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NORTH CAROLINA

SUPERIOR COURT OF JUSTICE SUPERIOR COURT DIVISION 1999 MAR MILLE NOS. 97 CRS 23656, 97 CRS 39581,

**GUILFORD COUNTY** 

\_98 CRS 23486, 99 CRS 24241-48

STATE OF NORTH CAROLINA

**MOTION TO WITHDRAW** 

VS

THEODORE MEAD KIMBLE

NOW COME THE UNDERSIGNED ATTORNEYS for the above named Defendant to remove pursuant to NCGS 15A-144 that they be permitted to withdraw as Attorneys of Record for the above named Defendant, and respectfully show unto the Court:

I

That the undersigned attorneys were retained on or about November 3, 1998 for the sole purpose of a trial upon the merits or plea of guilty or no contest if it was in the best interest of Theodore Mead Kimble;

II

On or about January 28, 1999, in the Criminal Superior Court of Guilford County, the above named Defendant entered pleas of guilty, and an Alford plea of guilty to the charges above numbered;

III

That after entering the above pleas the Defendant on March 5, 1999, without advice from counsel and upon his own Motion, moved to withdraw the pleas and enter pleas of not guilty. This Motion was denied by the Court, and the Court heard evidence and sentenced the Defendant. The Defendant has indicated that he wished to enter Notice of Appeal to the Court of Appeals;

IV

That Defendant had previously authorized his attorneys to negotiate the pleas entered, by virtue of which it would be difficult for the same attorneys to represent the Defendant's best interest in presenting this issue to the Court of Appeals, if not in direct conflict. Further, the Defendant is indigent within the meaning of the statute.

FILED	
NORTH CAROLINA MAR 15 1999  AT 15 O'CLOCK M  GUILFORD COUNTY  CLERK OF SUPERIOR COURT	N THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NOS. 97 CRS 23656, 97 CRS 39581 98 CRS 23486, 99 CRS 24241-48

STATE OF NORTH CAROLINA	<b>A</b> )	*
	)	ORDER ALLOWING
VS	)	ATTORNEYS TO WITHDRAW
	)	
THEODORE MEAD KIMBLE	)	

THIS CAUSE, coming on to be heard and being heard before the undersigned Judge of the Superior Court duly assigned to hold the Superior Criminal Courts of Guilford County, upon motion of counsel, to wit: WHITE AND CRUMPLER, by Fred G. Crumpler, Jr. and H. W. Zimmerman, Jr., and the Court makes the following findings of fact:

- 1. That the undersigned attorneys were retained on or about November 3, 1998, for the sole purpose of a trial upon the merits or plea of guilty or no contest if it was in the best interest of Theodore Mead Kimble;
- 2. On or about January 28, 1999, in the Criminal Superior Court of Guilford County, the above named Defendant entered pleas of guilty, and an Alford plea of guilty to the charges above numbered;
- 3. That after entering the above pleas the Defendant, on March 5, 1999, without advice from counsel and upon his own Motion, moved to withdraw the pleas and enter pleas of not guilty. This Motion was denied by the Court, and the Court heard evidence and sentenced the Defendant. The Defendant has indicated that he wished to enter Notice of Appeal to the Court of Appeals;
- 4. That Defendant had previously authorized his attorneys to negotiate the pleas entered, by virtue of which it would be difficult for the same attorneys to represent the Defendant's best interest in presenting this issue to the Court of Appeals, if not in direct conflict. Further, the Defendant is indigent within the meaning of the statute.
- 5. That the above named Defendant, and his parents, Ronnie Lee Kimble and Edna Mayton Kimble, understand that the representation agreement did not include representation for any appeals which may result from the trial or hearing of said criminal cases;

The Court further CONCLUDES that the above findings constitute good cause for withdrawal of counsel pursuant to NCGS 15A-144.

### IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

- 1. That good cause exists to permit the withdrawal of White and Crumpler and Fred G. Crumpler, Jr. and H. W. Zimmerman, Jr. as Attorneys of Record for said Defendant and that said attorneys are hereby allowed to withdraw as provided in NCGS 15A-144;
- 2. That the Clerk of the Superior Court is hereby ordered to remove said counsel's name from the file jacket as attorney of record;
- 3. That the Court by separate order has appointed another attorney this day to represent the above named defendant to perfect said appeal, to wit: the Appellate Defender;

This is 15% of March, 1999.

JUDGE SUPERIOR COURT

STATE OF NORTH CAR. I	NA		· · · · · · · · · · · · · · · · · · ·	ile No. 97CRS 39581
GUILFORD Count	у ЕН ЕГ	)		General Court Of Justice Superior Court Division
STATE VERSUS	anning anning and a second anning and a second anning of the second of t	A STATE OF THE PROPERTY OF THE	gegand make group group do the files case as a part to be about the case and a select of several review of the case and a select of several review of the case and a select	
Name Of Defendant THEODORE MEAD KIMBLE Social Security No.	1739 MAR 31 AM	8: 28	APPELLATE	ENTRIES
240-47-9619	GUILECED COUNTY	000	Rules 7 9	11, 27; N. C. Rules Of App. Proc.
Codefendant(s) If Tried Jointly		Additional File No.		11, 27, 11. C. Halos G. App. 1700.
N/A	BY CON	97CRS 23656;	98CRS 23486;99CRS	23241-48
		Name And Address H.W. ZIMME	Of Defendant's Trial Coun	sel Andria
Name And Address Of Trial Prosecutor RICHARD PANOSH		FRED CRUM	PLER	
P O BOX 10769		11 WEST FOU	LEM NC 27101	A sections
GREENSBORO NC 27404-0769	Telephone No.	With Story Bri		Telephone No. (336) 725-1304
Name And Address Of Court Reporter(s)	(336) 574-4313	Name And Address	of Defendant's Appellate	
DEBBIE WISE (1/28/99 guilty plea	a)	The Appell		560-3334
	Telephone No.		ith Drive, Suite 200, Du	
GREENSBORO NC 27402	(336) 574-4319			La Company Carlos
PAM VAUGHN (3/4-5/99 motion to		Altern	ative Counsel to Appella	ate Defender / Ogtoby St
POBOX 3008 sentencing		Appellate (	Counsel	
ACCHODODO NO 07400	Telephone No.			
	(336) 574-4342			
Date(s) Of Trial And Other Hearings				Telephone No.
1/28/99 guilty plea;3/4-5/99 mo	otion to withdra	w plea & s	entencing	
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<ol> <li>The defendant has given Notice of A</li> <li>Defendant's trial counsel was given a did so. did not do so.</li> <li>The defendant shall serve a proposed if this is a capital case, after the cour giving or filing notice of appeal if no t</li> <li>The State shall serve its amendments if this is a non-capital case or 35 day</li> <li>Release of the defendant pursuant to amount of \$</li> </ol>	record on appeal on to treporter(s) delivers or ranscript was ordered or objections or proposing this is a capital cars. 15A-536 is	ct to the jury cl the State within copies of the tra sed alternative of se, after service denied.	narge out of the hear a 35 days, if this is a anscript to defendant record on appeal on t e upon it of the defer	non-capital case, or 70 days s appellate counsel or after the defendant within 21 days adant's proposed record on on of a secured bond in the
6. Unless indigent, the defendant shall of Rules of Appellate Procedure.  7. (NOTE: Check in all cases where de appointment of counsel. It is ORDERS a. The Administrative Office of the the defendant's brief.  b. (1) The appellate defender is a declines this appointment pabove is appointed to perform (2) The defendant's appellate of the Clerk shall furnish to the defendant of Unless the parties stipulate that pareporter(s) a transcript of all parts	fendant is indigent.) The that the defendant Courts shall pay the composited to perfect the defendant to G.S. 7A-4 ect the defendant's appointed above andant's appellate courarts of the proceeding	The defendant is allowed to a osts of producine defendant's 86.3(1), the depeal. is appointed to unsel a copy of gs shall not be	s indigent and has rec ppeal as an indigent and ng a transcript, and c appeal. In the event t efendant's alternative perfect the defendar all documents on file	quested a transcript and the and: of reproducing the record and he appellate defender appellate counsel named int's appeal. in this case.
8. The Clerk shall mail a copy of these E the court reporter(s).				ant (if unrepresented), and to
Date Name Of Presiding Judge 03-15-1999 PETER M. MCHU		l " .	Of Presiding Judge	
			ter M. McHugh	
Original - File Copy - Court Reporter(s) Copy - Defe	idant's irial Counsel Copy - (	Jeiengant's Appellate	Counsel (or defendant if unrepr	esented) Copy - District Attorney

K'S TRANSCRIPT O	DRDER AND CERTI
(NOTE: To be completed <u>ONLY</u> when defendant is indigent.)	
To The Court Reporter(s) Named On The Reverse:	
Prepare and deliver to the parties a transcript of all portion (Specify any portions of the proceedings which need not be transcribed pursuant to No. 7.d. on reverse side.)	
	\
$\ _{\text{I}}$ certify that I delivered a copy of this Transcript Order to $\ \boxtimes$ personally.	the court reporter(s) on the date shown below:
by mailing it to the reporter(s) at the address(es) show	yn on the reverse.
Date Clerk's Transcript Order Entered And Filed 03/15/99	Signature (Mustura & Carr
Oete Order Delivered To Court Reporter(s), If Different 03/31/99	Deput C3 Assistant CSC Clerk Of Superior Court
EXTENSION OF TIME TO PREPAR	I have the support of
WO SHOW A	E TRANSCRIPT OR SERVE RECORD
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Pursuant to Rules 7 and 27, N. C. Rules of Appellate Proc	edure, upon motion of the \(\sime\) defendant \(\sime\) State ED that:
Pursuant to Rules 7 and 27, N. C. Rules of Appellate Proc Court reporter, and for good cause shown, it is ORDER	edure, upon motion of the
Pursuant to Rules 7 and 27, N. C. Rules of Appellate Procured Court reporter, and for good cause shown, it is ORDER  the time for preparation of the transcript is extende  the time permitted for service of the proposed record NOTE:  The trial court may grant only one extension of time to prepare	redure, upon motion of the defendant State ED that:  d for 30 additional days.  rd on appeal is extended for 30 days.  e the transcript or to serve the record on appeal. Neither extension may of time must be made in the Appellate Court to which the appeal has
Pursuant to Rules 7 and 27, N. C. Rules of Appellate Procourt reporter, and for good cause shown, it is ORDER  the time for preparation of the transcript is extende  the time permitted for service of the proposed reconverted for the proposed reconverted for more than 30 days. A motion for any further extension been taken. Rules 7(b)(1) and 27(c)(2), N. C. Rules of Appella	redure, upon motion of the defendant State ED that:  d for 30 additional days.  rd on appeal is extended for 30 days.  e the transcript or to serve the record on appeal. Neither extension may of time must be made in the Appellate Court to which the appeal has
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STATE OF NORTH CAROLINA. COUNTY OF GUILFORD	IN THE	E GENERAL CO	JRT OF JUSTICE
COUNTY OF GUILFORD	17 1.116 7	SUPERIOR COU	IRT DIVISION
		97 CrS 23656, 39	581; 98 CrS 23486,
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STATE OF NORTH CAROLINA	)		
	)		
V.	)		
	)		
THEODORE MEAD KIMBLE	)		
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### ORDER EXTENDING TIME TO PERFECT RECORD ON APPEAL

Upon motion of the defendant, Theodore Mead Kimble, and for good cause shown:

IT IS HEREBY ORDERED that the time within which to serve defendant's proposed record on appeal upon the State be extended (30) days, until the 6th day of September, 1999.

IT IS FURTHER ORDERED that counsel for the defendant promptly serve a copy of this Order on all other parties to this action.

This the let day of Oligica

HONORABLE PETER M. McHUGY

SUPERIOR COURT JUDGE

#### No. COAP99-520

# North Carolina Court of Appeals

STATE OF NORTH CAROLINA		om Guiltora	
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THEODORE MEAD KIMBLE			<del>j</del> <u>n</u>
*******	******		o !
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	ORDER	OMI	Lund
			*
The following order was entered:		AAEA 42	<del></del>
			-

The motion filed in this cause on the 7th day of September 1999 and designated Motion For Extension of Time to Serve Defendant-Appellant's Proposed Record on Appeal" is allowed. Proposed record on appeal shall be served on or before 7 October 1999.

By order of the Court this the 8th day of September 1999.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 8th day of September 1999.

John H. Connell

Clerk of North Carolina Court of Appeals

CSC Orig

CC:

Ms. Danielle M. Carman

Attorney General

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of Defendant-Appellant's Proposed Record on Appeal has been duly served by sending it first-class mail, postage prepaid to Richard E. Panosh, Assistant District Attorney, 18th Judicial District, Post Office Box 10769, Greensboro, North Carolina 27402, by placing it in a depository for that purpose.

This the 7th day of October, 1999.

Danielle M. Carman

Assistant Appellate Defender

#### STATEMENT CONCERNING DEFENDANT'S CONFINEMENT

Prior to entry of his guilty pleas in the instant cases, defendant was in the custody of the Department of Corrections at Southern Correctional Institution in Troy, North Carolina for unrelated larceny and breaking and entering convictions. On January 12, 1999, defendant was placed on disciplinary segregation. Defendant entered his guilty pleas in the instant cases on January 28, 1999. On February 1, 1999, defendant's control status was changed to administrative segregation. On February 5, 1999, defendant was placed on maximum control and remained there until he was transferred to Caledonia Correctional Institution on February 26, 1999. Pursuant to state-wide policy, all three levels of control require 23-hour-per-day lock-up, with one hour per day for showering and individual recreation. In addition, inmates held at all three control levels are not allowed phone calls and are permitted only one non-contact week-day visit per week.

## STATE OF NORTH CAROLINA GUILFORD COUNTY

ATTORNEY FOR DEFENDANT

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48

*****	**********
STATE OF NORTH CAROLINA	<u>)</u>
v.	
THEODORE MEAD KIMBLE	
*****	*******
STIPULATION AND	SETTLEMENT OF RECORD ON APPEAL
It is hereby stipulated and constitutes the agreed record on appe	I agreed by all parties to this appeal that the foregoing eal.
proceedings in the trial tribunal, co transcription of the pre-trial and tria	agreed that the complete stenographic transcript of the trial onsisting of 301 pages bound in 3 volumes, is an accurate all proceedings and shall be a part of the record on appeal and rolina Court of Appeals when the record is filed.
This the day of	, 1999.
Danielle M. Carman Assistant Appellate Defender Office of the Appellate Defender 123 West Main Street, Suite 600 Durham, North Carolina 27701	Richard E. Panosh Assistant District Attorney 18th Judicial District Guilford County Superior Court Post Office Box 10769 Greensboro, North Carolina 27402

ATTORNEY FOR STATE

# STATE OF NORTH CAROLINA GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48

******	********
STATE OF NORTH CAROLINA v.	
THEODORE MEAD KIMBLE	) )
******	******
CERTIF	FICATE OF SETTLEMENT
Counsel for Defendant-Appell	ant certifies as follows:
Defendant-Appellant heretofor the State-Appellee on October 7, 1999	re served his Proposed Record on Appeal by sending it to 9; and
[] (1) The Record on	Appeal has been settled by stipulation, or
the State-Appellee to serve upon the	n Appeal has been settled because the time has expired for Defendant-Appellant a notice of approval of the Proposed adments or alternative Proposed Record on Appeal pursuant rocedure.
	fendant-Appellant's Proposed Record on Appeal constitutes matter of law. Rule 11(b), Rules of Appellate Procedure.
	as been served this day upon Mr. Richard Panosh, the ag the State in this case by sending it first-class mail.
This the day of	, 1999.
	Danielle M. Carman Assistant Appellate Defender 123 West Main Street, Suite 600 Durham, North Carolina 27701

(919) 560-3334

ATTORNEY FOR DEFENDANT-APPELLANT

### **NAMES OF COUNSEL**

Danielle M. Carman Assistant Appellate Defender

Malcolm Ray Hunter, Jr. Appellate Defender Office of the Appellate Defender 123 West Main Street, Suite 600 Durham, North Carolina 27701

(919) 560-3334

ATTORNEYS FOR DEFENDANT-APPELLANT

Michael F. Easley Attorney General Department of Justice Post Office Box 629 Raleigh, North Carolina 27602 (919) 733-3377

ATTORNEY FOR APPELLEE

on the document.

THE COURT: All right, sir.

MR. KIMBLE: Uh, I've had no time to review the document. No prior knowledge to it. I'd also like to move -- upon sitting here reviewing it, it was filled out when they didn't give me the medication. How could they have known when I got it and when I didn't. If you'll note on the 25th, I was in court that day and they filled it out as though they had administered it to me.

THE COURT: All right, thank you.

MR. KIMBLE: ---to the introduction of the information.

THE COURT: Objection is overruled. (Pause.)

THE COURT: At this time is there anything further for the defendant or for the respondent State?

MR. PANOSH: No, Your Honor.

THE COURT: All right, thank you. Enter this order. This matter is before the Court upon the defendant's motion submitted pro se to the Court that he be allowed to withdraw a plea of guilty, which the defendant entered before the Court on January 28th, 1999 before the undersigned presiding judge. Upon the defendant's appearance in court on January 28th, 1999,

upon notification that the defendant has presented this motion, transcript of the proceedings before the Court on January 28th be promulgated by the verbatim court reporter assigned to preside at that session. And the transcript has been made available to the Court. The Court has had the opportunity to review the transcript of said proceeding.

This motion is called for hearing upon the motion of the defendant, and with his consent. Present at all times during the conduct of this hearing was the defendant, who argued this motion pro se on his own behalf, his attorneys, Mr. Zimmerman and Mr. Crumpler, and present representing the State of North Carolina is Assistant District Attorney Richard Panosh.

The Court has had the opportunity to see and

to observe the witnesses who have testified in this

determine what weight and credibility to assign to the

hearing, and the Court has had the opportunity to

the defendant being represented by counsel, Mr. Zimmerman

and Mr. Crumpler, the Court proceeded to adjudicate the

defendant's plea of guilty upon the offenses of second

degree murder, conspiracy to commit first degree murder,

arson, and eight counts of solicitation to commit murder.

Pursuant to statute, the Court thereupon conducted a plea

colloquy with the defendant, and the Court has directed

testimony of each witness who has testified.

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Based upon the testimony presented at this hearing, and based upon the Court's review of the records of this proceeding, the Court makes the following findings of fact, combined findings of fact and conclusions of law.

The Court concludes as a matter of law that pursuant to the rule enunciated in State of North Carolina versus Handy in 326 N.C. 532, a presentence motion to withdraw a plea of guilty should be allowed if the defendant meets the burden of showing that his motion to withdraw is supported by some fair and just reason. The factors which this Court has considered in determining whether the defendant should be permitted to withdraw his guilty plea upon a showing of some fair and just reason include the following factors, determinations, and circumstances. Whether the defendant has actually asserted his legal innocence, the Court has determined and considered whether the strength of the State's proffer of evidence is strong or is not strong to establish the defendant's guilt to the offenses to which he's entered a plea of guilty. The Court has considered the length of time between the defendant's entry of the guilty plea and his desire to change the guilty plea. The Court has determined whether the, and considered

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whether the defendant has had competent counsel at all relevant times to the issues presently before the Court. Court has furthered considered such circumstances as any misunderstanding of the consequences of the guilty plea by the defendant, any hasty entry of the guilty plea by the defendant, confusion or coercion exerted upon the defendant. Based upon the credible evidence introduced at this hearing, the Court finds as a fact that during the plea adjudication hearing on January 28th, 1999 the State of North Carolina, pursuant to the stipulation of the defendant, was permitted to make a factual showing to establish a factual basis for the plea. The Court finds that the evidence offered by the State during this forecast and during the factual showing was extraordinarily strong, and pointed unerringly to the quilt of the defendant to the offenses then before the Court. The Court finds as a fact that following the entry of the plea of guilty on January 28th, 1999 the defendant by letter, which was dated February 24th, 1999 bearing a postal mark of February 25th, 1999, and received and filed by the Clerk of Superior Court on February 26th, 1999, that the defendant made known to the Court his desire and his intent to withdraw the plea of guilty. The Court finds that the expiration of approximately 20-some days from the time of the entry of

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the guilty plea to the time of the notice of the intent to withdraw is a long period of time, which mitigates and causes the Court to determine that a much stronger showing of fair and just reason for the withdrawal of the plea must be established by the defendant. The Court finds as a fact, based upon the Court's perusal of the records in this action, that the defendant has been represented in this action at all times by competent counsel, and the defendant makes no assertion otherwise. The Court finds as a fact that the defendant, shortly after being served with a warrant for arrest alleging first degree murder, was appointed to be represented by the Public Defender of Guilford County, Mr. Wallace Harrelson. Within a number of days following that appointment, the defendant was provided the services of Robert McClellan to assist Wallace Harrelson in the representation of the defendant. Thereafter Mr. Harrelson and Mr. McClellan represented the defendant until the Public Defender's Office was permitted by order of the Court to withdraw by reason of a conflict, and concurrent with the order permitting the withdrawal of Mr. Harrelson, Mr. John Bryson of the Guilford County Bar was appointed to assist Mr. McClellan in the representation of the defendant. Mr. McClellan and Mr. Bryson continued to represent the defendant at all times

following their appointment until the date of December 3rd, 1998. On said date at a hearing before the undersigned Court, the defendant, under oath and having been advised of the premises, instructed the Court that it was his intention to discharge Mr. McClellan and Mr. Bryson, and to retain Mr. Crumpler and Mr. Zimmerman. The Court makes findings of fact and conclusions of law that the defendant's determination to retain Zimmerman and Crumpler was his own voluntary choice made freely and intelligently, and that the decision to discharge appointed counsel was likewise so made.

The Court has had the occasion and the responsibility to review fee petitions submitted by Mr. Bryson and Mr. McClellan. And the Court takes judicial notice of the fee petitions which are incorporated in the court file. That the attorneys submitted a combined hours of representation for the defendant in excess of 500 hours. The Court has reviewed these fee petitions and determined that the petitions are reasonable, and are not inflated or otherwise excessive.

From the date of December 3rd, 1998 until the present date, the defendant has at all occasions been represented by Mr. Zimmerman and Mr. Crumpler. During the course of this hearing, the defendant has presented to the Court no complaint or no dissatisfaction with the

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services of his attorneys, and has in fact advised the Court that he wishes them to continue to represent him in this matter.

Based upon the foregoing, the Court concludes as a matter of law that the defendant at all times relevant to this consideration has been represented by highly competent, skilled and expert attorneys, who have extensive experience in the trial of capital cases and grievous and serious criminal proceedings.

