't give them to you? They didn't give you the results?

A No.

Q They never gave you the results?

A They may have gave them to Ronnie, but they never gave them to myself.

Q Well, in fact, you know that he was turned down for his application for early discharge and disability, wasn't he?

A As far as I know, they were looking into it. I don't think it ever came about.

Q Did you --

A They were still looking into it.

Q Wasn't he turned down because they found there was no sleeping disorder?

A He was arrested in April, and they were still looking into that, so I couldn't tell you. I do not know.

THE COURT: Going on to another subject?

MR. PANOSH: Do you want me to stop?

THE COURT: If you're getting ready to go to

another subject.

MR. PANOSH: Yes.

THE COURT: You may step down, Ms. Kimble.

(The witness left the witness stand.)

THE COURT: Members of the jury, we've made good progress. We're much further ahead than we thought we'd be at this particular point, and I know it's been a long week, and I know you have personal obligations to take care of. Some of the court officials have administrative matters that we need to deal with tomorrow, so we're going to give you tomorrow off, start back fresh on Monday morning. We will start at 9:30 on Monday, rather than 10:00. Does everyone understand that? Is that going to be a problem for anybody?

I hope you have a nice weekend. Please remember the instructions the Court has given you in the jury responsibility sheets. Have a nice weekend, and I'll see you on Monday at 9:30.

(The jury left the courtroom at 4:51 p.m.)

THE COURT: Let me see the attorneys up here on an administrative matter before the recess.

(All three counsel conferred with the Court at the bench.)

THE COURT: You may declare a recess until 9:30 Monday morning, sheriff.

(A recess was taken at 4:53 p.m., until 9:30 a.m. Monday, August 24, 1998.)

I N D E XSTATE'S WITNESSES

LOUIE MITCHELL WHIDDEN, JR.

Continued Cross-Examination by Mr. Hatfield PAGE 1513

Redirect Examination by Mr. Panosh PAGE 1599

Recross-Examination by Mr. Hatfield PAGE 1602

DEBRA MARIE WHIDDEN

Direct Examination by Mr. Panosh PAGE 1604

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HAROLD G. PENDERGRASS

Direct Examination by Mr. Panosh PAGE 1653

Cross-Examination by Mr. Lloyd PAGE 1676

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STATE RESTS PAGE 1688

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DEFENDANT'S WITNESS

KIMBERLY KIMBLE

Direct Examination by Mr. Lloyd PAGE 1692

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E X H I B I T SSTATE'S EXHIBITS

	<u>IDENT.</u>	<u>INTRO.</u>
117. Receipt	1174	1600
120. Parking Receipt	1207	1600
130. Statement of Louie Mitchell Whidden	1429	1676
132. Map of Guilford County	1653	1654
133. Copy of Statement of Debra Whidden	1651	----

DEFENDANT'S EXHIBITS

11. Statement of Debra Whidden	1647	----
12. Check to Winn-Dixie	1706	----

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 246 pages constitutes the complete and accurate transcript of my stenograph notes of the proceedings in this matter on August 20, 1998, at the August 3, 1998 Regular Criminal Session of Superior Court, Guilford County, North Carolina, and were transcribed by me personally.

This the 27th day of December, 1998.



Marsha M. Garlick, RPR
Official Superior Court Reporter

Transcript Ordered: September 8, 1998

Transcript Delivered: January, 1999