The Court has considered whether the defendant did not understand the consequences of his Upon a review of the record, it is clear to quilty plea. the Court that the defendant made unequivocal responses to the Court on each inquiry during the January 28 proceeding, and indicated that he understood completely in each and every respect the nature of the proceeding and the consequences of his plea. The Court in fact finds that the defendant benefitted the plea arrangement entered into on January 28, 1999. And that in return for the defendant's pleas of guilty to the offenses heretofore recounted, the State agreed to and did in fact dismiss a charge of first degree murder. The defendant was thereupon allowed to avoid the possible imposition of the death penalty.

The Court has considered whether the plea was

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defendant. After having been represented by Mr. Zimmerman and Mr. Crumpler, the defendant filed a motion to continue and that was consented to by the State of North Carolina. The Court retained this matter on the calendar for the term of January 25th to determine the defendant's motion for change of venue, and to determine certain other pretrial motions, which the defendant, through his attorneys, had indicated an intention or desire to prosecute. Therefore, this plea arrangement was not made on the eve of trial. Furthermore, the Court finds as a fact and concludes as a matter of law that the defendant was in no way impaired or under the influence of impairing substances, or otherwise unable to understand the nature of the proceedings. During the proceedings before the

entered in haste under coercion or at a time when the

defendant was confused or otherwise impaired. The Court

finds as a fact that at the date of the entry of the plea

of guilty in this action, which was January 28th, 1999,

that this date was not on the eve of trial, and that the

issues in the capital proceeding against the defendant.

tentatively scheduled for the commencement of the trial,

jury had not been convened or summonsed to hear the

In fact, although the term of January 25th had been

that date had been continued upon the motion of the

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Court on January 28th, the Court observed closely the defendant's demeanor and his responses to the Court's questions, and the Court satisfied itself that the defendant's pleas were made freely, voluntarily and understandingly.

Furthermore, no credible evidence of any nature has been received during hearing of this motion to lead the Court to find by any standard of proof that the defendant was coerced, threatened, or under the influence of any impairing or intoxicating substance at the time the plea was made.

The Court finds as a fact and concludes as a matter of law that the defendant has wholly failed to meet his burden of showing to the Court that the motion to withdraw is supported by some fair and just reasons. The defendant having failed to meet his burden of proof to show to the Court any just and fair reason to withdraw the guilty plea, the motion to withdraw the guilty plea is denied. The defendant's objection to this order is noted for the record. The Court will retain jurisdiction to enter a final order in this action containing such further findings of fact and conclusions of law as may be supported by the record in this action and the competent evidence received.

MR. KIMBLE: I'd like to object to the entry

1	of that order, sir.
2	THE COURT: What?
3	MR. KIMBLE: I'd like to object to that
4	entry.
5	THE COURT: You may do that. Objection is
6	noted. Are you ready to proceed?
7	MR. CRUMPLER: Your Honor, I believe at one
8	point you mentioned that a hearing January 25th, 1995.
9	THE COURT: I'm sorry, January 28th, 1999. I
10	will correct any, uh
11	MR. CRUMPLER: I think you were right on the
12	day and month, but I did hear '95.
13	THE COURT: I'm sorry, I will correct that
14	upon review.
15	MR. PANOSH: Your Honor, with your
16	permission, we'd like to proceed at 2:00. I don't think
17	we can finish this quickly.
18	THE COURT: Okay, we'll be in recess until
19	2:00.
20	(A lunch recess was taken.)
21	THE COURT: State ready to proceed?
22	MR. PANOSH: Yes, sir.
23	THE COURT: Defendant ready to proceed?
24	MR. ZIMMERMAN: Yes, Your Honor.
25	THE COURT: Matter is before the Court for

to he pled w/

**NORTH CAROLINA** 

**GUILFORD COUNTY** 

IN-THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 1999 MAR MALEINOS. 97 CRS 23656, 97 CRS 39581,

98 CRS 23486, 99 CRS 24241-48

STATE OF NORTH CAROLINA

MOTION TO WITHDRAW

VS

THEODORE MEAD KIMBLE

NOW COME THE UNDERSIGNED ATTORNEYS for the above named Defendant to remove pursuant to NCGS 15A-144 that they be permitted to withdraw as Attorneys of Record for the above named Defendant, and respectfully show unto the Court:

I

That the undersigned attorneys were retained on or about November 3, 1998 for the sole purpose of a trial upon the merits or plea of guilty or no contest if it was in the best interest of Theodore Mead Kimble;

II

On or about January 28, 1999, in the Criminal Superior Court of Guilford County, the above named Defendant entered pleas of guilty, and an Alford plea of guilty to the charges above numbered;

III

That after entering the above pleas the Defendant on March 5, 1999, without advice from counsel and upon his own Motion, moved to withdraw the pleas and enter pleas of not guilty. This Motion was denied by the Court, and the Court heard evidence and sentenced the Defendant. The Defendant has indicated that he wished to enter Notice of Appeal to the Court of Appeals;

IV

That Defendant had previously authorized his attorneys to negotiate the pleas entered, by virtue of which it would be difficult for the same attorneys to represent the Defendant's best interest in presenting this issue to the Court of Appeals, if not in direct conflict. Further, the Defendant is indigent within the meaning of the statute.

That the above named Defendant, and his parents, Ronnie Lee Kimble and Edna Mayton Kimble, understand that the representation agreement did not include representation for any appeals which may result from the trial or hearing of said criminal cases;

WHEREFORE, The undersigned attorneys believe that this constitutes good cause for said withdrawal; therefore, the undersigned attorneys pray that they be permitted to withdraw as Attorneys of Record; and further pray that since the Defendant is indigent, the North Carolina Appellant Defender be appointed to perfect said case on appeal.

This is of March, 1999.

WHITE AND CRUMPLER

Attorneys for the Defendant

Fred G. Crumpler, Jr.

State Bar No. 1033

 $\mathbf{R}\mathbf{v}$ 

H.W. Zimmerman, J.

State Bar No. 4913

11 West Fourth Street

Winston-Salem, NC 27101

(336) 725-1304

1999 HAR 12 Fil 2: 20

NORTH CAROLINA COURT OF APPEALS

BY

STATE OF NORTH CAROLINA

vs.

FROM GUILFORD COUNTY FILE NOS. 97 CRS 23656 97 CRS 39581, 98 CRS 23486 99 CRS 24241-48

THEODORE MEAD KIMBLE

#### NOTICE OF APPEAL TO THE COURT OF APPEALS

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Theodore Mead Kimble hereby gives notice of appeal to the Court of Appeals of North Carolina from the final judgment in said cases entered on March 5, 1999, in the Superior Court of Guilford County and also from a denial of Defendant's Motion to Withdraw his pleas of guilty heard and denied immediately preceding the entry of said final judgment which was entered as follows:

See attached sheet for judgments;

Respectfully submitted this the 12 day of March, 1999.

Theodore Mead Rmble
THEODORE MEAD KIMBLE

In Case # 97 CRS 39581 an aggravated sentence for second degree murder of 204 months to 254 months to begin at the expiration of any sentence now serving;

In Case # 97 CRS 23656 a presumptive sentence for conspiracy to commit murder of a 163 months to 205 months to begin at the expiration of the second degree murder sentence in 97 CRS 39581;

In Case # 98 CRS 23486 an aggravated sentence for first degree arson of 82 months to 108 months to begin at the expiration of the conspiracy sentence in 97 CRS 23656;

In Case # 99 CRS 24241 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the first degree arson sentence in 98 CRS 23486;

In Case # 99 CRS 24242 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24241;

In Case # 99 CRS 24243 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24242;

In Case # 99 CRS 24244 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24243;

In Case # 99 CRS 24245 a presumptive sentence for solicitation to commit murder of 96 months to 125 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24244;

In Case # 99 CRS 24246 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24245;

In Case # 99 CRS 24247 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24246;

In Case # 99 CRS 24248 a presumptive sentence for solicitation to commit murder of 96 months to 125 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24247;

My commission expires:

NORTH CAROLINA GUILFORD COUNTY	1999 IMR 12 FN	THE GENERAL COURT OF JUSTICE  9: SUPERIOR COURT DIVISION FILE NOS. 97 CRS 23656, 97 CRS 39581, 7: 0.98 CRS 23486, 99 CRS 24241-48
STATE OF NORTH CAR	I made	<u>2.                                    </u>
<b>v.</b>		CERTIFICATE OF SERVICE
THEODORE MEAD KIN	<b>ABLE</b>	
The undersigned he	reby certifies that he	is the defendant in this Action.
APPEAL by placing said c	opy in a postpaid en- ted below, which is	, he served a copy of the attached NOTICE OF velope addressed to the person hereinafter named the last known address, and by depositing said Mail at Winston-Salem, North Carolina.
ADDRESSEE: Richard E.		
	ounty Superior Cour	t
P. O. Box 2 Greensbore	2378 o, NC 27402-2378	
	·	Theodore Mead Kimble
	T	HEODORE MEAD KIMBLE
NODTH CAROLINA		
NORTH CAROLINA		
wake	COUNTY	
6.1	· D'Nloal	a Notary Public in and for said Count

FILE	E D
NORTH CAROLINA MAR 15	A 47 TI
GUILFORD COUNTY CLERK OF SUPER	FILE NOS. 97 CRS 23656, 97 CRS 39581, 98 CRS 23486, 99 CRS 24241-48
STATE OF NORTH CAROLIN	A ) ORDER ALLOWING
vs	ATTORNEYS TO WITHDRAW
THEODORE MEAD KIMBLE	) )

THIS CAUSE, coming on to be heard and being heard before the undersigned Judge of the Superior Court duly assigned to hold the Superior Criminal Courts of Guilford County, upon motion of counsel, to wit: WHITE AND CRUMPLER, by Fred G. Crumpler, Jr. and H. W. Zimmerman, Jr., and the Court makes the following findings of fact:

- 1. That the undersigned attorneys were retained on or about November 3, 1998, for the sole purpose of a trial upon the merits or plea of guilty or no contest if it was in the best interest of Theodore Mead Kimble;
- 2. On or about January 28, 1999, in the Criminal Superior Court of Guilford County, the above named Defendant entered pleas of guilty, and an Alford plea of guilty to the charges above numbered;
- 3. That after entering the above pleas the Defendant, on March 5, 1999, without advice from counsel and upon his own Motion, moved to withdraw the pleas and enter pleas of not guilty. This Motion was denied by the Court, and the Court heard evidence and sentenced the Defendant. The Defendant has indicated that he wished to enter Notice of Appeal to the Court of Appeals;
- 4. That Defendant had previously authorized his attorneys to negotiate the pleas entered, by virtue of which it would be difficult for the same attorneys to represent the Defendant's best interest in presenting this issue to the Court of Appeals, if not in direct conflict. Further, the Defendant is indigent within the meaning of the statute.
- 5. That the above named Defendant, and his parents, Ronnie Lee Kimble and Edna Mayton Kimble, understand that the representation agreement did not include representation for any appeals which may result from the trial or hearing of said criminal cases;

The Court further CONCLUDES that the above findings constitute good cause for withdrawal of counsel pursuant to NCGS 15A-144.

### IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

- 1. That good cause exists to permit the withdrawal of White and Crumpler and Fred G. Crumpler, Jr. and H. W. Zimmerman, Jr. as Attorneys of Record for said Defendant and that said attorneys are hereby allowed to withdraw as provided in NCGS 15A-144;
- 2. That the Clerk of the Superior Court is hereby ordered to remove said counsel's name from the file jacket as attorney of record;
- 3. That the Court by separate order has appointed another attorney this day to represent the above named defendant to perfect said appeal, to wit: the Appellate Defender;

This is 15% of March, 1999.

JUDGE SUPERIOR COURT

<b>发展的影響所屬於自己的自己的關係</b>	.кк's TRANSCRIPT OF	RDER AND CERT	I TE	沙面的不可以在西南部大海
(NOTE: To be completed ONLY when de-	fendant is indigent.)			
To The Court Reporter(s) Named C	In The Reverse:			
Prepare and deliver to the parties a (Specify any portions of the proceedings we pursuant to No. 7.d. on reverse side.)				
		r		
, certify that I delivered a copy of	thin Transprint Order to t	he court reporte	r(s) on the (	date shown below:
🗵 personally.				auto silowii solowi
by mailing it to the reporter(s)	at the address(es) show	n on the reverse.		0 0
Date Clerk's Transcript Order Entered And Filed 03/15/99		Signature /	estera	& Sam
Date Order Delivered To Court Reporter(s), If Diffe 03/31/99	rent	∑ Dopus/C3	Assistant (	CSC Clerk Of Superior Court
EXTENSION	N OF TIME TO PREPARE	TRANSCRIPT C	R SERVE R	ECORD
Pursuant to Rules 7 and 27, N. C. Court reporter, and for good ca			on of the	defendant State
the time for preparation of	the transcript is extended	d for 30 addition	al days.	
the time permitted for serving	ice of the proposed recor	d on appeal is ex	tended for	30 days.
NOTE: The trial court may grant only of be for more than 30 days. A mo been taken. Rules 7(b)(1) and 2	otion for any further extension (	of time must be mad	serve the reco le in the Appei	rd on appeal. Neither extension may llate Court to which the appeal has
Date Name Of Judge	(Type Or Print)	Signature O	f Judge	
NECESSION CONTRACTOR C	CERTIFI	CATION	4541778	
I certify this Appellate Entries for	n is a true and complete	copy of the origi	nal on file i	n this case.
Dote		Signature And Seal		
	AND	Deputy CSC	Assistant	CSC Clerk Of Superior Court

-11

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTIC	CE
COUNTY OF GUILFORD	WAR MIN A SUPERIOR COURT DIVISION	
	97 CrS 23656, 39581; 98 CrS 234	486,
	GUILFORD ( 11 14 099 CrS 23241-23248	
	BY_BR	
STATE OF NORTH CAROLIN	A )	
	)	
v.	)	
	)	
THEODORE MEAD KIMBLE		

### ORDER EXTENDING TIME TO PERFECT RECORD ON APPEAL

Upon motion of the defendant, Theodore Mead Kimble, and for good cause shown:

IT IS HEREBY ORDERED that the time within which to serve defendant's proposed record on appeal upon the State be extended (30) days, until the 6th day of September, 1999.

IT IS FURTHER ORDERED that counsel for the defendant promptly serve a copy of this Order on all other parties to this action.

This the let day of Ougus

, 1999.

HONORABLE PETER M. McHUG

SUPERIOR COURT JUDGE

### No. COAP99-520

# North Carolina Court of Appeals

STATE OF NORTH CAROLINA		From Guilford		
STATE OF NORTH CAROLINA	(97CRS39581, 98CRS2348	36, 980	CRS23656,	
	(97CRS39581, 98CRS2348 99CR <b>S</b> 23241	-485		
<b>V</b>		3S		
THEODORE MEAD KIMBLE		_ <sub>U</sub>		
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ORDER		<i>L</i> >	h	
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The following order was entered:		ယ်		

The motion filed in this cause on the 7th day of September 1999 and designated Motion For Extension of Time to Serve Defendant-Appellant's Proposed Record on Appeal" is allowed. Proposed record on appeal shall be served on or before 7 October 1999.

By order of the Court this the 8th day of September 1999.

The above order is therefore certified to the Clerk of Superior Court Guilford County.

Witness my hand and official seal this the 8th day of September 1999.

John H. Connell

Clerk of North Carolina Court of Appeals

CSC Orig cc: Ms. Danielle M. Carman

Attorney General

#### **DEFENDANT'S ASSIGNMENTS OF ERROR**

Defendant assigns as error the following:

1. The trial court's findings of fact, conclusions of law, and ruling waiving attorney Zimmerman's conflict of interest and allowing Zimmerman to represent defendant, on the grounds that the findings were not supported by the evidence, and the conclusions and rulings were erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights.

Dec. 3, 1998 Motions Hearing, Tpp. 46, line 6 through 49, line 14

2. The trial court's action in misinforming defendant about the consequences of his guilty pleas and *Alford* pleas, on the grounds that the court's statements to defendant about the mandatory minimum sentences and possible maximum sentences were erroneous under North Carolina statutory and common law, violated G.S. 15A-1022, and rendered defendant's pleas involuntary in violation of defendant's State and Federal constitutional rights. Defendant asserts plain error.

Jan. 28, 1999 Pleas Transcript, Tpp. 9, line 15 through 10, line 7 Jan. 28, 1999 Pleas Transcript, Tp. 12, lines 8-16 Rpp. 17-20

3. The trial court's acceptance of defendant's guilty pleas and *Alford* pleas, on the grounds that the pleas were not freely, voluntarily, and understandingly entered, and that the court's action was erroneous under North Carolina common law and G.S. 15A-1021 and 15A-1022, and violated defendant's State and Federal constitutional rights. Defendant asserts plain error.

Jan. 28, 1999 Pleas Transcript, Tp. 18, lines 4-14 Rp. 18

4. Defendant's attorneys' ineffective assistance of counsel at the hearing on his motion to withdraw his pleas, on the grounds that the attorneys had a conflict of interest and that their performance was deficient in violation of defendant's State and Federal constitutional rights.

Mar. 4, 1999 Motion to Withdraw, Tpp. 3-39

5. The trial court's ruling denying defendant's objection to State documentary exhibit number 1 and admission of that exhibit into evidence at the motion to withdraw hearing, on the grounds that the evidence was inadmissible and incompetent, and that the court's ruling was erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights.

Mar. 4, 1999 Motion to Withdraw, Tpp. 29, line 23 through 30, line 14

6. The trial court's findings of fact, conclusions of law, and Order denying defendant's motion to withdraw his guilty pleas and *Alford* pleas, and entry of judgment and commitment in all cases, on the grounds that the trial court's statements about the mandatory minimum and possible maximum punishments were erroneous in law and violated G.S. 15A-1022; that defendant's pleas were involuntary, coerced, and uninformed in violation of G.S. 15A-1021 and 15A-1022 and North Carolina common law; that defendant received ineffective assistance of counsel at the motion to withdraw hearing; and that the court's findings are not supported by the evidence, the conclusions are not supported by the findings and are erroneous in law, and the Order is erroneous under North Carolina statutory and common law, and violative of defendant's State and Federal constitutional rights. To the extent this error is not preserved, defendant asserts plain error.

Mar. 4, 1999 Motion to Withdraw, Tpp. 30, line 19 through 39, line 14 Rpp. 27-36, 54-75

7. The trial court's admission of State witness James Bowman's testimony at the sentencing hearing, on the grounds that the evidence was inadmissible and incompetent hearsay and that the court's action was erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights. Defendant asserts plain error.

Mar. 4, 1999 Sentencing Hearing, Tpp. 56, line 11 through 67, line 1

8. The Trial Court's finding of the non-statutory aggravating sentencing factor that "defendant acted with premeditation and deliberation in committing this offense" in case number 97 CrS 39581 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law, not supported by any competent record evidence, inherent in the offense, and supported by the same evidence used to prove an element of the offense in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 220, line 5 through 221, line 10 Rpp. 38-39, 54-55

9. The Trial Court's finding of the non-statutory aggravating sentencing factor that "defendant acted for pecuniary gain" in case number 97 CrS 39581 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law and not supported by any competent record evidence in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 220, line 5 through 221, line 10 Rpp. 38-39, 54-55

10. The Trial Court's finding of the non-statutory aggravating sentencing factor that the "offense was committed for the purpose of avoiding detection in the murder of Patricia Gail Kimble and for the purpose of covering up the murder" in case number 98 CrS 23486 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law, not supported by any competent record evidence, inherent in the offense, and supported by the same evidence used to prove an element of the offense in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 221, line 25 through 222, line 23 Rpp. 40-41, 58-59

11. The trial court's findings of both statutory aggravating sentencing factors 5(a) and 5(b) in case numbers 99 CrS 23241, 23242, 23243, 23244, 23246, and 23247 and imposition of greater-than-presumptive sentences in those cases, on the grounds that the factors were not adequately proved in law, not supported by any competent record evidence, supported by the same evidence used to prove an element of the offense, and supported by the same evidence used to prove each other in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 222, line 24 through 226, line 20 Rpp. 42-53, 60-73

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of Defendant-Appellant's Proposed Record on Appeal has been duly served by sending it first-class mail, postage prepaid to Richard E. Panosh, Assistant District Attorney, 18th Judicial District, Post Office Box 10769, Greensboro, North Carolina 27402, by placing it in a depository for that purpose.

This the 7th day of October, 1999.

Danielle M. Carman

Assistant Appellate Defender

# STATE OF NORTH CAROLINA GUILFORD COUNTY

ATTORNEY FOR DEFENDANT

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48

ATTORNEY FOR STATE

***********								
STATE OF NORTH CAROLINA  v.  THEODORE MEAD KIMBLE  ***********************************	) ) ) ) ******************************							
***************************************								
STIPULATION AND	SETTLEMENT OF RECORD ON APPEAL							
It is hereby stipulated and constitutes the agreed record on app	I agreed by all parties to this appeal that the foregoing eal.							
proceedings in the trial tribunal, co	agreed that the complete stenographic transcript of the trial onsisting of 301 pages bound in 3 volumes, is an accurate all proceedings and shall be a part of the record on appeal and rolina Court of Appeals when the record is filed.							
This the day of	, 1999.							
Danielle M. Carman Assistant Appellate Defender Office of the Appellate Defender 123 West Main Street, Suite 600 Durham, North Carolina 27701	Richard E. Panosh Assistant District Attorney 18th Judicial District Guilford County Superior Court Post Office Box 10769 Greensboro, North Carolina 27402							

## STATE OF NORTH CAROLINA GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48

*****	******
STATE OF NORTH CAROLINA v. THEODORE MEAD KIMBLE	) ) ) )
*****	******
CERT	IFICATE OF SETTLEMENT
Counsel for Defendant-Appe	ellant certifies as follows:
Defendant-Appellant hereto the State-Appellee on October 7, 19	fore served his Proposed Record on Appeal by sending it to 99; and
[] (1) The Record of	on Appeal has been settled by stipulation, or
the State-Annellee to serve upon th	on Appeal has been settled because the time has expired for ne Defendant-Appellant a notice of approval of the Proposed tendments or alternative Proposed Record on Appeal pursuant te Procedure.
Based upon the foregoing, I the Record on Appeal in this case as	Defendant-Appellant's Proposed Record on Appeal constitutes a matter of law. Rule 11(b), Rules of Appellate Procedure.
A copy of this Certificate Assistant District Attorney represen	has been served this day upon Mr. Richard Panosh, the sting the State in this case by sending it first-class mail.
This the day of	, 1999.
	Danielle M. Carman Assistant Appellate Defender 123 West Main Street, Suite 600

ATTORNEY FOR DEFENDANT-APPELLANT

Durham, North Carolina 27701

(919) 560-3334

## **NAMES OF COUNSEL**

Danielle M. Carman Assistant Appellate Defender

Malcolm Ray Hunter, Jr. Appellate Defender Office of the Appellate Defender 123 West Main Street, Suite 600 Durham, North Carolina 27701

(919) 560-3334

ATTORNEYS FOR DEFENDANT-APPELLANT

Michael F. Easley Attorney General Department of Justice Post Office Box 629 Raleigh, North Carolina 27602 (919) 733-3377

ATTORNEY FOR APPELLEE

STATE OF	NORTH (	CAR' INA			File !		97C	CRS39581	
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The Court does not re	commend:	ase supervision or work	release. 2. Wo	ork release.	
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roverse to serve th	e sentence imposed or	until the defendant shall	I have complied with t	the conditions o	t release pending appeal.
The defendant give	es notice of appeal from	n the judgment of the Su	iperior Court to the Ap	pellate Division	. Appeal entries and any
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		SIGNATURE O	F JUDGE		
Date	Name Of Presiding Judge	(Type Or Print)	Signature Of Presidir	1	
03-05-99	PETER M. MCH	UGH	Josa W	Mc Theg	L
	OF	RDER OF COMMITME	NT AFTER APPEAL		
Date Appeal Dismissed	Dε	ete Withdrawal Of Appeal Filed	Dai	te Appellate Opinio	n Certified
It is ORDERED that thi	s Judgment be execute	ed. It is FURTHER ORDI	RED that the sheriff a	rrest the defen	dant, if necessary, and
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STATE OF Guilford	NOF	RTH CA. JLIN	A Greensboro		97CRS	39581	nodi galikurusakan pari pari pagami	
		County (1) lelony offense(s), and (2) n with any falony offense(s). Use	sisdemeanor offense(s), which are AOC-CR-301 on DWA	Seat of Court		ne General Court C Superior Court Div		:e
Name Of Defendent Theodore Me	ead K	STATE VERSUS	1999 HAR -5	][1] [2: 44	ACTIVE P	ND COMMITMENT UNISHMENT LONY	genin dipundindensi yang ungup indipund M	Personal desiration of Servi
Race White		Sex Male	12/08/69/	00	(STRUCTURI	ED SENTENCING) G.S. 15A-1	301, 15A-1:	340.13
Attorney For State Richard Par	nosh		Def. Found Def. Waived Not Indigent Attorney	Anomey For Defend Zimmerman/C		Дарроіг	nted XXRe	etained
The defendant	∑Xple	d guilty to: 🔲 was f	ound guilty by a jury o	f: pled no con	test to:			
File No.(s)	011		Offense Description		Offense Date	G.S. No.	F/M	CL
97CRS 39581	7CRS 39581 Second degree murder				10-09-95	5 14-17	F	E [
			••	\				
2. makes no penhanced for the Court:  1. makes no vender G.S.  (d) for a  2. makes the  3. imposes the  4. finds the d  5. adjudges tl  6. finds enhanced for the decoration of the decoration o	orior re lirearm Vritten 15A-1 n adjud Finding e priso efenda he defe nced p	cord level finding become penalty, violent habited findings because the 340.17(c). (b) for dication as a violent has of Aggravating and term pursuant to a lint has provided substandant to be an habited from a Classendant f	0.14, the prior record poisause none is required full felon, or drug traffer prison term imposed in a Class A felony.  Inabitual felon. G.S. 14 Mitigating Factors serplea arrangement as to tantial assistance pursual felon pursuant to A ss 1 misdemeanor to a	or Class A felony icking offenses.  s: (a) within th (c) for enhanced (-7.12. (e) t forth on the atta or sentence under uant to G.S. 90-9 rticle 2A of G.S.	e presumptive firearm penal for drug traffiched AOC-CF Article 58 of 5(h)(5).	e range of sentence: Ity (G.S. 15A-1340. cking offenses. R-605. G.S. Chapter 15A.	s authori: 16A).	,
8. finds the a 9. finds the d	bove d efenda	int is classified as a s	) is a reportable convic exually violent predato ments of counsel and s	r. G.S. 14-208.2	0.		nlea was	***************************************
freely, voluntarily imprisoned	, and u	nderstandingly enter	ed, and Orders the abo	ve offenses be co	nsolidated for	judgment and the o	lefendan	t be
for a minimum ter 2 Class A Felon	04	months  Life Imprisonment W Parole			hs XN.C. Sher	iff pursuant to G.S. 1	5A-1352(	(b).
Violent Habitua	al Felor	e Imprisonment Withon: Life Imprisonment	ut Parole Without Parole		Othe			
The sentence The sentence	impose impose	ed above shall begin a	_ days spent in confine at the expiration of all s at the expiration of the a court in which prior sen	sentences which t sentence impose	the defendant	is presently obligat		

(check all that apply)				<b></b>				
1. The defendant		e costs.			2. The defe	endant shall	pay a fine	of \$
The Court recommend			00 154	405441				
3. Substance Abu	se Treatme	nt Unit purs	suant to G.S. 15A	(-1351(h).	4. Psychiat	ric and/or ps	ychologica	al counseling.
5. Work Release.				P . 11				able of the large
6. Payment as a c			e supervision, if a	ipplicable, or fr	om work rele	ease earning	s, it applic	able, of the items
and amounts s		٧.						
Fines	Costs		Restitution*	Reimb	ursement For At	ttorney Fee & C	ther	otel Amount Due
						terpoles or person of a proper because and the other		
*Name(s), address(e	es), amour	it(s) & soc	ial security nun	nber(s) of agg	grieved part	y(ies) to re	ceive rest	itution:
		*						
The Court further re	commend	S:						
				*				
The Court does not red	commend:							
1. Restitution as a	condition	of post rele	ase supervision o	r work release.	2. V	Work release	•	
		Λ\Λ/Λ	RD OF FEE TO	COUNSEL FO	R DEFEND	ANT	******************************	ARREST CONTRACTOR OF THE PROPERTY OF THE PROPE
A hearing was held							expenses	was awarded the
LA hearing was held   defendant's appoin	in open co ted counsel	urt in the pi or assigne	resence of the de d public defender	ienuant at wiii	cii tiiile a iet	e, moldaling	лрепосо,	was awaraca me
determant's appoin	teu courisc	or assigno	a pablic actorides	•				
		ORI	DER OF COMM	ITMENT/APP	EAL ENTRI	ES		
XX It is ORDERED that	the Clerk o	eliver two	certified copies o	f this Judamen	it and Comm	itment to th	e sheriff o	r other qualified
officer and that the	officer cau	se the defe	endant to be deliv	ered with thes	e copies to t	he custody	of the ager	ncy named on the
reverse to serve the	e sentence	imposed or	until the defenda	int shall have c	complied with	h the conditi	ons of rele	ase pending appeal
The defendant give	s notice of	appeal fron	n the judgment of	the Superior C	Court to the	Appellate Di	vision. Ap	peal entries and an
conditions of post	conviction r	elease are	set forth on form	AOC-CR-350.				
Domaicion of poor					~r	T		
	14		(Type Or Print)	URE OF JUDO	gnature Of Pres.	idina Judae	1 4	
Date	i				)	M Mc )		
03-05-99	PETER	M. MCHUC			1 Joen 1		7	
			RDER OF COMM		TER APPEA	L   Date Appellate	Vision Cort	Glad
Date Appeal Dismissed		D.	ate Withdrawal Of Ap	peal Filed	1	Date Appellate	Ориноп Сеги	1160
It is ORDERED that thi	s Judamen	be execute	ed. It is FURTHE	R ORDERED th	at the sherif	f arrest the	defendant,	if necessary, and
recommit the defendar	nt to the cu	stody of the	e official ńamed i	n this Judgmer	nt and furnis	h that officia	al two cert	ified copies of this
Judgment and Commit	ment as au	thority for	the commitment	and detention	of the defend	dant.		
Date	Signature C						Deputy C	CSC Assistant CS
	1						Clerk of .	Superior Court
10 - 2 - 10 - 10 - 10 - 10 - 10 - 10 - 1	g i kjele k osibellari	and processing	CEF	RTIFICATION				
				~~	alaw ia a ter	in and comp	lata cany (	of the original which
I certify that this Judg					elow is a tru	ie and comp	iete copy o	of the original writer
on file in this case.			tries (AOC-CR-35)					
			Igment Findings C					305).
		Judicial Fir	ndings As To Forf	eiture Of Licen	ising Privileg	es (AOC-CR	-317).	
	П		ent Information St				$\bigcirc$	/ )
Date		40	^	Signature		p	/\ \ .	TO THE
D010	マース:	3.9	G	1 / / /	$\backslash \cap M$	ne )	7 Y.	天( ) 会/ 「
0.47.10.10.10.10	all Taken	<u> </u>		-   · · · ·	CANO.	y		
Date Certified Copies Delive				Дери	ty CSC	Assistant CS	c [sui	perior Clerk of Court
	10/44							

posite comerked sources is to be disceoutded by

AOC-CR-601, Side Two, Rev. 4/98

STATE OF	NOR	TH CARULI		98CRS23486										
Guilford	- Spinster and Control of the Control	County(	Greensboro	Seat of Court	In The General Court Of Justice									
		1) felony offense(s), and (2) ith any felony offense(s). U	misdemeanor offense(s), which are se AOC-CR-301 on DWI	9 200	5	Superior Court Divi	sion							
Name Of Defendant Theodore Mea	Marie Service of the Colony of the		1999-1117	±5 77 (2: 4 <b>00</b> ∠ 1.8.0.	ACTIVE P	ND COMMITMENT UNISHMENT LONY								
Race White		Sex Male	DOB 12/08/69			ED SENTENCING) G.S. 15A-13	01, 15A-13	340.13						
Attorney For State Richard Pano	sh		Def. Found Def. Waive. Not Indigent Attorney	Attorney For Defend Zimmerman/Cr		Appoint	ed XX Re	tained						
The defendant	z plec	guilty to: was	s found guilty by a jury	of:  pled no con	test to:									
File No.(s)	011		Offense Description		Offense Date	G.S. No.	F/M	CL.						
98CRS 23486		First degree	e arson		10-09-95	C.L. & 14-58	F'	D						
				<b>\</b>										
			. <b></b>											
1. has determin  2. makes no penhanced f  The Court:  1. makes no vunder G.S.  (d) for an  X 2. makes the  3. imposes th  4. finds the decomposed for adjudges the  5. adjudges the  6. finds enhan  7. finds no Ex	The Court:    PRIOR													
The Court, having freely, voluntarily, imprisoned	consider and u	lered evidence, arç nderstandingly ent	guments of counsel and ered, and Orders the ab	statement of defe ove offenses be co	ndant, finds thonsolidated for	nat the defendant's p r judgment and the de	lea was efendan	s it be						
for a minimum ter		- حا ۸ سم	for a maximum term	of:		custody of:								
Class A Felon	082 v: 🗌	months  Life Imprisonment Parole		see attached Death	KXN.C. ☐ Shei	riff pursuant to G.S. 15	A-1352	(b).						
- Control of the Cont	•	e Imprisonment Wit n: Life Imprisonmer	hout Parole		Othe	er								
		iven credit for		nement prior to the	date of this Ju	dgment as a result of the	nis charg	je(s).						
The sentence	impose impose	ed above shall begi ed above shall begi	n at the expiration of al n at the expiration of th	l sentences which ne sentence impose	the defendant	t is presently obligate								
97CRS23656	Crim	inal Superior	Division Guilfo	ord County Gre	ensboro 0	(NOTE: List the case number, date, county and court in which prior sentence imposed.)  97CRS23656 Criminal Superior Division Guilford County Greensboro 03-05-99								

Material opposite unmarked squares is to be disregarded as surplusage.

AOC-CR-601, Rev. 4/98

(check all that apply)				
h-man-d	shall pay the costs.		2. The defendan	t shall pay a fine of \$
The Court recommend		rsuant to G.S. 15A	1351(h). 4. Psychiatric an	id/or psychological coupseling
5. Work Release.	se ricaunone one por		4. Tayematric a	aror payoriological countoning.
	condition of post relea:	se supervision, if ap	oplicable, or from work release	earnings, if applicable, of the items
and amounts s				
Fines	Costs	Restitution*	Reimbursement For Attorney	Fee & Other Total Amount Due
*Name(s), address(e	es), amount(s) & so	cial security num	ber(s) of aggrieved party(ies	) to receive restitution:
. , ,				
	·			
The Court further re	commends:			
The Court further to	opininonas.			
			v.	
The Court does not re	commend: a condition of post rele	ease supervision or	work release.   2. Work	release.
1. Nestitution as			COUNSEL FOR DEFENDANT	
□ A bearing was held	t in onen court in the r	presence of the def	endant at which time a fee, inc	luding expenses, was awarded the
defendant's appoir	nted counsel or assigne	ed public defender.		
	OF	RDER OF COMMI	TMENT/APPEAL ENTRIES	
With in ORDERED that				nt to the sheriff or other qualified
officer and that the	officer cause the def	endant to be delive	ered with these copies to the cu	istody of the agency named on the
roverse to serve th	e sentence imposed o	r until the defendar	nt shall have complied with the	conditions of release pending appear
The defendant give	es notice of appeal fro conviction release are	m the judgment of	the Superior Court to the Appe AOC-CR-350.	llate Division. Appeal entries and an
conditions of post	CONVICTION Telease are			
Data	Name Of Presiding Judge		JRE OF JUDGE   Signature Of Presiding .	ludge /
Date 03-05-99	PETER M. MCH		Jeen M	mederal
03-03-33	1 0	RDER OF COMM	ITMENT AFTER APPEAL	
Date Appeal Dismissed		Date Withdrawal Of App	peal Filed Date A	ppellate Opinion Certified
		-		
It is ORDERED that th	is Judgment be execu	ted. It is FURTHEF	R ORDERED that the sheriff arre	est the defendant, if necessary, and
recommit the defenda	nt to the custody of the	ne official named if the commitment &	and detention of the defendant.	t official two certified copies of this
Date Date	Signature Of Clerk			Deputy CSC Assistant CS
				Clerk of Superior Court
A SHORE WILLIAM STORY SHOPE OF THE STORY			TIFICATION	
I certify that this Judg	ment and Commitme	nt with the attachn	nent marked below is a true and	d complete copy of the original which
on file in this case.	Appeal En	tries (AOC-CR-350	)).	
			f Aggravating And Mitigating F	
			eiture Of Licensing Privileges (A	OC-CR-317).
	Commitm	ent Information Sta	Signature And Seal ()	$\wedge$ $\wedge$ $\wedge$
Date	3 23 9	7	Signature and seem of	NOXCHAN
Date Certified Copies Delive	yed To Sheriff		Deputy CSC Assis	tant CSC Superior Clerk of Court

AØC-CR-601, Side Two, Rev. 4/98

		RTH CARULI	<i>e №</i> . 99CRS	23241				
	e used for		Greensboro  () misdemeanor offense(s), which a	Seat of Court	In 7	The General Court Of Superior Court Divis		e
Name Of Defendant Theodore Me		STATE VERSUS  .mble  Sex		- 51 (2: 04 <b>)</b> (	ACTIVE F	AND COMMITMENT PUNISHMENT ELONY		Personal de la constante de la
White		Male	12-08-69			RED SENTENCING) G.S. 15A-130	1, 15A-1	340,13
Attorney For State Richard Pan	osh		Def. Found Def. Waive Not Indigent Attorney			Appointe	d XXRe	tained
The defendant	XX) ple	d guilty to: wa	s found guilty by a jury	of: pled no cor	ntest to:			
File No.(s)	Off		Offense Description		Offense Da	te G.S. No.	F/M	CL.
99CRS 23241		Solicitation	n: First degree n	11-04-9	8 C.L. & 14-2.6	F	С	
				N.				
2. makes no enhanced	prior re	cord level finding b	340.14, the prior record p ecause none is required bitual felon, or drug tra	I for Class A felony		PRIOR [ ] [ . RECORD LEVEL: ※시기	] III	
under G.S  (d) for a  2. makes the  3. imposes th  4. finds the a  5. adjudges th  6. finds enha  7. finds no E	. 15A-1 an adjud Finding he priso defenda he defe inced p xtraord	340.17(c). (b) dication as a violen gs of Aggravating a conterm pursuant to the antifer to be an hall unishment from a Context Mitigation.	he prison term imposed for a Class A felony. It habitual felon. G.S. 1 and Mitigating Factors is a plea arrangement as bstantial assistance publicual felon pursuant to Class 1 misdemeanor to a sexually violent preda	(c) for enhanced 4-7.12. (e) set forth on the attactor to sentence under resuant to G.S. 90-9 Article 2A of G.S. a Class I felony	d firearm pen for drug trai ached AOC-0 r Article 58 o 95(h)(5). Chapter 14. G.S. 90-95(e)	alty (G.S. 15A-1340.1 ficking offenses. CR-605. of G.S. Chapter 15A. (3) (drugs); G.S. 14-3	3A).	
The Court, having freely, voluntarily imprisoned	g consi ν, and υ	dered evidence, arg Inderstandingly ent	guments of counsel and ered, and Orders the ab	statement of defe pove offenses be co	endant, finds onsolidated f	that the defendant's pl or judgment and the de	ea was fendan	it be
for a minimum te	1.08	months  Life Imprisonment Parole		n of: mon see attached Death t and Certificates)	hths ∑XN. □ Sh	e custody of:  C. DOC.  Periff pursuant to G.S. 15  her	A-1352	(b).
Violent Habitu	ial Felo	fe Imprisonment Wi n: Life Imprisonme	nt Without Parole					
ł .			-0- days spent in conf					
(NOTE: List the	impos e casa n	ed above shall beg umber, date, county	in at the expiration of a in at the expiration of the and court in which prior s ior Division Gui	he sentence impose entence imposed.)	ed in the cas	e referenced below:	d to sei	rve.
I								

(check all that apply)				
The Court recommend			2. The defendant s	hall pay a fine of \$
3. Substance Abus		ant to G.S. 15A-1351(h	).	or psychological counseling.
5. Work Release.	ondition of post release	supervision, if applicable	e. or from work release ear	nings, if applicable, of the items
and amounts se		oupor violany ir upprous.	,,	
Fines	Costs	Restitution*	Reimbursement For Attorney Fe	8 & Other Total Amount Due
*Name(s), address(e	  s), amount(s) & socia	l al security number(s)	lof aggrieved party(ies) t	o receive restitution:
				<i>*</i>
The Court further red	commends:			
The Court does not rec	commend:	ga marandaga ga na maga na manana manana manana manana mananaya a paka da na manana manana na pada na da nada na da nada na da nada na		
1. Restitution as a	condition of post releas	se supervision or work r	elease.   2. Work rel	ease.
	AWAR	D OF FEE TO COUNS	EL FOR DEFENDANT	
A hearing was held defendant's appoint	in open court in the pre ted counsel or assigned	sence of the defendant public defender.	at which time a fee, includ	ling expenses, was awarded the
	ORD	ER OF COMMITMENT	APPEAL ENTRIES	
[X] It is ORDERED that				to the sheriff or other qualified
officer and that the	officer cause the defen	dant to be delivered wit	h these copies to the custo	ody of the agency named on the
reverse to serve the	e sentence imposed or u	intil the defendant shall the judgment of the Sur	have complied with the co perior Court to the Appellat	nditions of release pending appeal. re Division.  Appeal entries and any
conditions of post of	s notice of appear from conviction release are se	et forth on form AOC-CF	R-350.	,,
donation of post		SIGNATURE OF		
Date	Name Of Presiding Judge (7		Signature Of Presiding Judg	W I
03-05-99	PETER M. MCHUC	GH	Decer III	Me/hegel
The state of the s		DER OF COMMITMEN	T AFTER APPEAL	
Date Appeal Dismissed	Dat	e Withdrawal Of Appeal Filed	Date Appe	ellate Opinion Certified
		ELIDTUED ODDE	35D that the chariff arrest	the defendant if necessary and
recommit the defendar	at to the custody of the	official named in this June commitment and determine	idgment and furnish that o	the defendant, if necessary, and fficial two certified copies of this
Date	Signature Of Clerk			Deputy CSC Assistant CSC
				Clerk of Superior Court
And the second s	18 15 14 148 114 11 11 11 11 11 11 11 11 11 11 11 11	CERTIFICA		
I certify that this Judg	ment and Commitment	with the attachment ma	irked below is a true and c	omplete copy of the original which
on file in this case.		es (AOC-CR-350).		(4.0.0 OD 005)
			vating And Mitigating Fact	
		lings As To Forfeiture O It Information Statement	f Licensing Privileges (AOC	2-CN-317).
Costs	Commitmen ل		nature And Seal	$\bigcap$
Date	3.23.79	23	Janoke C	Wytcher
Date Certified Copies Delive	orea ji o sheriti		Deputy CSC Assistan	at CSC Superior Clerk of Court
AOC-CR-601, Side Two, Re-	v. 4/98	erial opposite unmarked squares is t	o be disregarded as ge.	

STATE OF	NOF	RTH CARULIN			99CRS23	242			
Guilford  NOTE: (This form is to be	used for	(1) felopy offense(s), and (2) m	eensboro	Seat of Court		e General Co			ce
consolidated for ju	idgment v	vith any felony offense(s). Use	AOC-CR-301 an DWI	FI 10: 115		Superior Cou		ion	
Name Of Defendant Theodore Me		STATE VERSUS		J. 3.2.0.		ND COMMITM UNISHMENT LONY			
Race White		Sex Male	DOR, 12-08-69			D SENTENCING	<b>G)</b> 15A-1301	. 15A-1	340 1
Attorney For State Richard Par	nosh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defend Zimmerman/Cr			Appointed		
The defendant	pled	d guilty to: was f	ound guilty by a jury o	f: pled no cor	ntest to:				
File No.(s) Off Offense Description O						G.S. No	).	F/M	CI
99CRS 23242		Solicitation:	First degree mu	11-04-98	C.L. & 14	1-2.6	F	С	
				•					
2. makes no pr	rior rec	ord level finding beca	0.14, the prior record poi nuse none is required f ual felon, or drug traffi	or Class A felony	nt to be <u>02</u> . i	PRIOR RECORD LEVEL	   1     11	] III ] IV	   v   v
under G.S.  (d) for an  2. makes the F  3. imposes the  4. finds the de  5. adjudges the  6. finds enhan  7. finds no Ext  8. finds the ab  9. finds the de  The Court, having	15A-1: adjud inding prisor fendar e defer ced pu traordir ove de fendar consid	340.17(c). (b) for ication as a violent has of Aggravating and in term pursuant to a int has provided substitudent to be an habitudishment from a Clasmary Mitigation.  The esignated offenses(s) int is classified as a second ered evidence, argumetication.	prison term imposed is a Class A felony. Established a Class A felony. Established a Class A felony. Established a Class A felon. G.S. 14-Mitigating Factors set plea arrangement as to antial assistance pursual felon pursuant to A s 1 misdemeanor to a is a reportable convict exually violent predato tents of counsel and s d, and Orders the above	(c) for enhanced (7.12. (e) (e) forth on the atta o sentence under unt to G.S. 90-9 cticle 2A of G.S. (Class I felony) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c	firearm penalt for drug traffic ached AOC-CR- Article 58 of C 5(h)(5). Chapter 14. G.S. 90-95(e)(3) Ainor. G.S. 14- CO.	y (G.S. 15A-1 king offenses. 605. G.S. Chapter 1 (drugs); G.S. 208.6.	340.16 <i>i</i> 5A. 5. 14-3(c)	A). ) (race	o, etc
imprisoned for a minimum terr		1	for a maximum term o	f:	in the cu	ustody of:	7999900		
Class A Felony		months  Life Imprisonment Will Parole		mont e attached Death nd Certificates)	—————————————————————————————————————	ff pursuant to G	i.S. 15A-	1352(	(b).
	-	Imprisonment Withou : Life Imprisonment V			Other				*******
			days spent in confine	ment prior to the	date of this Jude	gment as a resu	lt of this	charg	e(s).
The sentence in (NOTE: List the d	mpose case nu	d above shall begin a mber, date, county and	t the expiration of all s t the expiration of the court in which prior sen Division Guilfo	sentence impose tence imposed.)	d in the case re	eferenced belo	-	to ser	ve.

AOC-CR-601, Rev. 4/98 Material opposite unmarked squares is to be disregarded as surplusage.

(check all that apply)					fine of t
1. The defendant			2. The defer	ndant shall pay a	THE OT 9
Lumi 7	s: se Treatment Unit p	ursuant to G.S. 15A-	1351(h). 🗌 4. Psychiatr	ic and/or psychol	ogical counseling.
5. Work Release.	ondition of post rele	ase supervision, if ap	plicable, or from work rele	ase earnings, if a	pplicable, of the items
and amounts so					
Fines	Costs	Restitution*	Reimbursement For Att	orney Fee & Other	Total Amount Due
*Name(s) address(e	l	ocial security numb	per(s) of aggrieved party	(ies) to receive	restitution:
1401110(0), address(		•			
			•		
	,				
The Court further re	commends:		antian, antique de considerar en el complèto de la		
The Court further 12					
			N.		
The Court does not re-	commend:				
1. Restitution as a	condition of post re	elease supervision or	work release. 2. V	Vork release.	
	ΔΜ	ARD OF FEE TO C	OUNSEL FOR DEFENDA	ANT	
A hearing was held	l in open court in the	e presence of the defined public defender.	endant at which time a fee	e, including exper	nses, was awarded the
	44.4		MENT/APPEAL ENTRIE	ES	
X-Y			this Judgment and Comm		eriff or other qualified
officer and that the reverse to serve the	e officer cause the d e sentence imposed es notice of appeal f	efendant to be delive or until the defendar rom the judgment of	red with these copies to the of shall have complied with the Superior Court to the A	ne custody of the n the conditions o	of release pending appeal
conditions of post	conviction release a	re set forth an form /			
			RE OF JUDGE   Signature Of Pres.	idina Juda <b>s</b>	
Date 03-05-99	Name Of Presiding June PETER M. MC		Dogo	MMc Very	
00 00 00			ITMENT AFTER APPEA	L	
Date Appeal Dismissed		Date Withdrawal Of App	eal Filed	Date Appellate Opinio	n Certified
	at to the ouetady of	the official named if	ORDERED that the sherif	ii tilat olliolai tvi	ndant, if necessary, and o certified copies of this
	Signature Of Clerk	or the communent a	and detention of the defend	Пр	eputy CSC Assistant CS
Date	Signature or cierk				lerk of Superior Court
in the second of	And the second second	CER	TIFICATION		
Leasting that this lude	ment and Commitm		nent marked below is a tru	e and complete	copy of the original which
on file in this case.		Entries (AOC-CR-350			
	X Felony	Judament Findings O	f Aggravating And Mitigat	ing Factors (AOC	C-CR-605).
	U Judicial	Findings As To Forfe	eiture Of Licensing Privileg	es (AOC-CR-317	).
	Commit	tment Information Sta	Signatura And Seal	$\overline{A}$	<del></del>
Date	<del>2</del> 22	99	Signature And Seal	<u> Sylit</u>	CKU
Date Certified Copies Delive	gredi Td Sheriff		Deputy CSC	Assistant CSC	Superior Clerk of Court

Material opposite unmarked squares is to be disregarded as

AOC-CR-601, Side Two, Rev. 4/98

07475 05		711 0 1 50			ı ıVo.			
STATE OF	NOH	TH CAROL	INA		99CR	S 23243		
		County(1) felony offense(s), and (in any felony offense(s).	2) misdemeanor offense(s), which are	Seat of Court		e General Court Of Superior Court Divi		ce
Name Of Defendant Theodore		STATE VERSUS Kimble   Sex		- 5 511 '2: 45 ji	ACTIVE P	ND COMMITMENT UNISHMENT LONY		
White	······································	Male	12-08-69			D SENTENCING) G.S. 15A-130	)1, 15A-1:	340.1
Attorney For State Richard P	anosh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defend Zimmerman/C		Appointe	d XX Re	etaine
The defendant	XX pled	guilty to: wa	s found guilty by a jury	of:  pled no cor	ntest to:			
File No.(s)	Off		Offense Description		Offense Date	G.S. No.	F/M	CI
99CRS 23243		Solicitatio	n: First degree n	nurder	11-04-98	C.L. & 14-2.6	F	
				N.				
2. makes no	prior rec	ord level finding b	340.14, the prior record po ecause none is required bitual felon, or drug traf	for Class A felony	nt to be <u>02</u> .	PRIOR I   I   RECORD LEVEL: 📈 II		V   V
The Court:  1. makes no under G.S  (d) for a 2. makes the 3. imposes the 4. finds the 6. finds enhale 7. finds no E  8. finds the 6.	written in 15A-13 an adjud in Finding in Fin	findings because to 340.17(c). (b) ication as a violen is of Aggravating an term pursuant to that has provided sundant to be an habit nishment from a Chary Mitigation.	he prison term imposed for a Class A felony. [ t habitual felon. G.S. 14 and Mitigating Factors set of a plea arrangement as a bstantial assistance pursoitual felon pursuant to A class 1 misdemeanor to a sexually violent predat	is: (a) within th (c) for enhanced 4-7.12. (e) et forth on the atta to sentence under suant to G.S. 90-9 Article 2A of G.S. a Class I felony (c	I firearm penalt for drug traffic ached AOC-CR- Article 58 of ( 5(h)(5). Chapter 14. G.S. 90-95(e)(3)	y (G.S. 15A-1340.10 king offenses. -605. G.S. Chapter 15A. (drugs);	6A).	
The Court, havin	a consid	ered evidence, arg	guments of counsel and ered, and Orders the abo	statement of defe	ndant, finds th	at the defendant's pl judgment and the de	ea was fendan	t be
for a minimum te 1 Class A Felor	L08	months Life Imprisonment Parole	Warrant	of: mont ee attached Death and Certificates)	ths XXN.C.	ff pursuant to G.S. 15	4-1352(	(b).
	•	: Imprisonment Wit : Life Imprisonmer						
The sentence	impose impose case nu	d above shall begi d above shall begi mber, date, county	days spent in confirence of all not the expiration of the and court in which prior sero Division Guilfo	sentences which e sentence impose ntence imposed.)	the defendant ed in the case r	eferenced below:		

	apply) endant shall pay the costs	S.	2. The d	lefendant shall pay	a fine of \$
The Court reco	ommends: nce Abuse Treatment Unit	nursuant to G.S. 15A-	1351(b)	viatria and/ar navah	ological counseling
5. Work Re		pursuant to G.o. Torr	Too Time	matric and/or psyci	ological counseling
	nt as a condition of post re	elease supervision, if ap	plicable, or from work	release earnings, it	applicable, of the i
and am	ounts set out below.				
Fines	Costs	Restitution*	Reimbursement Fo	or Attorney Fee & Other	Total Amount Du
*Name(s), ad	ldress(es), amount(s) &	social security number	ber(s) of aggrieved p	earty(les) to recei	ve restitution:
	•				
The Court fur	rther recommends:				
			N.		
The Court does	s not recommend:		work rologge	2. Work release.	
1. Restitut	tion as a condition of post				
	vas held in open court in t	WARD OF FEE TO C	COUNSEL FOR DEFE	MDAN I	enses was awarde
A hearing w defendant's	vas held in open court in t s appointed counsel or ass	signed public defender.	endant at which time a	ree, including exp	enses, was awards
		ORDER OF COMMIT	MENT/APPEAL ENT	TRIES	
XXIII IS OBDEB	RED that the Clerk deliver	two certified copies of	this Judgment and Co	mmitment to the s	neriff or other qualif
officer and	that the officer cause the	defendant to be delive	red with these copies t	to the custody of t	he agency named o
reverse to s	serve the sentence impose ant gives notice of appeal	ed or until the defendar I from the iudament of	it shall have complied the Superior Court to t	with the conditions he Appellate Divisi	on. Appeal entries
	ant gives notice of appear	, month and judgitteria			
conditions	of post conviction release	are set forth on form A	AOC-CR-350:		
conditions	of post conviction release	are set forth on form A			
conditions o	Name Of Presiding	SIGNATU Judge (Type Or Print)	RE OF JUDGE	Presiding Judge	./ 0
conditions		are set forth on form A SIGNATU Judge (Type Or Print) ACHUGH	RE OF JUDGE Signature Of	ayylle /	4
Date 03-05-99	Name Of Presiding PETER M. M	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM	RE OF JUDGE Signature Of OCA	PEAL /	Lon Certified
conditions o	Name Of Presiding PETER M. M	are set forth on form A SIGNATU Judge (Type Or Print) ACHUGH	RE OF JUDGE Signature Of OCA	ayylle /	Jon Certified
Date 03-05-99  Date Appeal Dismi.	Name Of Presiding PETER M. M	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple	ITMENT AFTER APP	PEAL Date Appellate Opin	endant, if necessary
Date 03-05-99  Date Appeal Dismi.	Name Of Presiding PETER M. M	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple  Recuted. It is FURTHER of the official named in	ITMENT AFTER APPEAL Filed  ORDERED that the sh this Judgment and fur	PEAL  Date Appellate Opin  eriff arrest the deformish that official to	endant, if necessary
Date 03-05-99  Date Appeal Dismi.	Name Of Presiding PETER M. Metalogies of that this Judgment be experienced by the custody Commitment as authority	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple  Recuted. It is FURTHER of the official named in	ITMENT AFTER APPEAL Filed  ORDERED that the sh this Judgment and fur	PEAL  Date Appellate Opin  eriff arrest the deformish that official to fendant.	endant, if necessary
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Date O3-05-99  Date Appeal Disministration of the Committee of Judgment and Date	Name Of Presiding PETER M. Medical Peters Medica	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple eccuted. It is FURTHER of the official named in y for the commitment a	IRE OF JUDGE  Signature Of  ORDERED that the sh this Judgment and fur nd detention of the de	PEAL    Date Appellate Opin	endant, if necessary
Date O3-05-99  Date Appeal Disministration of the Committee of Judgment and Date	Name Of Presiding PETER M. Metalson Met	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple Recuted. It is FURTHER of the official named in y for the commitment a	IRE OF JUDGE  Signification  ITMENT AFTER APP  Pal Filed  ORDERED that the sh this Judgment and fur nd detention of the deserted.	PEAL    Date Appellate Opin	endant, if necessary wo certified copies  Deputy CSC Assi  Clerk of Superior Court
Date 03-05-99  Date Appeal Disminities ORDERED recommit the color Judgment and Date	Name Of Presiding PETER M. Medical Peter Me	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple Recuted. It is FURTHER of the official named in y for the commitment a	ITMENT AFTER APPEAL FILED  ORDERED that the sh this Judgment and furnd detention of the desertion of the desertion marked below is a	PEAL    Date Appellate Opin	endant, if necessary wo certified copies  Deputy CSC Assi  Clerk of Superior Court
Date O3-05-99  Date Appeal Disministration of the Committee of Judgment and Date	that this Judgment be extered and to the custody Commitment as authority Signature Of Clerk  is Judgment and Commit as e Appear	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Appoint Recuted. It is FURTHER of the official named in y for the commitment a  CERT  Terment with the attachmal Entries (AOC-CR-350)	IRE OF JUDGE  Signature Of OCA  ITMENT AFTER APP  Pal Filed  ORDERED that the sh this Judgment and fur and detention of the desertion of the d	PEAL    Date Appellate Opin	endant, if necessary wo certified copies  Deputy CSC Assi Clerk of Superior Court  copy of the origina
Date 03-05-99  Date Appeal Disminities ORDERED recommit the color Judgment and Date	that this Judgment be exdefendant to the custody Commitment as authority Signature Of Clerk  is Judgment and Committee:  Appea	SIGNATU Judge (Type Or Print) ACHUGH  ORDER OF COMM Date Withdrawal Of Apple Recuted. It is FURTHER of the official named in y for the commitment a  CERT  Tement with the attachmal Entries (AOC-CR-350) Y Judgment Findings Of	IRE OF JUDGE  Signification ORDERED that the sh this Judgment and furnd detention of the desertion of the de	PEAL  Date Appellate Opin  eriff arrest the deformish that official to fendant.	endant, if necessary we certified copies  Deputy CSC Assi Clerk of Superior Court  copy of the original C-CR-605).
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STATE OF	NOR	TH CARCL	NA		vo. 99€CRS 2324	14		
Guilford		County	Greensboro	_ Seat of Court	In The	e General Court Of	lustic	
NOTE: [This form is to be consolidated for ju	used for udgment w	(1) felony offense(s), and (2 vith any felony offense(s).	2) misdemeanor offense(s), which are Use AOC-CR-301 on DWI	i and Arriva		uperior Court Divis		,,
Name Of Defendant		STATE VERSUS	1777	-3 💢 🤃 Jt	-	ID COMMITMENT		
Theodore M	ead H	Kimble			()	JNISHMENT .ONY		
Race White		Sex Male	DOB 12-08-69 (	200		D SENTENCING) G.S. 15A-130	1, 15A-1;	340.13
Attorney For State Richard Pa	nosh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defend Zimmerman/C		Appointe	d XX Re	tained
The defendant	XX pled	d guilty to: wa	s found guilty by a jury of	f:  pled no cor	ntest to:			
File No.(s)	Off		Offense Description		Offense Date	G.S. No.	F/M	CL.
99CRS 23244		Solicitatio	n: First degree mu	urder	11-04-98	C.L. & 14-2.6	F	С
				N.				
	vritten 15A-1 n adjud Finding e priso	findings because to 340.17(c). (b) dication as a violent ps of Aggravating and term pursuant to thas provided su	340.14, the prior record point recause none is required for abitual felon, or drug trafficthe prison term imposed is for a Class A felony.  In thabitual felon. G.S. 14-rand Mitigating Factors set to a plea arrangement as to obstantial assistance pursuit	or Class A felony cking offenses.  (a) within the control of the c	he presumptived firearm penalt for drug trafficached AOC-CR-rafticle 58 of 0	y (G.S. 15A-1340.10 king offenses. -605.	authori	zed
6. finds enhar 7. finds no Ex 8. finds the a	nced po straordi bove d	unishment from a C inary Mitigation. esignated offense:	bitual felon pursuant to Ar Class 1 misdemeanor to a s(s) is a reportable convict a sexually violent predato	Class I felony	G.S. 90-95(e)(3) ninor. G.S. 14-		c) (race	, etc.).
The Court, having freely, voluntarily imprisoned	consider, and u	dered evidence, ar inderstandingly en	guments of counsel and s tered, and Orders the abov	tatement of defe ve offenses be co	endant, finds th onsolidated for	at the defendant's pl judgment and the de	ea was fendan	t be
for a minimum ter			for a maximum term o			ustody of:		
Class A Felon	08 y: □	months Life Imprisonmen Parole	- Lange	mon e attached Death and Certificates)	<u></u>  ∑¾N.C.	ff pursuant to G.S. 15	4-1352	(b).
		fe Imprisonment Wi n: Life Imprisonme						•
The defendant sh	all be	given credit forC	days spent in confine	ement prior to the	date of this Jud	gment as a result of th	is charg	e(s).
The sentence	impos case n	ed above shall beg umber, date, county	in at the expiration of all s fin at the expiration of the and court in which prior sen or Division Guilfo	sentence impos etence imposed.)	ed in the case i	referenced below:	d to ser	rve.

hamil	Lindian pay the cost	۵.	2. The determatic sharipay a fine of \$
The Court recomm		· <del>-</del> ·	2. The deteriority struct pay a fine of Y
,,,,,	Abuse Treatment Uni	t pursuant to G.S. 15A-	1351(h).
		elease supervision if an	plicable, or from work release earnings, if applicable, of the i
harani '	ts set out below.	cioase sapervision, ii ap	products, or from Work release currings, it approacts, or the
	Costs	Restitution*	Reimbursement For Attorney Fee & Other Total Amount Du
Fines	60313	Nestitution	Hembusement For Attorney Fee & Ciner
#Nomo(s) addro	es(es) amount(s) 8	social security number	per(s) of aggrieved party(ies) to receive restitution:
ivanie(s), addre	55(65), amount(5) o	x social sociality hami	relias of aggineved partylios, to receive restitution.
The Court furthe	r recommands:		
The Court furthe	r recommends.		
		•	
والمتعادية			
The Court does no	t recommend:		work release.
1. Restitution		t release supervision or	
			OUNSEL FOR DEFENDANT
A hearing was	held in open court in	the presence of the def	endant at which time a fee, including expenses, was awarde
defendant's ap	pointed counsel or as	signed public defender.	•
		ODDED OF COMMI	
			MENT/APPEAL ENTRIES
XX It is ORDERED	that the Clerk deliver	two certified copies of	MENT/APPEAL ENTRIES this Judgment and Commitment to the sheriff or other quality
officer and that	that the Clerk deliver	two certified copies of e defendant to be delive	MENT/APPEAL ENTRIES  this Judgment and Commitment to the sheriff or other qualified with these copies to the custody of the agency named o
officer and that	that the Clerk deliver	two certified copies of e defendant to be delive	TMENT/APPEAL ENTRIES  this Judgment and Commitment to the sheriff or other qualified with these copies to the custody of the agency named out shall have complied with the conditions of release pending
officer and that reverse to serv	that the Clerk deliver the officer cause the the sentence impos gives notice of appea	two certified copies of e defendant to be delive sed or until the defendar al from the judgment of	TMENT/APPEAL ENTRIES  this Judgment and Commitment to the sheriff or other qualified with these copies to the custody of the agency named on the shall have complied with the conditions of release pending the Superior Court to the Appellate Division. Appeal entries
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STATE OF I	NOR	TH CARC_I	NA		<b>v.</b> 99CF	RS 23245		
Guilford	Orbital State of the State of t	County	Greensboro	Seat of Court	In The	e General Court Of	Justic	е
		) felony offense(s), and (2) h any felony offense(s). U	misdemeanor offense(s), which are se AOC-CR-301 on DWI	• • •		uperior Court Divis		
Name Of Defendant Theodore Me	A PROPERTY OF THE PROPERTY OF THE	TATE VERSUS		-5 ~ 0.0.0	ACTIVE P	ID COMMITMENT JNISHMENT JONY		
Race White		Sex Male	12-08-69			D SENTENCING) G.S. 15A-130	1. 15A-13	340 13
Attorney For State Richard Pa	nosh		Def. Found Def. Waived Not Indigent Attorney	Afterney For Defende Zimmerman/Cr		Appointed		
The defendant	<sup>KX</sup> pled	guilty to: was	s found guilty by a jury o	f: pled no cont	test to:			Mi-Problem care
File No.(s)	Off		Offense Description		Offense Date	G.S. No.	F/M	CL.
99CRS 23245		Solicitation	n: First degree mu	urder	11-04-98	C.L. & 14-2.6	F	С
			·					
2. makes no p	rior rec	ord level finding b	340.14, the prior record poi ecause none is required f bitual felon, or drug traff	or Class A felony,	t to be <u>02</u>		IV	∧í
The Court:  1. makes no w under G.S. (d) for ar 2. makes the f 3. imposes the	vritten f 15A-13 n adjudi Findings e prisor efendan	indings because to the state of	he prison term imposed in for a Class A felony. — t habitual felon. G.S. 14 and Mitigating Factors set a plea arrangement as to bistantial assistance pursionitual felon pursuant to A	s: XX (a) within the control of the	firearm penalted for drug traffic ched AOC-CR Article 58 of ( 5(h)(5).	ty (G.S. 15A-1340.16 cking offenses. -605.		zed
7. finds no Ex 8. finds the at	traordir oove de	nary Mitigation. signated offenses	lass 1 misdemeanor to a (s) is a reportable convic I sexually violent predato	tion involving a mi	inor. G.S. 14		c) (race	i, etc.)
The Court, having freely, voluntarily, imprisoned	conside and un	ered evidence, arg iderstandingly enti	juments of counsel and s ered, and Orders the abo	tatement of defer ve offenses be co	ndant, finds th nsolidated for	at the defendant's ple judgment and the def	ea was endan	t be
for a minimum ter 096		months	for a maximum term of 125	rf: montl	hs	ustody of:		
Class A Felony		Life Imprisonment Parole	Without Death (se	e attached Death and Certificates)		ff pursuant to G.S. 15A	N-1352(	(b).
		Imprisonment Wit Life Imprisonmer			Othe	1	. 1994	
The defendant sha	all be gi	ven credit for	days spent in confine	ement prior to the	date of this Jud	gment as a result of this	s charge	e(s).
The sentence i	imposed	d above shall beginner, date, county a	n at the expiration of all s n at the expiration of the and court in which prior sen to Division Guilfor	sentence imposed	d in the case i	eferenced below:	to ser	ve.

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The Court recomm		Imia mumaus ma 4 = 0 0   4 F A   4	1251/6\		
•		Init pursuant to G.S. 15A-1	1351(II). 🔲 4. Psychia	tric and/or psychol	ogical counseling.
5. Work Relea			allaskia a site sa s	lanan passis sa 14 s	nolioobla of the te
		t release supervision, if app	plicable, or from work re	lease earnings, if a	pplicable, of the it
and amoun	ts set out below.				
Fines	Costs	Restitution *	Reimbursement For A	Attorney Fee & Other	Total Amount Due
*Name(s), addre	ss(es), amount(s)	) & social security numb	per(s) of aggrieved par	ty(ies) to receive	restitution:
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		•		•	
			•		
				•	
The Court furthe	r recommends:				
			N.		
The Court does no	t recommend:		wask salagge 7	Work release.	
1. Restitution	as a condition of p	ost release supervision or			
		AWARD OF FEE TO C	OUNSEL FOR DEFENI	DANT	
			OUNDER I ON DEI EIT		
A hearing was	held in open court i	in the presence of the defe	endant at which time a f	ee, including exper	ises, was awarded
A hearing was defendant's ap	held in open court i pointed counsel or	in the presence of the defe assigned public defender.	endant at which time a f	ee, including exper	nses, was awarded
A hearing was defendant's ap	held in open court i pointed counsel or	in the presence of the defe assigned public defender.	endant at which time a f	ee, including exper	nses, was awarded
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defendant's ap	pointed counsel or	in the presence of the defe assigned public defender.  ORDER OF COMMIT	MENT/APPEAL ENTR	ee, including exper  IIES  mitment to the she	riff or other qualif
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NOTE: [This form is to be consolidated for judges.]		) felony offense(s), and (2) h any felony offense(s). U							ourt Divis		
The state of the s	S	TATE VERSUS		1000 .	10 -5 7	HUDGM					
Name Of Defendant Theodore M	ead K	imble		,		<b>AC</b> ∐, ∩.S.O.		JNISHME .ONY	NT		
<i>Raca</i> White		Sex Male	L	оов 12-08-69		7		D SENTEN	CING) G.S. 15A-130	1, 15A-13	340,13
Attorney For State Richard Pa	nosh		Def. Fo	processes.	Attorney For Zimmerm	Defendant an/Crump	ler		Appointed	d XX Rei	tained
The defendant	XX <sub>pled</sub>	guilty to: was	found g	uilty by a jury o	of: pled	no contest t	o:				***************************************
File No.(s)	Off		Offens	e Description		Offe	nse Date	G.S	. No.	F/M	CL.
99CRS 23246		Solicitatio	n: Firs	st degree m	urder	11	-04-98	C.L. &	14-2.6	F	С
	-		e.		\.\.\.			•			
2. makes no p	rior rec	uant to G.S. 15A-1 ord level finding b penalty, violent ha	ecause n	one is required	for Class A	felony,		PRIOR RECORD LI	EVEL: 🔀 II	IV IV	
(d) for a xxx 2. makes the 3. imposes the 4. finds the d 5. adjudges the 6. finds enhale 7. finds no Ex 8. finds the a 9. finds the d	15A-13 n adjudi Findings e prisor efendar ne defer nced pu atraordir bove de efendar	340.17(c). (b) (cation as a violen s of Aggravating an term pursuant to the an half in the form a Control of the form and the form a Control of the form as a Control of the form as a Control of the form and th	for a Clast habitua and Mitiga and Mitiga a plea a bstantial bitual felocitual felocitus 1 m assaully	ss A felony. [ I felon. G.S. 1 ating Factors someoner as assistance pure on pursuant to a isdemeanor to eportable convi-	(c) for end 4-7.12.  et forth on to sentence suant to G.S Article 2A of a Class I felocation involving.	nanced firea (e) for do he attached under Artic 5. 90-95(h)( f G.S. Chap ony G.S. 9	rm penal rug traffic AOC-CF le 58 of 5). ter 14. io-95(e)(3	ty (G.S. 19 cking offer R-605. G.S. Chap ) (drugs); [ 208.6.	5A-1340.1 nses. ter 15A. G.S. 14-3	(c) (race	e, etc.
The Court, having freely, voluntarily imprisoned	consid , and ur	ered evidence, arg nderstandingly ent	ered, and	d Orders the ab	ove offense	of defendant s be consoli	dated for	judgment	and the de	ea was fendan	s nt be
for a minimum ter	m of: 08	months	for a r	maximum term	of: 139	months	in the o	custody of	:		
Class A Felon	y: 🗌	Life Imprisonment	t Without	t Death (s	see attached and Certific	Death	-⊠XN.C. □ Sher		t to G.S. 15	A-1352	(b).
☐ Class B1 Felo	ny: <i>Life</i>	raiole Imprisonment Wi : Life Imprisonme	thout Par nt Withou	ole	and dertine		– ∏ Othe	er			
		iven credit for		s spent in confi	nement prio	r to the date	of this Ju	dament as a	a result of th	is charg	je(s).
The sentence The sentence (NOTE: List the	impose impose case nu	d above shall beg d above shall beg imber, date, county ninal Superio	in at the in at the <i>and cour</i> t	expiration of all expiration of the in which prior se	l sentences le sentence entence impo	which the d imposed in t sed.)	efendant the case	is present referenced	tly obligate d below:		

· ·	ease. as a condition of po- unts set out below.			e earnings, if applicable, of th
Fines	Costs	Restitution*	Reimbursement For Attorn	ey Fee & Other Total Amount
*Name(s), add	lress(es), amount(s	s) & social security numb	per(s) of aggrieved party(i	es) to receive restitution:
The Court furt	her recommends:		\\\	
1. Restitution		AWARD OF FEE TO C in the presence of the defe	OUNSEL FOR DEFENDAN	k release. T
defendant's	appointed counsel or	ORDER OF COMMIT  ver two certified copies of	TMENT/APPEAL ENTRIES this Judgment and Commitm	ent to the sheriff or other qu
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STATE OF I	NOF	TH CARL	NA	··········		<i>№.</i> 99ÇRS	23247	hadhana dan and merusika haraka	Military of the constraint of selections
Guilford		County	Greensboro		Seat of Court	In Ti	ne General Court Of	Justic	e
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Name Of Defendant Theodore Me			42			<b>ACTIVE</b> F	ND COMMITMENT PUNISHMENT ELONY		
Race White		Sex Male	008 12-08-6	9 (			ED SENTENCING) G.S. 15A-130	01, 15A-13	340.13
Attorney For State Richard Par	nosh		Lamend Lamend	Naived orney	Attorney For Defend Zimmerman/C		Appointe	d XX Re	tained
The defendant	K¥ple	d guilty to: 🗌 wa	s found guilty by a j	ury of	f:  pled no cor	ntest to:	•		
File No.(s)	Off		Offense Descriptio	n		Offense Date	G.S. No.	F/M	CL.
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freely, voluntarily, imprisoned	, and u	understandingly en	tered, and Orders th	e abo	ve offenses be c	onsolidated fo	or judgment and the de	efendan	nt be
for a minimum ter 108	8	months  Life Imprisonmer  Parole	nt Without 🔲 Dea	13 th (se		nths N.C	custody of: C. DOC. eriff pursuant to G.S. 15 ner	A-1352	(b).
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	elease.	nt Unit pursuant to		,			
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	ounts set out belov	N . Restitut	tion* R	eimbursement For	Attorney Fee &	Other Total A	mour
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*Name(s) ad	ldress(es), amour	nt(s) & social secu	rity number(s) of	aggrieved pa	rtv(ies) to	receive restitut	ion:
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The Court fur	ther recommend	s:			,		
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The Court doe:	s not recommend:	of post release supe	ervision or work rele	ease. 2.	Work relea	ise.	
	non as a contant		FEE TO COUNSE		DANT	T	
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STATE OF	NOF	RTH CARO	IA		0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0	22240		-
Guilford		County (	Greensboro	Seat of Court		23248	and the state of t	-
NOTE: [This form is to I			nisdemeanor offense(s), which are	Seat of Court		e General Court Of Superior Court Divis		e
		STATE VERSUS		JU.	DGMENT AN	ID COMMITMENT		
Name Of Defendant Theodore 1	Mead I	Kimble	17.17		ACTIVE P	JNISHMENT		
Race	·	Sax	DOB			ONY		
White		Male	12-08-69	1000	(STRUCTURE	D SENTENCING) G.S. 15A-130	1. 15A-1	340 13
Attorney For State Richard Po	anosh		Def. Found Def. Walved Not Indigent Attorney	Attemet Ear Defender Zimmerman/Cr		Appointe		
The defendant	<sup>XX</sup> ple	d guilty to: 🔲 was	found guilty by a jury o	f:  pled no con	test to:		· · · · · · · · · · · · · · · · · · ·	
File No.(s)	Off		Offense Description	,	Offense Date	G.S. No.	F/M	CL.
99CRS 23248		Solicitation	: First degree mu	ırder	11-04-98	C.L. & 14-2.6	F	С
				v				
2. makes no enhanced The Court: 1. makes no under G.S	prior red firearm written . 15A-1	findings because the 340.17(c). (b) fo	e.0.14, the prior record point ause none is required for tual felon, or drug traffice prison term imposed in a Class A felony.	or Class A felony, icking offenses. s: (a) within the (c) for enhanced (-7.12. (e) the content (c) (c) (c) (c)	e presumptive firearm penalt for drug traffic	range of sentences a y (G.S. 15A-1340.16 king offenses.	uthori	zed
3. imposes the	he priso defenda	in term pursuant to a nt has provided subs	d Mitigating Factors set plea arrangement as to tantial assistance pursi ual felon pursuant to A	o sentence under uant to G.S. 90-9	Article 58 of ( 5(h)(5).			
7. finds no E	xtraord above d	inary Mitigation. esignated offenses(s	ss 1 misdemeanor to a i) is a reportable convicusexually violent predato	tion involving a m	inor. G.S. 14		c) (race	, etc.)
The Court, havin freely, voluntarily imprisoned	g consid , and u	dered evidence, argu nderstandingly enter	ments of counsel and s ed, and Orders the abo	tatement of defer ve offenses be co	ndant, finds th nsolidated for	at the defendant's pl judgment and the de	ea was fendan	t be
for a minimum te			for a maximum term of			ustody of:		
Class A Felor		6 months  Life Imprisonment V Parole	⊥ Vitḥout ☐ Death (se	125 mont ee attached Death and Certificates)	———⊠¥N.C. □ Sheri	ff pursuant to G.S. 15/	4-13 <b>5</b> 2	(b).
		fe Imprisonment With n: Life Imprisonment	out Parole		(] Othe			
The defendant sl	hall be g	given credit for0-	days spent in confine	ement prior to the	date of this Jud	gment as a result of thi	s charg	e(s).
The sentence	e impose impose e case n	ed above shall begin ed above shall begin umber, date, county ar	at the expiration of all at the expiration of the ad court in which prior sen	e sentence impose ntence imposed.)	d in the case i	referenced below:	to sei	r <b>ve.</b>

· · ·	ese.	Init pursuant to G.S. 15A-trelease supervision, if ap	plicable, or from work rel	ease earnings, if ap	oplicable, of the
Fines	Costs	Restitution*	Reimbursement For At	torney Fee & Other	Total Amount D
*Name(s), addro	ess(es), amount(s)	& social security numl	per(s) of aggrieved part	y(ies) to receive	restitution:
The Court furth	er recommends:				
			N.		
The Court does n	ot recommend:				
1. Restitution	n as a condition of p	ost release supervision or		Work release.	
		AWARD OF FEE TO C	OUNSEL FOR DEFEND	ANT	
A hearing was	held in open court	in the presence of the defeasigned public defender.	endant at which time a fe	e, including expens	ses, was awarde
acicinatint b ap	sponttou courter				
			TARTALT /A DDE AL ENTO	rc	
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# STATE OF NORTH CAROLINA GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48

******	**********
STATE OF NORTH CAROLINA	)
	)
v.	)
	)
THEODORE MEAD KIMBLE	)
*****	**********

## DEFENDANT'S PROPOSED RECORD ON APPEAL

The attached constitutes Defendant's Proposed Record on Appeal.

Danielle M. Carman

Assistant Appellate Defender

Malcolm Ray Hunter, Jr. Appellate Defender Office of the Appellate Defender 123 West Main Street, Suite 600 Durham, North Carolina 27701 (919) 560-3334

ATTORNEYS FOR DEFENDANT

## NORTH CAROLINA COURT OF APPEALS

*****	*******
STATE OF NORTH CAROLINA	`
STATE OF HOREIT CHAOLING	,
ν.	) From Guilford
<b>v.</b>	97 CrS 23656, 39581; 98 CrS 23486
	99 CrS 23241-48
THEODORE MEAD KIMBLE	) 77 015 252+1-40
THEODORE MEAD KIMBLE	)
*****	*******
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#### NORTH CAROLINA COURT OF APPEALS

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STATE OF NORTH CAROLINA	)	
STATE OF NORTH CAROLINA	)	
V.	)	From Guilford 97 CrS 23656, 39581; 98 CrS 23486;
	)	99 CrS 23241-48
THEODORE MEAD KIMBLE	)	
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### ORGANIZATION OF TRIAL TRIBUNAL

These cases came on for entry of pleas at the January 25, 1999 Criminal Session of Guilford County Superior Court before Superior Court Judge Peter M. McHugh. On January 28, defendant entered guilty pleas in case numbers 97 CrS 39581, 97 CrS 23656, and 98 CrS 23486. On the same day, defendant consented to waiver of venue to Guilford County and entered *Alford* pleas in case numbers 99 CrS 23241-23248.

These cases came on for a hearing on defendant's *pro se* motion to withdraw his pleas at the March 1, 1999 Criminal Session of Guilford County Superior Court before Superior Court Judge Peter M. McHugh. On March 4, 1999, Judge McHugh denied defendant's motion and held sentencing proceedings. Judgments and Commitments were entered on March 5, 1999. Defendant appealed.

F10 NO. 97CR 039581	ATE OF NORTH CAROLINA	
WARRANT FOR ARREST	GUILFORD Court Of Justice  GUILFORD Court Of Justice	φ
Official	To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:	d below:
FIRST DEGREE MURDER	I the construction of the that there is need to be lieve that on or about the date of offense shown	nwod:
THE STATE OF NORTH CAROLINA VS.	and in the county named above the defendant named above unlawfully, willfully and feloniously did	
Name, Address & Telephone No. Of Defendant	OF MALICE AFORETHOUGHT KILL AND MURDER PATRICIA GALE	LE
THEODORE MEAD KIMBLE 6318 LIBERTY ROAD	KIMBLE	
IN, N.C.		·.
#1070 FF C		
Hace W M 12-08-69 49 27		
Drivers License No. & S		
240-47-9619 / 546920 N.C. Name Of Defendant's Employer		
LYLES BLD MATERIAL.		
Offense In Violation Of G.S.		
14-17	٠. ٠. ٠	
Date Of Offense		
OCTOBER 9, 1995 Date Of Arrest & Check Divit No. (As Shown On Fincement Card)		
N47185L	<b>\</b> .	
Complainant (Name, Address Or Department, Phone No.)		7
DET. J.D. CHURCH		
GUILFORD COUNTY SHERIFF'S DEPT.		
SA H.G. PENDERGRASS		
N.C. STATE BUREAU OF INVESTIGATION		
Witnesses (Names, Addresses, Phone Numbers)		
	This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon	
951009027	Information furnished under oath by the complainant listed. You are DINECLED to affest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.	above.
Date Issued (4) 28, 1997	Signature Collection Of Court	
Date Of Service	Magistrate   Deputy CSC   Court Date   Court Time   Assistant CSC   Clerk Of Superior Court	PM
AOC-CR-100 Rev. 3/95 (Structured Seniencing)	40	

ju:

Clerk Of Superior Court Superior Court Judge TO ANY DEFICER WITH AUTHORITY AND JURISDICTION TO SERVE: AY DRIVER SUPERIOR COURT DIVISION IN SESSION, THEN YOU ARE TO TAKE HIM BEFORE A JUDICIAL OFFICIAL IF COURT, IS NOT YOU ARE DIRECTED TO ARREST THE DEFEHDANT AND BRING HIM BEFORE THE GRAND JURY OF THIS COUNTY HAVING RETURNED A TRUE BILL OF S. NUMBER 14-58 FOR THE PURPOSE OF DETERMINING CONDITIONS OF RELEASE AND COURT AT THE PLACE, DATE AND TIME INDICATED BELOW OR UFON THE FIRST DAY OF COURT FOLLOWING HIS ARREST. IF COURT Assistant CSC
District Court Judge RELEASE IS TO BE THE OFFICIALS DISCRETION. Signature RENHINGTON AM Date Of Issue IMDICTMENT, A COPY OF WHICH IS ATTACHED. Deputy CSC Magistrate COMMITMENT IF HE IS UNABLE TO COMPLY. Deft. must be fingerprinted. STATE OF NORTH CAROLINA Ę CHARGE DESCRIPTION FIRST DEGREE ARSON COURT RECORD COPY Court Time 09:30 GULLFORD-GR COUNTY 86/12//0 "OR ARREST: L. Court Date 0 THE DOB: 12/08/69 SFF NC ROOM GB4C STATE OF NORTH CAROLINA ORDER FOR ARREST KIMBLE, THEODORE, MEAD S S BUILFORD CTY JAIL SEX: F COMPL AINANT: GHEENSBORD. SOC SEC NO: CHURCH, J, D DK LIC NO: HIGH FOINT 3 L.T.D NO: RACE: ion Of Court C-CR-217AS

12/95 (Structured Sentencing)

In The General Court Of Justice

NONE.

NOCHECK DIGIT NUMBER:

3

Po Eex 186 Thursie Kimble

To Sulford Courty Court House Superior Court Juga Porter Mathyi Thrusbase May 24:

FILED

1227 FEB 25 MI 10: 48

Clerk of Superior Court

GUILFORD COUNTY, C.S.C.

I Therefore M. Limbé would like to with-draw my guilty-plea en all accounts and charges. I request to go before a jury and plead my case. I was pressured into my enabler plea. I'm Not Guilty and here by with-draw my earlier plea arelier plea of Guilty.

Thouse you, Therefore W. Link 2-24-99

2/26/99 cc: Richard Panosh (H.W. Zimmerman

Crumpler

(Freedman

Do to the DA'S DRESS CONFERENCES I'd like my tripl moved to Winston SHEM in Farsyth County.

I've Not made my decision known to my Attorneys At this point, but an presently doing so. I assure you, I willn't Allow someone to push me Around Again. My mind is made up.

Thank you,
Theodore W. Kunk.
2-24-99

PS. what is justice when the D.A tells AN opposing witness, "Tak life is not a took in the Read, one goes to prison the other to probation, Don't show at the Kimble trint."

3/1/99 cc: Panosh Zimneman/Crumpler

### **DEFENDANT'S ASSIGNMENTS OF ERROR**

Defendant assigns as error the following:

1. The trial court's findings of fact, conclusions of law, and ruling waiving attorney Zimmerman's conflict of interest and allowing Zimmerman to represent defendant, on the grounds that the findings were not supported by the evidence, and the conclusions and rulings were erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights.

Dec. 3, 1998 Motions Hearing, Tpp. 46, line 6 through 49, line 14

2. The trial court's action in misinforming defendant about the consequences of his guilty pleas and *Alford* pleas, on the grounds that the court's statements to defendant about the mandatory minimum sentences and possible maximum sentences were erroneous under North Carolina statutory and common law, violated G.S. 15A-1022, and rendered defendant's pleas involuntary in violation of defendant's State and Federal constitutional rights. Defendant asserts plain error.

Jan. 28, 1999 Pleas Transcript, Tpp. 9, line 15 through 10, line 7 Jan. 28, 1999 Pleas Transcript, Tp. 12, lines 8-16 Rpp. 17-20

3. The trial court's acceptance of defendant's guilty pleas and *Alford* pleas, on the grounds that the pleas were not freely, voluntarily, and understandingly entered, and that the court's action was erroneous under North Carolina common law and G.S. 15A-1021 and 15A-1022, and violated defendant's State and Federal constitutional rights. Defendant asserts plain error.

Jan. 28, 1999 Pleas Transcript, Tp. 18, lines 4-14 Rp. 18

4. Defendant's attorneys' ineffective assistance of counsel at the hearing on his motion to withdraw his pleas, on the grounds that the attorneys had a conflict of interest and that their performance was deficient in violation of defendant's State and Federal constitutional rights.

Mar. 4, 1999 Motion to Withdraw, Tpp. 3-39

5. The trial court's ruling denying defendant's objection to State documentary exhibit number 1 and admission of that exhibit into evidence at the motion to withdraw hearing, on the grounds that the evidence was inadmissible and incompetent, and that the court's ruling was erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights.

Mar. 4, 1999 Motion to Withdraw, Tpp. 29, line 23 through 30, line 14

6. The trial court's findings of fact, conclusions of law, and Order denying defendant's motion to withdraw his guilty pleas and *Alford* pleas, and entry of judgment and commitment in all cases, on the grounds that the trial court's statements about the mandatory minimum and possible maximum punishments were erroneous in law and violated G.S. 15A-1022; that defendant's pleas were involuntary, coerced, and uninformed in violation of G.S. 15A-1021 and 15A-1022 and North Carolina common law; that defendant received ineffective assistance of counsel at the motion to withdraw hearing; and that the court's findings are not supported by the evidence, the conclusions are not supported by the findings and are erroneous in law, and the Order is erroneous under North Carolina statutory and common law, and violative of defendant's State and Federal constitutional rights. To the extent this error is not preserved, defendant asserts plain error.

Mar. 4, 1999 Motion to Withdraw, Tpp. 30, line 19 through 39, line 14 Rpp. 27-36, 54-75

7. The trial court's admission of State witness James Bowman's testimony at the sentencing hearing, on the grounds that the evidence was inadmissible and incompetent hearsay and that the court's action was erroneous under North Carolina statutory and common law and violated defendant's State and Federal constitutional rights. Defendant asserts plain error.

Mar. 4, 1999 Sentencing Hearing, Tpp. 56, line 11 through 67, line 1

8. The Trial Court's finding of the non-statutory aggravating sentencing factor that "defendant acted with premeditation and deliberation in committing this offense" in case number 97 CrS 39581 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law, not supported by any competent record evidence, inherent in the offense, and supported by the same evidence used to prove an element of the offense in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 220, line 5 through 221, line 10 Rpp. 38-39, 54-55

9. The Trial Court's finding of the non-statutory aggravating sentencing factor that "defendant acted for pecuniary gain" in case number 97 CrS 39581 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law and not supported by any competent record evidence in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 220, line 5 through 221, line 10 Rpp. 38-39, 54-55

10. The Trial Court's finding of the non-statutory aggravating sentencing factor that the "offense was committed for the purpose of avoiding detection in the murder of Patricia Gail Kimble and for the purpose of covering up the murder" in case number 98 CrS 23486 and imposition of a greater-than-presumptive sentence in that case, on the grounds that the factor was not adequately proved in law, not supported by any competent record evidence, inherent in the offense, and supported by the same evidence used to prove an element of the offense in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 221, line 25 through 222, line 23 Rpp. 40-41, 58-59

11. The trial court's findings of both statutory aggravating sentencing factors 5(a) and 5(b) in case numbers 99 CrS 23241, 23242, 23243, 23244, 23246, and 23247 and imposition of greater-than-presumptive sentences in those cases, on the grounds that the factors were not adequately proved in law, not supported by any competent record evidence, supported by the same evidence used to prove each other in violation of North Carolina statutory and common law and defendant's State and Federal constitutional rights.

Mar. 5, 1999, Sentencing Hearing, Tpp. 222, line 24 through 226, line 20 Rpp. 42-53, 60-73

In Case # 97 CRS 39581 an aggravated sentence for second degree murder of 204 months to 254 months to begin at the expiration of any sentence now serving;

In Case # 97 CRS 23656 a presumptive sentence for conspiracy to commit murder of a 163 months to 205 months to begin at the expiration of the second degree murder sentence in 97 CRS 39581;

In Case # 98 CRS 23486 an aggravated sentence for first degree arson of 82 months to 108 months to begin at the expiration of the conspiracy sentence in 97 CRS 23656;

In Case # 99 CRS 24241 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the first degree arson sentence in 98 CRS 23486;

In Case # 99 CRS 24242 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24241;

In Case # 99 CRS 24243 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24242;

In Case # 99 CRS 24244 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24243;

In Case # 99 CRS 24245 a presumptive sentence for solicitation to commit murder of 96 months to 125 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24244;

In Case # 99 CRS 24246 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24245;

In Case # 99 CRS 24247 an aggravated sentence for solicitation to commit murder of 108 months to 139 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24246;

In Case # 99 CRS 24248 a presumptive sentence for solicitation to commit murder of 96 months to 125 months running at the expiration of the solicitation to commit murder sentence in 99 CRS 24247;

STATE OF NORTH CARO	LINA	J-10F2	.e No. 97CRS39581	
Guilford	County FI	ED	In The General Court of Superior Court Di	
STATE VERSUS Name Of Defendant Theodore Mead Kimble	1999 HAR - 5	Fil 12: 44	FELONY JUDGMENT FINDINGS OF AGGRAVAT AND MITIGATING FACTO	
Offense	//	0.S.C.	(STRUCTURED SENTENCIN	IG)
Second degree murder  NOTE: When consolidating offenses for judg	unent findings of aggray	vating factors and r	mitigating factors should be made or	G.S. 15A-1340.16  The most seriou
offense. Separate findings of aggrav	rating factors and mitigat	ting factors should	be made for each offense that is no	t consolidated.
<b>建多种种的大型的对象形式并充的形式</b> 是一定是一个人,然后不够的企识的情况,这是一个位于一	AGGRAVAT	ING FACTORS	1 to the state of a state of the state of th	
2. The defendant joined with mor	adership or dominance	e of other particip	pants in the commission of the o the offense and was not charge	ffense. d with committing a
conspiracy.  2.a. The offense was committed for promote, further, or assist in a committing a conspiracy.	or the benefit of, or at ny criminal conduct by	the direction of, y gang members,	any criminal street gang, with th and the defendant was not cha	e specific intent to rged with
3. The offense was committed for a a avoiding or preventing a l		b. effecting	g an escape from custody.	
a. avoiding of preventing a second of the defendant was:  a. hired to commit the offer			commit the offense.	
5. The offense was committed to a. disrupt the lawful exercise	):	-		
b. hinder the lawful exercise	e of a governmental fu	inction or the enf	forcement of laws.	u faranant afficer
employee of the Department of judge, clerk or assistant or dependent of the performance of the control of the performance of the control of t	f Correction, jailer, fire outy clerk of court, ma that person's official inous, atrocious or cru ted a great risk of dea to the lives of more that the at the time of the o	eman, emergency gistrate, prosecu duties or becaus lel. the to more than can one person.	jury to a present or former law e medical technician, ambulance itor, juror, or witness against the e of the exercise of that person' one person by means of a weapo	attendant, justice of defendant, while s official duties. on or device which the office.
a. was armed with a deadly 11. The victim was:	very old c. m offense while on pretr	nentally infirm. ial release on and	other charge.	time of the crime.  e. handicapped.
14. The offense involved:  a. an attempted taking of p c. damage causing great m 15. The defendant took advantage 16. The offense involved the sale of 17. The offense was committed as 18. The defendant does not suppo 18.a. The defendant has previously committed by an adult.  19. The victim of this offense suff	property of great mone conetary loss.  of a position of trust or delivery of a contro gainst a victim becaus rt the defendant's fam been adjudicated delin	etary value. b. d.	the actual taking of property of g an unusually large quantity of commit the offense. a minor. race, color, religion, nationality, ense that would be a Class A, B,	or country of origin
₩20. Additional written findings of to 1. The defendant acted with positive defendant acted for people.	remeditation and	l deliberati		offense.
The Court makes no findings of any	aggravating factors.			•

	] 1	1. The defendant committed the offense under:  (EXHIBIT(E) 20f7  a. duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability.  (b. coercion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
		The threat which was insufficient to constitute a defense but significantly reduced the defendant's collaboration.
r	٦,	d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.  2. The defendant:
۱	، لـ	a. was a passive participant in the commission of the offense.
-		b. played a minor role in the commission of the offense.
L	_] :	3. The defendant was suffering from a:  [] a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability
		for the offense.
r	•••••	b. physical condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability for the offense.
l		<ol> <li>The defendant's:</li> <li>a. age, or immaturity, at the time of the commission of the offense significantly reduced the defendant's</li> </ol>
		culpability for the offense.  b. limited mental capacity at the time of the commission of the offense significantly reduced the defendant's
		culpability for the offense.
1	$\neg$	5. The defendant has made:
	1	a. substantial restitution to the victim.
		b. full restitution to the victim.
	لــا	6. The victim was more than 16 years of age and:  a. was a voluntary participant in the defendant's conduct,
		b. consented to the defendant's conduct.
		7. The defendant:
		<ul><li>a. aided in the apprehension of another felon.</li><li>b. testified truthfully on behalf of the state in another prosecution of a felony.</li></ul>
	П	R 🗍 a. The defendant acted under strong provocation.
		b. The relationship between the defendant and the victim was otherwise extenuating.
	Ш	9. The defendant:  a. could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear.
		□ b. exercised caution to avoid serious bodily harm or fear to other persons.
	$\Box$	10. The defendant reasonably believed that the defendant's conduct was legal.
	Ш.	11. The defendant reasonably acknowledged wrongdoing in connection with the offense to a law enforcement officer:  a. at an early stage of the criminal process.
		The prior to errect
	X	12. The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.  13. The defendant is a minor and has reliable supervision available.
	H	13. The defendant is a minor and has reliable supervision available.  14. The defendant has been honorably discharged from the United States Armed Services.
		15. The defendant has accounted responsibility for the defendant's criminal conduct.
		16. The defendant has accepted responsibility in the defendant has accepted a drug treatment program or an
		alcohol treatment program subsequent to arrest and prior to trial.  17. The defendant supports the defendant's family.
	XX	18. The defendant has a support system in the community.
1	XX	19. The defendant has a positive employment history or is gainfully employed. 20. The defendant has a good treatment prognosis and a workable treatment plan is available.
	H	20. The defendant has a good treatment prognosis and a Workson Western prognosis and a Workson Person Perso
	r	the third of the state of the s
-	Ш	The Court makes no findings of any mitigating factors.  DETERMINATION (NOTE: Check only one)
	and	e Court, after considering the evidence and arguments presented at the trial and sentencing hearing, finds that the aggravating mitigating factors marked, if any, were proven by a preponderance of the evidence and that the
	XX	factors in aggravation outweigh the factors in mitigation and that an aggravated sentence is justified.  factors in mitigation outweigh the factors in aggravation and that a mitigated sentence is justified.
-	Date	Signature Of brosider Judge
		-05-99 PETER M. MCHUGH
+	ΔΩ	C-CR-605. Side Two, Rev. 11/97 Material opposite unmarked squares is to be disregarded as surplusage

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STAT	E OF NORTH CAR	INA PYHIR	BK(F) 10f2	7 %. 98CRS 23486				
Dikishan sastrumanan aranteskan nom m	Guilford	County =	- 10 P July Jun	In The General Co Superior Cou				
	STATE VERSUS	1992 1117 -	5 TH 12: 44	FELONY JUDGMI	ENT			
lame Of Defe	ondant	and the state of t		FINDINGS OF AGGRA				
	ore Mead Kimble		A 1. 0.0.0.	AND MITIGATING FA				
<i>Offense</i> First	degree arson	//	$(\mathcal{N})$	(STRUCTURED SENTE	•			
			Sp.		G.S. 15A-1340.16			
of	Then consolidating offenses for judg Tense. Separate findings of aggrav	vating factors and mitig	gating factors should	be made for each offense that	is not consolidated.			
	The state of the s	AGGRAVA	ATING FACTORS	क्षेत्र के प्रतिकार में क्षितिकाल कर के कि	OT - STANGINGS COMPRESSIONS			
1 2 2.a 3.	The Defendant:  a. induced others to partici b. occupied a position of le The defendant joined with mor conspiracy. The offense was committed fo promote, further, or assist in a committing a conspiracy. The offense was committed fo	eadership or dominange than one other per or the benefit of, or a ony criminal conduct or the purpose of:	ce of other particip son in committing at the direction of, a by gang members,	the offense and was not ch any criminal street gang, w	narged with committing a ith the specific intent to			
, 7 4.	a. avoiding or preventing a late the defendant was:	lawful arrest.	b. errecting	an escape from custody.				
4.	a. hired to commit the offer	nse.	b. paid to	commit the offense.				
□ 5.	The offense was committed to	);	to antino or the only	forcement of laws				
	a. disrupt the lawful exercise	se of a governmental	function or the enf	orcement of laws.				
6.	<ul> <li>b. hinder the lawful exercise of a governmental function or the enforcement of laws.</li> <li>The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, employee of the Department of Correction, jailer, fireman, emergency medical technician, ambulance attendant, justice or judge, clerk or assistant or deputy clerk of court, magistrate, prosecutor, juror, or witness against the defendant, while engaged in the performance of that person's official duties or because of the exercise of that person's official duties.</li> </ul>							
☐ 7.	The offense was especially he The defendant knowingly crea	inous, atrocious or c	ruel. Path to more than o	ne person by means of a w	reapon or device which			
8.	would normally be hazardous t	to the lives of more t	han one person.					
☐ 9. □ 10	The defendant held public office The defendant:	ce at the time of the	offense and the of	fense related to the conduc	et of the office.			
<ul><li>□ 10.</li><li>□ 11.</li></ul>	a. was armed with a deadly The victim was:	weapon at the time	of the crime.					
		very old.	mentally infirm.	d. physically infirm.	e. handicapped.			
☐12. ☐13.	The defendant involved a pers	on under the age of	16 in the commissi	on of the crime.				
☐ 14.	The offense involved:							
	a. an attempted taking of p	nonetary loss.	d.	an unusually large quantit	y of contraband.			
☐ 15.	The defendant took advantage The offense involved the sale	or delivery of a conti	rolled substance to	a minor.				
☐ 16. ☐ 17.	The offense was committed a	gainst a victim beca	use of the victim's	race, color, religion, nation	ality, or country of origin.			
= 40	The defendant does not support the defendant has previously	ort the defendant's fa	amily.					
[T] 4.0	committed by an adult. The victim of this offense suff	fored serious injury t	hat is permanent a	nd debilitating.				
[]19. [X]20. This Patri	Additional written findings of offense was committed cia Gail Kimble and fo	factors in aggravatio for the purpos	n: se of avoiding	detection in the r	nurder of			
<b>—</b> .	Court makes no findings of any	, andravating factors	i.					
∐ The	Court makes no imaings of any	aggravating ractors						

438 417 411	the state of the s	MITIGATING FACTORS	Charles the same of the same o
1	b. coercion which was insufficed c. threat which was insufficient	ent to constitute a defense but significantly cient to constitute a defense but significan int to constitute a defense but significantly	reduced the defendant's culpability. By reduced the defendant's culpability. reduced the defendant's culpability.
_ 2	. The defendant:	officient to constitute a defense but significant the commission of the offense.	antly reduced the defendant's culpability.
_ 3	<ul> <li>The defendant was suffering from</li> <li>a. mental condition that was if for the offense.</li> </ul>	n a:	nificantly reduced the defendant's culpability
4	culpability for the offense.  The defendant's:  a. age, or immaturity, at the t	ime of the commission of the offense sign	ificantly reduced the defendant's
<u> </u>	<ul> <li>The defendant has made:</li> <li>a. substantial restitution to the</li> <li>b. full restitution to the victime</li> </ul>		
6	5. The victim was more than 16 years.  a. was a voluntary participant.  b. consented to the defendant.	in the defendant's conduct.	
	R. The defendant acted under	If of the state in another prosecution of a factoring provocation.	
	b. The relationship between the The defendant: a. could not reasonably forese	he defendant and the victim was otherwis	se or threaten serious bodily harm or fear.
10 11	<ul> <li>The defendant reasonably believed</li> <li>The defendant voluntarily acknowledge</li> <li>a. at an early stage of the critical</li> </ul>	ed that the defendant's conduct was legal. wledged wrongdoing in connection with th	
13   14	<ol> <li>The defendant is a minor and had</li> <li>The defendant has been honorab</li> </ol>	n of good character or has had a good reputa s reliable supervision available. bly discharged from the United States Arm ponsibility for the defendant's criminal con	tion in the community in which the defendant lives. ed Services. duct.
	<ol> <li>The defendant has entered and is alcohol treatment program subse</li> <li>The defendant supports the defendant</li> </ol>	s currently involved in or has successfully equent to arrest and prior to trial. endant's family.	completed a drug treatment program or an
XX 1:	<ul><li>8. The defendant has a support sys</li><li>9. The defendant has a positive em</li><li>0. The defendant has a good treath</li><li>1. Additional written findings of face</li></ul>	ployment history or is gainfully employed. nent prognosis and a workable treatment	olan is available.
	The Court makes no findings of any	mitigating factors.	
		DETERMINATION (NOTE: Check on!	one)
and	mitigating factors marked, if any, w	vere proven by a preponderance of the evi	
	factors in mitigation outweigh the f	e factors in mitigation and that an aggrava factors in aggravation and that a mitigated	sentence is justified.
1	-05-99 PETER M. M		M/A / licon
AOC © 19	-CR-605, Side Two, Rev. 11/97 97 Administrative Office of the Co	Material opposite unmarked squares is to be disregarde	es surpiusage.

STATE OF NORTH CALLIN	A CYHIRK	(G) 10+2	99CRS 23241.
Guilford Cou	unty File	U TOPL	In The General Court Of Justice Superior Court Division
STATE VERSUS	1000 1100 -5	[] 2: 45	FELONY JUDGMENT
Vame Of Defendant Theodore Mead Kimble		,0.8.0.	FINDINGS OF AGGRAVATING AND MITIGATING FACTORS
Offense Solicitation: first degree murd	erw /	<u></u>	(STRUCTURED SENTENCING) G.S. 15A-1340.16
NOTE: When consolidating offenses for judament.	, findings of aggravati	ing factors and m g factors should b	itigating factors should be made only for the most seriou be made for each offense that is not consolidated.
STATE OF THE STATE	AGGRAVATIN	IG FACTORS	The second secon
1. The Defendant:			
<ul> <li>The defendant joined with more than conspiracy.</li> <li>2.a. The offense was committed for the promote, further, or assist in any cri</li> </ul>	hip or dominance on one other person benefit of, or at the	f other participa in committing t e direction of, a	ants in the commission of the offense. he offense and was not charged with committing a ny criminal street gang, with the specific intent to and the defendant was not charged with
committing a conspiracy.  3. The offense was committed for the a. avoiding or preventing a lawfu	purpose of: Larrest.	b. effecting	an escape from custody.
4. The defendant was:		The paid to a	commit the offense.
a. hired to commit the offense.  The offense was committed to:  a. disrupt the lawful exercise of a	a governmental fun	ction or the enfo	orcement of laws.
MY b. hinder the lawful exercise of a	governmental fund	ction or the enfo	orcement of laws.  Jry to a present or former law enforcement officer,
employee of the Department of Corriging, clerk or assistant or deputy of engaged in the performance of that	rection, jailer, firem lerk of court, magis person's official du atrocious or cruel.	an, emergency strate, prosecuto ities or because	or, juror, or witness against the defendant, justice of the exercise of that person's official duties.
8. The defendant knowingly created a	great risk of death	to more than or one person.	ne person by means of a weapon or device which
10 The defendant:			rense related to the conduct of the office.
a. was armed with a deadly wea	pon at the time of	tne crime. 📋 t	b. used a deadly weapon at the time of the crime.
a. very young. b. very	se while on pretrial	ntally infirm. Trelease on anot	d. physically infirm. e. handicapped.
13. The defendant involved a person un  14. The offense involved:			
a. an attempted taking of prope	arv loss.	a.	the actual taking of property of great monetary value. an unusually large quantity of contraband.
The defendant took advantage of a	position of trust or	confidence to d	commit the offense.
16. The offense involved the sale or de	livery of a controlle t a victim because	d substance to of the victim's (	a minor. race, color, religion, nationality, or country of origin
	s dafandant'e tamils	.1	
18.a. The defendant has previously been	adjudicated delinqu	ient for an offer	nse that would be a Class A, B, C, D or E felony if
committed by an adult.  19. The victim of this offense suffered 20. Additional written findings of factor	serious injury that irs in aggravation:	is permanent ar	nd debilitating.
	· ·		
The Court makes no findings of any aggl	ravating factors.		i.

	5, t, !	, Print	ringalist Signatur	Kingali etti.		MITIGA	TING FA	ACTORS	A Land		er William Addition
		1.	The def	fendant co	mmitted the offe	ense under:	EXHIB	M(G) 2017	_		
			🗌 a. d	luress whi	ch was insufficie	nt to constitute a	défense t	out significantly re	duced the de	fendant's culpabilit	y.
										defendant's culpabil	
										endant's culpability	
	<del></del>	^		-	n which was insu	fficient to constitu	ite a defe	nse but significan	tly reduced th	ne defendant's culp	ability.
		2.	pupula	fendant:		. 46	d the off	nee			
						n the commission of the c		ense.			
	$\Box$	3.			as suffering from		31101130.				
	اــــا	٥.					titute a r	lefense hut signifi	cantly reduce	d the defendant's c	culpability
				or the off		inguirmoione to dome	, tituto a c	ordina bar digi	,		,
						insufficient to cor	nstitute a	defense but signi	ficantly reduc	ed the defendant's	i
				•	for the offense.						
		4.	The de	fendant's	:					lati - difiliadamenta	
						ime of the commis	ssion of the	ne offense signific	antiy reduced	the defendant s	
			Пъ	culpability imited me	for the offense.	the time of the con	nmission	of the offense sig	nificantly red	uced the defendant	t's
					for the offense.				•		
	$\Box$	E		fendant h							
		5.			I restitution to th	e victim.					
					tion to the victim						
		6.	The vic	ctim was i	more than 16 yea	ars of age and:					
	Lancard		□ a. v	was a volu	ıntary participant	in the defendant's	s conduct	•.			
			□ b. c	consented	to the defendant	t's conduct.					
		7.		fendant:							
			a. a	aided in th	e apprehension o	f another felon.					
	_					f of the state in an		secution of a felo	ny.		
	Ш	8.	∐a. 1	The deten	dant acted under	strong provocation ne defendant and t	n. ha victim	was otherwise e	xtenuating.		
	П	a	The de	fendant:							
	لــا	٥.	∏a. c	could not	reasonably forese	e that the defenda	ant's con	duct would cause	or threaten s	erious bodily harm	or fear.
			□ b. €	exercised	caution to avoid	serious bodily harn	n or fear	to other persons.			
		10.	The de	fendant re	easonably believe	d that the defenda	ant's cond	duct was legal.			
		11.	The de	efendant v	oluntarily acknov	vledged wrongdoir	ng in cont	nection with the o	ffense to a la	w enforcement off	icer:
					stage of the crir	ninal process.					
	rvv	·	□ p· t	prior to an	rest.	at mood obaractor	r or bac br	nd a good reputation	n in the commu	nity in which the def	endant lives.
	H	12. 13	The de	etendant h etendant is	as been a person	s reliable supervision	on availat	ole.	i iii tiio comma	inity in which the def	
	Ħ	14.	The de	efendant h	as been honorab	ly discharged from	the Unit	ed States Armed	Services.		
		15.	The de	efendant h	as accepted resp	onsibility for the d	lefendani	's criminal condu	ct.		
		16.	The de	efendant h	as entered and is	s currently involved	d in or ha	s successfully co	mpleted a dru	ig treatment progra	m or an
			alcoho	l treatmer	nt program subse	quent to arrest and	d prior to	trial.			
		17.	The de	efendant s	upports the defe	ndant's family.					
	XX	18.	The de	efendant h	as a support sys	tem in the commu	inity. W in anini	ully employed			
	XX	19.	The de	efendant f	nas a positive em	ployment history c nent prognosis and	la worka	uny employeu. ble treatment plar	n is available.		
		20.	I ne ae	erenuant r onal writte	en findings of fac	tors in mitigation:	u worka	D10 11 0 2 11 11 11 11 11 11 11 11 11 11 11 11 1			
	لــا		Addition	Orial Wille	on manage or the	0					
1											
		TI	ne Cour	t makes n	o findings of any	mitigating factors					
								OTE: Check only or			
	Th	e C	ourt, aft	ter consid	ering the evidenc	e and arguments p	oresented	at the trial and s	entencing hea	aring, finds that the	aggravatin
	an	d m	itigating	g factors r	narked, if any, w	ere proven by a pr	repondera	ance of the eviden	ice and that t	he	
	XX					factors in mitigati					
	414	j lê ] fa	ictors in	ı ayyıavat Mitidatio	n outweigh the f	actors in aggravati	ion and f	nat a mitigated se	ntence is just	ified.	
	Date	,			Name Of Presiding J			Signature Of Fresiding	Judge //	and against the same of the	The second se
			5-99		PETER M. MC		1	Decem	Mr. the	1	
-1				i						<del> </del>	

AOC-CR-605, Side Two, Rev. 11/97 9 1997 Administrative Office of the Material opposite unmarked squares is to be disregarded as surplusage.

STAT	TE OF NORTH CAR	LINA	chinas	(4)	No. 99CRS 23242	A Catanada Canada Canada (Catana Catana Cata
Guilford		County	EXNIBIT(H) 10/2		In The General Co Superior Cour	
Offense	STATE VERSUS  Gendant odore Mead Kimble  icitation first degree		(20	0.0.95 0.0.0.	FELONY JUDGME FINDINGS OF AGGRAY AND MITIGATING FAC (STRUCTURED SENTE)	VATING CTORS
NOTE: V	When consolidating offenses for judg ffense. Separate findings of aggrav	gment, finding		-		de only for the most serious
Kalentija.			GRAVATING			Production of the production of the control of the
1.	The Defendant:					
2.	a. induced others to partici b. occupied a position of le The defendant joined with mor conspiracy. The offense was committed for	adership or o	dominance of other person ir	other participa n committing th	ne offense and was not ch	arged with committing a
	promote, further, or assist in a committing a conspiracy.	ny criminal c	conduct by ga	ng members, a	nd the defendant was not	charged with
□ 3.	The offense was committed for a. avoiding or preventing a l			h effecting	an escape from custody.	
<b>4</b> .	The defendant was:	awiui aiiesi	٠ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ ـ		•	
<b>⊠</b> 5.	a. hired to commit the offer. The offense was committed to	) <b>:</b>		,	ommit the offense.	
	X a. disrupt the lawful exercise $X$ b. hinder the lawful exercise	e of a gover e of a goverr	nmental functi nmental functi	ion or the enfor	cement of laws.	
<ul><li>☐ 6.</li><li>☐ 7.</li></ul>	The offense was committed agemployee of the Department of judge, clerk or assistant or depengaged in the performance of The offense was especially here.	gainst or prop f Correction, outy clerk of that person	ximately caus , jailer, firemai court, magisti 's official duti	ed serious injur n, emergency n rate, prosecuto	ry to a present or former la nedical technician, ambula r, juror, or witness against	nce attendant, justice or the defendant, while
☐ 8. ☐ 9. ☐ 10.	The defendant knowingly creat would normally be hazardous to the defendant held public office. The defendant:	ted a great ri o the lives o ce at the time	isk of death to f more than o e of the offen	ne person. se and the offe	ense related to the conduct	t of the office.
<u> </u>	a. was armed with a deadly The victim was:					
☐ 12. ☐ 13. ☐ 14.	The defendant committed the The defendant involved a personant involved:	on under the	e on pretrial re age of 16 in	elease on anoth the commission	ner charge. n of the crime.	e. handicapped.
☐ 15. ☐ 16. ☐ 17. ☐ 18. ☐ 18.a.	a. an attempted taking of particle of c. damage causing great m. The defendant took advantage. The offense involved the sale of the offense was committed ago. The defendant does not support the defendant has previously be a sale of the defendant has been a sale of the d	onetary loss of a position or delivery of gainst a victi rt the defend	n of trust or c fa controlled m because of dant's family.	d. a onfidence to co substance to a the victim's ra	an unusually large quantity ommit the offense. minor. ace, color, religion, nationa	of contraband. lity, or country of origin.
☐ 19. ☐ 20.	committed by an adult. The victim of this offense suff Additional written findings of f	ered serious actors in agg	injury that is gravation:	permanent and	l debilitating.	
☐ The	Court makes no findings of any	aggravating	factors.			

	And the second section of the second section is a second section of the second section of the second section of the second section is a second section of the section	MITIGATING FA	ACTORS	
1.	b. coercion which was insuffice c. threat which was insufficie	ent to constitute a defense becient to constitute a defense on to constitute a defense because the constitute and to constitute a defense because the constitute and	e but significantly r ut significantly red	luced the defendant's culpability. educed the defendant's culpability. uced the defendant's culpability.
2.	<ul><li>d. compulsion which was insu</li><li>The defendant:</li><li>a. was a passive participant in</li></ul>			y reduced the defendant's culpability.
<u> </u>	b. played a minor role in the c The defendant was suffering from	ommission of the offense. n a:		
	for the offense.  b. physical condition that was			antly reduced the defendant's culpability cantly reduced the defendant's
_ 4.	culpability for the offense. The defendant's:  a. age, or immaturity, at the t			
	culpability for the offense.  b. limited mental capacity at culpability for the offense.			ificantly reduced the defendant's
<u> </u>	The defendant has made:  a. substantial restitution to the b. full restitution to the victim			
<u> </u>	The victim was more than 16 ye  a. was a voluntary participant	ars of age and:	t.	
	b. consented to the defendan			
	a. aided in the apprehension of b. testified truthfully on behal	f of the state in another pro	secution of a felon	у.
Rankapa .	a. The defendant acted under b. The relationship between the The defendant:	ne defendant and the victim		
	a. could not reasonably forest b. exercised caution to avoid	serious bodily harm or fear	to other persons.	or threaten serious bodily harm or fear.
│	a. at an early stage of the crit	wledged wrongdoing in cont	nection with the of	fense to a law enforcement officer:
13	The defendant is a minor and has	s reliable supervision availat	ole.	in the community in which the defendant lives.
15	The defendant has been honorable. The defendant has accepted response to the defendant has accepted and in	onsibility\for the defendant	's criminal conduct	t. ipleted a drug treatment program or an
	alcohol treatment program subset.  The defendant supports the defe	equent to arrest and prior to	trial.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
XX 8	. The defendant has a support sys . The defendant has a positive em	tem in the community. ployment history or is gaint	ully employed.	
20	. The defendant has a good treatn . Additional written findings of fac	nent prognosis and a worka	ble treatment plan	is available.
			· :	
От	he Court makes no findings of any		IOTE: Chack only one	31
and m	nitigating factors marked, if any, w	vere proven by a preponder	I at the trial and se ance of the evidenc	ntencing hearing, finds that the aggravating and that the
∑X fa	actors in aggravation outweigh the actors in mitigation outweigh the f	actors in aggravation and tl	at a mitigated sen	tence is justified.
Date ()3-(	Name Of Presiding PETER M. MC	Judge (Type Or Print) HUGH	Signature Of Fresiding	MM /Lao/
AOC-0	CR-605, Side Two, Rev. 11/97 7 Administrative Office of the ( s	Material opposite unmarked squar	es is to be disregarded as su	ipiusaye.

STAT	E OF NORTH CARL	<b>∧</b> 1	'9	99CRS 23243
	Guilford	County County	I lof2	In The General Court Of Justice Superior Court Division
	STATE VERSUS	1279 1	F5 77 2: "	FELONY JUDGMENT
	dore Mead Kimble	11.1		FINDINGS OF AGGRAVATING AND MITIGATING FACTORS
Soli	citation first degree	murder ay (	0	(STRUCTURED SENTENCING) G.S. 15A-1340.16
NOTE: W	hen consolidating offenses for jude	ament, findings of aggravat	ing factors and mag g factors should b	itigating factors should be made only for the most serious e made for each offense that is not consolidated.
Andrew Property		AGGRAVATI	NG FACTORS	
1.	The Defendant:			
	The defendant joined with more conspiracy.	eadership or dominance c re than one other person	of other participa in committing t	the offense and was not charged with committing a
2.a.	The offense was committed for promote, further, or assist in a committing a conspiracy.	or the benefit of, or at than or an architecture or the conduct by o	e direction of, a gang members, a	ny criminal street gang, with the specific intent to and the defendant was not charged with
□ 3.	The offense was committed for a avoiding or preventing a		☐ b. effecting	an escape from custody.
<b>4.</b>	The defendant was:  a. hired to commit the offer		;	commit the offense.
[X] 5.	The offense was committed to a. disrupt the lawful exercise.	o:		
	b, hinder the lawful exercis	e of a governmental fun-	ction or the enfo	rcement of laws.
6.	The offense was committed a employee of the Department of judge, clerk or assistant or detection.	gainst or proximately ca of Correction, jailer, firem outy clerk of court, magi	used serious inju nan, emergency strate, prosecut	ory to a present or former law enforcement officer, medical technician, ambulance attendant, justice of or, juror, or witness against the defendant, while of the exercise of that person's official duties.
□ 7. □ 8.	The offense was especially be	inous, atrocious or cruel		ne person by means of a weapon or device which
0.	would normally be hazardous	to the lives of more than	one person.	
☐ 9. ☐ 10.	The defendant:			ense related to the conduct of the office.
<u> </u>	a. was armed with a deadly The victim was:	y weapon at the time of	the crime.	o. used a deadly weapon at the time of the crime.
☐12.			ntally infirm. I release on anot	d. physically infirm. e. handicapped.
<u> </u>	The defendant involved a pers	son under the age of 16 i	n the commission	on of the crime.
<u> </u>	The offense involved:  a. an attempted taking of particular in the state of the sta	property of great moneta	ary value. Db.	the actual taking of property of great monetary value. an unusually large quantity of contraband.
<b>□</b> 15.	c. damage causing great me the defendant took advantage	nonetary loss. e of a position of trust or		
<u> </u>	The offense involved the sale	or delivery of a controlle	ed substance to	a minor. ace, color, religion, nationality, or country of origin
☐ 17. ☐ 18.	The defendant does not suppo	ort the defendant's family	٧.	
☐ 18.a.	The defendant has previously committed by an adult.	been adjudicated delinqu	uent for an offen	se that would be a Class A, B, C, D or E felony if
<u> </u>	The victim of this offense suff		is permanent an	d debilitating.
<u></u> 20.	Additional written findings of	factors in aggravation:		
☐ The	Court makes no findings of any	aggravating factors.		

General Control of the Control of th	MITIGATING FACTORS	The Control of the control of the control
1. The defendant committed the offense under     a. duress which was insufficient to cons     b. coercion which was insufficient to cons	titute a defense but significantly red	luced the defendant's culpability.
c. threat which was insufficient to const d. compulsion which was insufficient to 2. The defendant:	itute a defense but significantly red	uced the defendant's culpability.
a. was a passive participant in the comm b. played a minor role in the commission  3. The defendant was suffering from a:		
a. menta! condition that was insufficient for the offense.  b. physical condition that was insufficient		
culpability for the offense.  4. The defendant's:  a. age, or immaturity, at the time of the		
culpability for the offense.  b. limited mental capacity at the time of culpability for the offense.		
<ul><li>5. The defendant has made:</li><li>a. substantial restitution to the victim.</li><li>b. full restitution to the victim.</li></ul>		
6. The victim was more than 16 years of age a. was a voluntary participant in the def b. consented to the defendant's conduc	endant's conduct.	
7. The defendant:  a. aided in the apprehension of another to b. testified truthfully on behalf of the sta	elon.	ıy.
8. a. The defendant acted under strong probb. The relationship between the defendant.	vocation. nt and the victim was otherwise ex	tenuating.
a. could not reasonably foresee that the b. exercised caution to avoid serious bo	dily harm or fear to other persons.  defendant's conduct was legal.	
11. The defendant voluntarily acknowledged w a. at an early stage of the criminal proce b. prior to arrest.	ess.	
12. The defendant has been a person of good of 13. The defendant is a minor and has reliable so 14. The defendant has been honorably discharged.	upervision available. Jed from the United States Armed S	Services.
<ul> <li>15. The defendant has accepted responsibility</li> <li>16. The defendant has entered and is currently alcohol treatment program subsequent to a</li> <li>17. The defendant supports the defendant's fa</li> </ul>	involved in or has successfully com rrest and prior to trial.	npleted a drug treatment program or an
17. The defendant supports the defendant s to 18. The defendant has a support system in the 18. The defendant has a positive employment 20. The defendant has a good treatment progn	community. history or is gainfully employed.	is available.
21. Additional written findings of factors in min	igation:	
The Court makes no findings of any mitigating		_ 1
The Court, after considering the evidence and arguand mitigating factors marked, if any, were proven	RMINATION (NOTE: Check only one uments presented at the trial and send by a preponderance of the evidence.	ntencing hearing, finds that the aggravating
factors in aggravation outweigh the factors in factors in mitigation outweigh the factors in a	mitigation and that an aggravated aggravation and that a mitigated sen	sentence is justified. Itence is justified.
O3-05-99  Name Of Presiding Judge (Type of PETER M. MCHUGH)	Or Print) Signatury Of Fresiding	Mc Tho
AOC-CR-605, Side Two, Rev. 11/97  • 1997 Administrative Office of the Co	opposite unmarked squares is to be disregarded as su	irplusage.

STAT	E OF NORTH CAL	LINA	EXHIBIT	(J) 10/2	<sup>1</sup> No. 99CRS 2324	14
MANAGEMENT OF THE STATE OF THE	Guilford	County	,,,,,,	1 1072	In The General Co Superior Cou	
	STATE VERSU	IS			FELONY JUDGMI	ENT
lame Of Defe			1972 11.	n -5 m 's	FINDINGS OF AGGRA	
	dore Mead Kimble		1.1		AND MITIGATING FA	
Offense Solid	citation first degree	murder	*		(STRUCTURED SENTE	G.S. 15A-1340.16
NOTE: W	then consolidating offenses for justifense. Separate findings of aggi	dament, findin	gs of aggravati	ing factors and r	nitigating factors should be ma be made for each offense that	ade only for the most serious
				IG FACTORS		on a state of the first of the
1.	The Defendant:					
	<ul><li>a. induced others to parti</li><li>b. occupied a position of</li><li>The defendant joined with m</li></ul>	leadership or	dominance o	f other particip	ants in the commission of the offense and was not ch	the offense. narged with committing a
Lancel	conspiracy					
2.a.	The offense was committed promote, further, or assist in committing a conspiracy.	for the benef any criminal	it of, or at the conduct by g	e direction of, and members,	any criminal street gang, w and the defendant was no	t charged with
□ 3.	The offense was committed	for the purpo	se of:		· · · · · · · · · · · · · · · · · · ·	
	a. avoiding or preventing	a lawful arres	t.	b. effecting	g an escape from custody.	
<u></u> 4.	The defendant was:  a. hired to commit the off	ense.		b. paid to	commit the offense.	
<b>☆</b> 5.	The offense was committed	to:				
LILA	a. disrupt the lawful exerc	cise of a gove	rnmental fun	ction or the en	forcement of laws.	
	<ul><li>b. hinder the lawful exerc</li><li>The offense was committed</li></ul>	ise of a gover	nmentai iunt oximately cat	ised serious ini	jury to a present or former	aw enforcement officer,
<ul><li>☐ 6.</li><li>☐ 7.</li><li>☐ 8.</li></ul>	employee of the Department judge, clerk or assistant or d engaged in the performance The offense was especially to The defendant knowingly cre	of Correction eputy clerk of of that person	n, jailer, firem f court, magis n's official du tious or cruel,	an, emergency strate, prosecu ties or because	medical technician, ambul tor, juror, or witness agains e of the exercise of that pe	ance attendant, justice of the defendant, while rson's official duties.
□ 0.	would normally be hazardous	s to the lives	of more than	one person.		
□ 9.	The defendant held public of	fice at the tin	ne of the offe	ense and the of	fense related to the condu	of the office.
□ 10.	The defendant:	dly weanon at	the time of	the crime.	b. used a deadly weapon a	t the time of the crime.
<b>□</b> 11.	The victim was:	ary woopon w				
	a. very young.	o, very old.	c. mer	ntally infirm.	d. physically infirm.	e. handicapped.
12.	The defendant committed the The defendant involved a pe	ie offense wii Irson under th	ne on preunal e age of 16 i	n the commiss	ion of the crime.	
☐ 13. ☐ 14.	The offence involved:					
L	a. an attempted taking o c. damage causing great	f property of	great moneta is.	ry value. 🗌 b. 🔲 d.	. the actual taking of propert . an unusually large quanti	ry of great monetary value. Try of contraband.
☐15.	The defendant took advanta	ge of a positi	on of trust or	confidence to	commit the offense.	
<u> </u>	The affers involved the cal	a or delivery	of a controlle	d substance to	a minor.	ality or country of origin
☐ 17.	The offense was committed The defendant does not sup	nart tha dafai	adant'e family	/		
☐ 18. ☐ 18.a.	The defendant has previous	y been adjudi	cated delinqu	ent for an offe	ense that would be a Class	A, B, C, D or E felony if
<u> </u>	committed by an adult. The victim of this offense so	uffered seriou	s injury that i	s permanent a	nd debilitating.	
<u> </u>	Additional written findings of	of factors in a	ggravation:			
						,
			•			

The Court makes no findings of any aggravating factors.

, K	y 1.7	MITIGATING FACTORS	
۰		1. The defendant committed the offense under:	
		a duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability.	
		b. coercion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.	
		c. threat which was insufficient to constitute a defense but significantly reduced the defendant's culpability.	
	·	d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.	
		2. The defendant:	
		<ul><li>a. was a passive participant in the commission of the offense.</li><li>b. played a minor role in the commission of the offense.</li></ul>	
	$\Box$ :	3. The defendant was suffering from a:	
	`	a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability	
		for the offense.	
		b. physical condition that was insufficient to constitute a defense but significantly reduced the defendant's	
		culpability for the offense.	
		4. The defendant's:	
		a. age, or immaturity, at the time of the commission of the offense significantly reduced the defendant's	
		culpability for the offense.  b. limited mental capacity at the time of the commission of the offense significantly reduced the defendant's	
		culpability for the offense.	
	П.	5. The defendant has made:	
	؛ لـا	a. substantial restitution to the victim.	
		b. full restitution to the victim.	
		6. The victim was more than 16 years of age and:	
١.	t-parad	a. was a voluntary participant in the defendant's conduct.	
		b. consented to the defendant's conduct.	
		7. The defendant:	
		<ul><li>a. aided in the apprehension of another felon.</li><li>b. testified truthfully on behalf of the state in another prosecution of a felony.</li></ul>	
		The second second province the second province	
		8. \[ \] a. The defendant acted under strong provocation. \[ \] b. The relationship between the defendant and the victim was otherwise extenuating.	
	П	The state of the s	
	لمسما	a. could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily fram of real.	
		h. exercised caution to avoid serious bodily harm or fear to other persons.	
	1	O. The defendant reasonably believed that the defendant's conduct was legal.	
	1	1. The defendant reasonably believed that the original process.  1. The defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer:	
		a. at an early stage of the criminal process. b. prior to arrest.	
	[X] 1	12. The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives	3.
	1	13. The defendant is a minor and has reliable supervision available.	
	1	14. The defendant has been honorably discharged from the United States Armed Services.	
	1	15. The defendant has accepted responsibility for the defendant's criminal conduct.	
	∐1	16. The defendant has accepted responsibility for the defendant has accepted responsibility for the defendant has entered and is currently involved in or has successfully completed a drug treatment program or an alcohol treatment program subsequent to arrest and prior to trial.	
	□ 1	alconol treatment program subsequent to under the program subs	
	[X] 1	18. The defendant has a support system in the community.	
	TV 1	19. The defendant has a nositive employment history or is gainfully employed.	
		20. The defendant has a good treatment prognosis and a workable treatment plan is available.	
		21. Additional written findings of factors in mitigation:	
		The Court makes no findings of any mitigating factors.	
		DETERMINATION (NOTE: Check only one)	
	The	e Court, after considering the evidence and arguments presented at the trial and sentencing hearing, finds that the aggravati	in
	and	d mitigating factors marked, if any, were proven by a preponderance of the evidence and that the	
	XX	factors in aggravation outweigh the factors in mitigation and that an aggravated sentence is justified.	
		factors in aggravation outweigh the factors in integration and that a mitigated sentence is justified.	
	Date	Signature IOf Presiding Judge 1	
	1	3-05-99 PETER M. MCHUGH	
	1 00	The authority of the state of t	-

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STAT	E OF NORTH CAL	LINA		99CRS 23246	)
	Guilford	County	HIBIT (K) lef.		Court Of Justice ourt Division
	STATE VERSUS			FELONY JUDG	MENT
Name Of Defe	eodore Mead Kimble			EINDINGS OF AGGF	RAVATING
		1		AND MITIGATING F	
oriense Sol	licitation first degre	e murder		(STRUCTURED SER	G.S. 15A-1340.16
NOTE: W	Then consolidating offenses for judg ffense. Separate findings of aggrav	gment, findings of vating factors and	aggravating factors and mitigating factors shou	d mitigating factors should be ld be made for each offense to	made only for the most seriou. hat is not consolidated.
情感,他所是2.20年	Bull carry are regarded to wall on the	AGGR	AVATING FACTOR	RS - Control of the second of	A STATE OF THE STA
1.	The Defendant:				
2	a. induced others to partici b. occupied a position of le The defendant joined with mor conspiracy. The offense was committed for promote, further, or assist in a	adership or dom te than one othe or the benefit of	inance of other partic r person in committin , or at the direction o	cipants in the commission on ng the offense and was not f, any criminal street gang,	with the specific intent to
	promote, further, or assist in a committing a conspiracy.	my criminal con-	duct by gaing member	s, and the determant was	
□ 3.	The offense was committed for	or the purpose o	f:		
[]	a. avoiding or preventing a	lawful arrest.	∐\b. effect	ing an escape from custod	γ.
4.	The defendant was:  a. hired to commit the offer	nse.	b. paid	to commit the offense.	
[⅓ 5.	The offense was committed to XXa. disrupt the lawful exercis XXb. hinder the lawful exercis	o: se of a governm	ental function or the e	enforcement of laws.	
☐ 6. ☐ 7.	The offense was committed a employee of the Department of judge, clerk or assistant or depended in the performance of the offense was especially be	gainst or proxim of Correction, jai outy clerk of cou f that person's c inous, atrocious	ately caused serious ler, fireman, emergen irt, magistrate, prose fficial duties or becau or cruel.	injury to a present or formous by medical technician, amb cutor, juror, or witness aga use of the exercise of that	oulance attendant, justice o inst the defendant, while person's official duties.
8.	The defendant knowingly crea would normally be hazardous. The defendant held public office	to the lives of m	ore than one person.		
□ 10.	The defendant:  a. was armed with a deadly	. weenen at the	time of the crime	h used a deadly weapor	at the time of the crime.
□11. □12.	The victim was:	very old. [ offense while o	c. mentally infirm.	d. physically infirm	
☐ 13. ☐ 14.	The offense involved:  a. an attempted taking of processing great manage causing great manage causing great management took advantage.	property of grea nonetary loss.	t monetary value.	<ul><li>b. the actual taking of prop</li><li>d. an unusually large quar</li></ul>	erty of great monetary value. ntity of contraband.
☐ 15. ☐ 16. ☐ 17. ☐ 18.	The offense involved the sale The offense was committed a The defendant does not support	or delivery of a gainst a victim ort the defendan	controlled substance because of the victim t's family.	to a minor. 's race, color, religion, nati	
☐ 18.a.	The defendant has previously committed by an adult.  The victim of this offense suff				is A, B, C, D or E felony II
│	Additional written findings of	factors in aggra	vation:		

☐ The Court makes no findings of any aggravating factors.

, e	o digging to the feel page.	K - 18 ( )	MITIGATING FA		1. 11 19 19 19 19 19 19 19 19 19 19 19 19	Selection of the selection
	a. duress wh b. coercion w c. threat whi	which was insufficient to co ch was insufficient to cons	stitute a defense t Institute a defense titute a defense b	e but significantly re ut significantly redu	Duced the defendant's culpabili duced the defendant's culpab ced the defendant's culpability reduced the defendant's cul	oility. ty.
	b. played a n	sive participant in the comminior role in the commission was suffering from a:		ense.		
<b>L</b>	a. menta! confor the off	ndition that was insufficien fense.		r	ntly reduced the defendant's cantly reduced the defendant	
	4. The defendant's  a. age, or im culpability b. limited me	s: Imaturity, at the time of the If for the offense. In capacity at the time o			ntly reduced the defendant's ficantly reduced the defenda	nt's
	5. The defendant has a substantia b. full restitu	al restitution to the victim. ution to the victim.				
	a. was a volument and a second	more than 16 years of age untary participant in the de I to the defendant's conduc	fendant's conduç ct.	<b>t.</b>		
	b. testified t 8. a. The defer	ne apprehension of another ruthfully on behalf of the sindant acted under strong pronship between the defend	tate in another pro ovocation.			
	a. could not b. exercised  10. The defendant r	caution to avoid serious be reasonably believed that the	odily harm or fear e defendant's con	to other persons. duct was legal.	r threaten serious bodily harn ense to a law enforcement o	
XX 	a. at an earl b. prior to a 12. The defendant 13. The defendant in the def	y stage of the criminal prod rrest. has been a person of good is a minor and has reliable s	cess. character or has h supervision availal	ad a good reputation in ole.	n the community in which the d	
	<ul><li>15. The defendant l</li><li>16. The defendant l</li><li>alcohol treatme</li></ul>	has been honorably dischar has accepted responsibility has entered and is currently int program subsequent to supports the defendant's fa	for the defendan y involved in or ha arrest and prior to	t's criminal conduct is successfully com	ervices. pleted a drug treatment progi	ram or an
	<ul><li>18. The defendant</li><li>19. The defendant</li><li>20. The defendant</li></ul>	has a support system in the has a positive employment has a good treatment progr ten findings of factors in m	e community. history or is gain nosis and a worka	fully employed. ble treatment plan i	s available.	
	The Court makes r	no findings of any mitigatin	g factors.			
		DETE	RMINATION (N	IOTE: Check only one		
an	d mitigating factors	dering the evidence and arg marked, if any, were prove	uments presented n by a prepondera	l at the trial and sen ance of the evidence	tencing hearing, finds that the and that the	ne aggravating
	factors in aggravate factors in mitigation	tion outweigh the factors in on outweigh the factors in a	n mitigation and thaggravation and th	at a mitigated sent	ence is justified.	
Date		Name Of Presiding Judge (Type PETER M. MCHUGH		Signature of Fresiding J	VMc M	

AOC-CR-605, Side Two, Rev. 11/97 • 1997 Administrative Office of the

STA	TE OF NORTH CAL	LINA EXHIL	315(L) 10/2	%o. 99CRS 23247	
	Guilford	County	-	In The General Court Superior Court D	
	STATE VERSUS fendant lore Mead Kimble	<b>S</b>	17-h	FELONY JUDGMENT FINDINGS OF AGGRAVA AND MITIGATING FACTOR	TING
Offense Solic	citation first degree m	urder	A = A = A = A = A = A = A = A = A = A =	(STRUCTURED SENTENCE	I <mark>NG)</mark> G.S. 15A-1340,16
NOTE:	When consolidating offenses for judgoffense. Separate findings of aggrav	gment, findings of aggra			only for the most serious
ulating the place		AGGRAVA	TING FACTORS	Control Section Control	The control of the state of the
1.	The Defendant:  a. induced others to partici	nate in the commission	on of the offense		
2.		adership or dominand	ce of other participa	ants in the commission of the he offense and was not charg	
2.a	<ul> <li>The offense was committed for promote, further, or assist in a committing a conspiracy.</li> </ul>	or the benefit of, or at any criminal conduct b	t the direction of, a by gang members, a	ny criminal street gang, with t and the defendant was not ch	he specific intent to arged with
<u> </u>	The offense was committed for a. avoiding or preventing a		□b. effecting	an escape from custody.	
<u> </u>	The defendant was:			commit the offense.	
₩ 5.	The offense was committed to X a. disrupt the lawful exercise	o: se of a governmental	function or the enfo	orcement of laws.	
<u> </u>	X b. hinder the lawful exercise. The offense was committed age employee of the Department o judge, clerk or assistant or dep	gainst or proximately f Correction, jailer, fir outy clerk of court, ma	caused serious injureman, emergency la agistrate, prosecuto	rry to a present or former law medical technician, ambulance or, juror, or witness against th	e attendant, justice or e defendant, while
☐ 7. ☐ 8. ☐ 9.	engaged in the performance of The offense was especially he The defendant knowingly crea would normally be hazardous t The defendant held public office	inous, atrocious or cr ted a great risk of dea to the lives of more th	uel. ath to more than or nan one person.	ne person by means of a weap	on or device which
☐ 10.		weapon at the time	of the crime.	o. used a deadly weapon at the	e time of the crime.
∐11.	The victim was:  a. very young.  b. The defendant committed the	very old. C. r	mentally infirm.	d. physically infirm.	e. handicapped.
☐ 12. ☐ 13. ☐ 14.	The defendant involved a personal The offense involved:	on under the age of 1	6 in the commission	on of the crime.	
<u> </u>	c. damage causing great m The defendant took advantage	ionetary loss. of a position of trust	d. or confidence to c	the actual taking of property of an unusually large quantity of commit the offense.	contraband.
□ 16. □ 17.	The offense involved the sale of the offense was committed as	gainst a victim becau	se of the victim's r	a minor. ace, color, religion, nationality	, or country of origin.
☐ 18. ☐ 18.a		rt the defendant's far been adjudicated deli	mily. nquent for an offen	se that would be a Class A, B	, C, D or E felony if
□ 19. □ 20.	committed by an adult. The victim of this offense suff Additional written findings of t	ered serious injury th factors in aggravation	at is permanent an n:	d debilitating.	
		,			
l					
☐ The	Court makes no findings of any	aggravating factors.			

	MITIGATING FACTORS   No. 10
	1. The defendant committed the offense under: $(2000 \pm 0.000)$
	a. duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
	<ul> <li>b. coercion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.</li> <li>c. threat which was insufficient to constitute a defense but significantly reduced the defendant's culpability.</li> </ul>
	d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.
	2. The defendant:
	a. was a passive participant in the commission of the offense.
	b. played a minor role in the commission of the offense.
ĺ	3. The defendant was suffering from a:
	a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability
	for the offense.
	b. physical condition that was insufficient to constitute a defense but significantly reduced the defendant's
	culpability for the offense.
	4 The defendant's:
İ	a. age, or immaturity, at the time of the commission of the offense significantly reduced the defendant's
	culpability for the offense.  b. limited mental capacity at the time of the commission of the offense significantly reduced the defendant's
	culpability for the offense.
	5. The defendant has made:
	a. substantial restitution to the victim.
	b. full restitution to the victim.
	6. The victim was more than 16 years of age and:
	a. was a voluntary participant in the defendant's conduct.
	b. consented to the defendant's conduct.
	7. The defendant:
	a. aided in the apprehension of another felon.
	b. testified truthfully on behalf of the state in another prosecution of a felony.
	8. a. The defendant acted under strong provocation.
	b. The relationship between the defendant and the victim was otherwise extenuating.
	9. The defendant:  a. could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear.
	b. exercised caution to avoid serious bodily harm or fear to other persons.
	10. The defendant reasonably believed that the defendant's conduct was legal.
	11. The defendant voluntarily acknowledged wrongdoing in connection with the offense to a law enforcement officer:
	a. at an early stage of the criminal process.
	b. prior to arrest.
	12. The defendant has been a person of good character or has had a good reputation in the community in which the defendant lives.  13. The defendant is a minor and has reliable supervision available.
1	13. The defendant has been honorably discharged from the United States Armed Services.
	15. The defendant has accepted responsibility for the defendant's criminal conduct.
	16. The defendant has entered and is currently involved in or has successfully completed a drug treatment program or an
	alcohol treatment program subsequent to arrest and prior to trial.
	17. The defendant supports the defendant's family.
Ì	18. The defendant has a support system in the community.
	19. The defendant has a positive employment history or is gainfully employed.  20. The defendant has a good treatment prognosis and a workable treatment plan is available.
	20. The defendant has a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment prognosis and a workdoo treatment plants are a good treatment plants
1	21. Additional written midings of restore with angular
	C. F. A service in the service in th
	The Court makes no findings of any mitigating factors.
	DETERMINATION (NOTE: Check only one)
	The Court, after considering the evidence and arguments presented at the trial and sentencing hearing, finds that the aggravatir and mitigating factors marked, if any, were proven by a preponderance of the evidence and that the
	factors in aggravation outweigh the factors in mitigation and that an aggravated sentence is justified.  factors in mitigation outweigh the factors in aggravation and that a mitigated sentence is justified.
	Almos Of Presiding Judge (Type Or Print)   Signature Of Fresiding Judge
	03-05-99 PETER M. MCRUGH
	the design of the design of the disregarded as surnius and

AOC-CR-605, Side Two, Rev. 11/97 • 1997 Administrative Office of the

581 Ckm	11/60	
STATE OF NORTH CAROLINA	bh (N)	File No.  97CRS 23656
In the General Court of Justice - re Superior Court Division		·
GUILFORD COUNTY STATE OF NORTH CAROLINA v.	en e	INDICTMENT ARSON
THEODORE MEADE KIMBLE	XI	CONSPIRACY TO MURDER
Date of Offense October 9, 1995	<b>∀</b> √ <i>J</i>	Offense in Violation of G.S. 14-58 and the Common Law
ARSON OF AN	COUNT I I UNOCCUPIE	D DWELLING
THE JURORS FOR THE STATE OF NO about October 9, 1995, the Defendant, Theo feloniously burn or cause to be burned a the observation Station Court, Pleasant Garden, in Gu	dore Mead Kim lwelling house	nhabited by Patricia Kimble, located at 2104
	COUNT IĮ CONSPIRACY	
AND THE JURORS FOR THE STATE that on or about October 9, 1995, the Defer feloniously that conspire, combine, confederat Murder in the First Degree, in that Theodore Mand slay Patricia Kimble in violation of N.C. Carolina.	ndant, Theodore e and agree wit Mead Kimble did	h Ronnie Lee Kimble to commit the felony of agree with Ronnie Lee Kimble to murder, kill
		(Signature of Prosecutor
		Signature of Prosecutor
	WITNESSES	
J. D. Church Guilford County Sheriff's Department 95-1009-0027		
The witnesses marked "X" were sworn by the ur testimony, this bill was found to be:	ndersigned Foren	nan of the Grand Jury and after hearing
A TRUE BILL by twelve or more gran attest the concurrence of twelve or more grand j		ne undersigned Foreman of the Grand Jury, l of Indictment.
NOV 0 3 1997	Signat	ure of Grand Jury Foreman
		Michael Smal

053	EXHIBIT(0)	50
STATE OF NORTH CARO In the General Court of Ju		98CRS 23486
Superior Court Division GUILFORD COUNTY STATE OF NORTH CAROLINA	1998 JUL -6 PH 3: 58	Film No.  INDICTMENT
v. THEODORE MEAD KIMBLE	GULTOTO 17 34 Jose.	FIRST DEGREE ARSON
Date of Offense October 9, 1995	BY 9	Offense in Violation of G.S. 14-58 and the Common Law
	FIRST DEGREE ARS	SON
about October 9, 1995, the Defenda	int, Theodore Mead Kimble ed a the dwelling house in	upon their oath present and find that on or e did unlawfully, willfully, maliciously and habited by Patricia Kimble, located at 2104 . At the time of the burning Patricia Kimble
	ν,	
		ees.
		Signature of Prosecutor
	witnesses	
J. D. Church Guilford County Sheriff's Depa 95-1009-0027	rtment	
The witnesses marked "X" were sworn testimony, this bill was found to be:	by the undersigned Forema	an of the Grand Jury and after hearing
A TRUE BILL by twelve or mattest the concurrence of twelve or mo	more grand jurors, and I the ore grand jurors in this Bill	e undersigned Foreman of the Grand Jury, of Indictment.

Date

JUL 0 6 1998

Signature of Grand Jury Foreman

Handal In Price

Name Of Defendant

THEODORE MEADE KIMBLE

EXMIBIT (Q)

File No.

		Count	PLEAS	Date Of				Maximum
Plea*	File Number	No.(s)	Offense(s)	Offense	G.S. No.	F/M		Punishmer
G	97CRS39581	1	SECOND DEGREE MURDER	10-09-1995	14-17	F	B-2	415
G	97CRS23656	2	CONSPIRACY: First Degree Murder	10-09-1995	C.L. & 14-2.4	F	B-2	415
G	98CRS23486	1	FIRST DEGREE ARSON	10-09-1995	C.L. & 14-58	F	D	199
G	99CRS 73241	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS 23242	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS 23243	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS 23244	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS 23245	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS 23244	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS 23247	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
G	99CRS_23.24&	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
			DUIL FORD COUNTY					
		·	FILED					
			JAN 28 1999					
			1 350 yaga P M					<u> </u>
			CLERK OF SUPERIOR COUNTY					
		***************************************	\					
		No. of the Control of						
		***************************************						
		ļ			<u> </u>			

\*G = Guilty
NC = No Contest

TOTAL MAXIMUM PUNISHMENT

3177 mos.

MANDATORY MINIMUM FINES & SENTENCES (if any)

B2: 130 mos., D: 53 mos., C: 80 mos.

EVI 10 x / 0 >		
14. (if applicable) The prosecutor and your lawyer have informed the Court that these are all the terms a	nd .	Answers
conditions of your plea: (See attachment for additional plea arrangements, including voluntary dismissals.)  The State of North Carolina agrees to accept a plea to Second Degree Murder in 97CRS39581. Court	nt 1 of 07CE	0572656
shall be dismissed. In return, the Defendant agrees to enter guilty pleas to Second Degree Murder in		
Conspiracy to Commit First Degree Murder in 97CRS23656, First Degree Arson in 98CRS23486, as		
Solicitation to Commit First Degree Murder in Bills of Information which are to be filed this date.		
and understands that he will receive consecutive sentences in each of these cases. Further, the Defer		
ashes of Patricia Blakley Kimble to the Blakley family. The State agrees to dismiss any Breaking and	a Entry or L	arceny
indictments against Theodore Meade Kimble which are presently pending in Guilford County.		control de l'année de l'année de la marcha de la segmente de l'année de la destate de l'année de l'
The parties stipulate that the Defendant is a level II offender, and that under the Structured Sente		
sentence he can receive for each B-2 felony is 254 months, for each Class C felony 159 months, and	for the Clas	s D lelony
108 months.		
	(140)	1160
(a) Is this correct as being your full plea arrangement? (b) Do you now personally accept this arrangement?	(14a) (14b)	yes.
·		
15. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises	(15)	MO
or threatened you in any way to cause you to enter this plea against your wishes?		11/2
16. Do you enter this plea of your own free will, fully understanding what you are doing?	(16) _	- Gri
17. Do you have any questions about what has just been said to you or about anything else	(4.7)	110
connected with your case?	(17) _	The .
I have read or have heard all of these questions and understand them. The answers shown are the one	s I gave in o	pen court and
they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in ord accept my plea in this case. The conditions of the plea as stated above, if any, are accurate.	er to have t	ne Court
Date		
SWORN AND SUBSCRIBED TO BEFORE ME (/29/99		***************************************
Signature Of Defendant    1/28/09   Signature Of Defendant		
Name Of Defendant (Type Or Print)	^	
Deputy CSC (Assistant CSC   Clerk Of Superior Court   Name Of Defendant (Type Or Print)  Theodore Mezd Court	e	
CERTIFICATION BY LAWYER FOR DEFENDANT		
As lawyer for the defendant named above, I hereby certify that the conditions stated above, if any, upon	on which the	defendant's
plea was entered are correct and they are agreed to by the defendant and myself. I further certify that the defendant the nature and elements of the charge(s) to which the defendant is pleading.	nave runy	explained to
Date Name Of Lawyer For Defendant (Type Or Print) Signatura of Lawyer For Perendant	<del>//</del>	
1/28/99 Fred & Cumpler The Till Cum	w/	`
CERTIFICATION BY PROSECUTOR	<u>v /:</u>	
As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, are	e the terms	agreed to by
the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charge(s)	in this case	
Date 28 9 Name Of Prosecutor (Type Or Print) Signature Of Prosecutor	7	
PLEA ADJUDICATION		
Upon consideration of the record proper, evidence presented, answers of defendant, and statements of	the lawyer	for the
defendant and the District Attorney, the undersigned finds:		
1. That there is a factual basis for the entry of the plea.		
2. The the defendant is satisfied with his/her lawyer.	ndant and ic	mada fraaly
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defer voluntarily and understandingly.	ndant and is	made freely,
The defendant's plea is hereby accepted by the Court and is ordered recorded.  Date   Name Of Presiding Judge (1) yes Or Print)	1 1/1 ~	f /
1/28/99 PORCE !!! !!!CHUAN \ ) 1 OM	1. Mc)	roeff-
	+ 1	7"
AOC-CR-300, Side Two, Rev. 10/97		,
• 1997 Administrative Office of the Court		
· ·		

	DISM	ISSALS PURSUANT TO PLEA ARRANGEMENT
File No.	Count No.(s)	GKNBG(P) Offense(s)
97CRS23656	1	Second Degree Arson
97CRS23663	1 & 2	Breaking and Entry and Larceny
97CRS23661	1 & 2	Breaking and Entry and Larceny
97CRS23657	1 & 2	Breaking and Entry and Larceny
97CRS23671	1	Breaking and Entry
97CRS23675	1 & 2	Breaking and Entry and Larceny
	·	
		· · · · · · · · · · · · · · · · · · ·
		CERTIFICATION BY PROSECUTOR
The undersigned programmed Transcript Of Plea		a dismissal to the above charges pursuant to a plea arrangement shown on the
Date   28   99	Name Of Prosecutor (T)	Signature Of Profecular

STATE OF Guilford	NOF	RTH CA. JLI	NA EXHIGIT	(A)	le No. 97CRS	39581		
NOTE: (This form is to be	used for	County(1) lelony offense(s), and (2 vith any lelony offense(s). U	I misdemeanor offense(s), which are	Seat of Court		e General Court O uperior Court Div		е
Name Of Defendant Theodore Me		STATE VERSUS	1999 TEST - 5	Fil 12: 1/4 JU	ACTIVE PU	D COMMITMENT JNISHMENT ONY		ngg ng g kangu ng mang min
<i>Race</i> White		Sex Male	ов 12/08/69/	00		D SENTENCING) G.S. 15A-13	101, 15A-1:	340,13
Attorney For State Richard Pan	iosh		Def. Found Def. Waived Not Indigent Attorney	Zimmerman/C		Appoin	ted XXRe	tained
The defendant	XXple	d guilty to: was	s found guilty by a jury o	of: pled no con	itest to:			
File No.(s)	011		Offense Description		Offense Date	G.S. No.	F/M	CL
97CRS 39581		Second degre	e murder		10-09-95	14-17	F	E
			••	\				
2. makes no penhanced fi The Court:  1. makes no vunder G.S.  (d) for an 2. makes the 3. imposes th 4. finds the do 5. adjudges th 6. finds enhar 7. finds no Ex 8. finds the al 9. finds the do The Court, having	rior re irearm vritten 15A-1 n adjud Finding e prisc efenda ne defenced pritraord pove defenda consider	findings because to 340.17(c). (b) dication as a violent pursuant to an term pursuant to ant has provided substantial to be an habitunishment from a Common of the common	a40.14, the prior record poecause none is required bitual felon, or drug traffer a Class A felony. [It habitual felon. G.S. 14 and Mitigating Factors set a plea arrangement as estantial assistance pursuitual felon pursuant to A lass 1 misdemeanor to a sexually violent predatuments of counsel and ered, and Orders the aboreas a sexually violent predature.	for Class A felony ficking offenses.  is: (a) within th (c) for enhanced 4-7.12. (e) the forth on the attates to sentence under suant to G.S. 90-9 Article 2A of G.S. (a) Class I felony (c) cetion involving a mor. G.S. 14-208.2 statement of defer	ne presumptive I firearm penalt for drug traffic ached AOC-CR- Article 58 of C (5(h)(5). Chapter 14. G.S. 90-95(e)(3) ainor. G.S. 14- 0. Indant, finds the	range of sentences y (G.S. 15A-1340. king offenses. 605. G.S. Chapter 15A. (drugs); G.S. 14-208.6.	authori 16A). 3(c) (race	, etc.)
imprisoned for a minimum ter 20 Class A Felony Class B1 Felon Violent Habitua The defendant sha The sentence i The sentence i	m of:  O4  i:   iii  iii Felor  iiil be g  impose  impose	months  Life Imprisonment Parole  ie Imprisonment With it. Life Imprisonment given credit for 38. and above shall beginded above shall beginded above shall beginded.	for a maximum term  2 Without Death (s Warrant hout Parole I days spent in confirm at the expiration of all	of: 54 mont ee attached Death and Certificates) nement prior to the sentences which to	in the control in the	ustody of:  DOC.  If pursuant to G.S. 1  gment as a result of the presently obligated.	5A-1352( his charg	(b). e(s).
(NOTE: LIST THE	case no	лныет, авте, соинту в	and court in which prior se	тенсе троѕеа.;				

STATE OF NORT	H CARULIN	A CAPIDII		rne No.	0700			
Guilford	Gre County	eensboro	Seat of Court	*		S 23656		
NOTE: [This form is to be used for (1) consolidated for judgment with	felony offense(s), and (2) mi	sdemeanor offense(\$), which are AOC-CR-301 on DWI	i ,	ı		General Court ( perior Court Div		ce
Name Of Defendant Theodore Mead Kimk	ATE VERSUS	1999 1113 -5	計 13: 草草 <b>J</b>		/E PUN	COMMITMENT		
Race White	Sex Male	DOB 12-08-69	,QQ	(STRUC	FELO TURED	ONY SENTENCING) G.S. 15A-1	301, 15A-1	340.13
Attorney For State Richard Panosh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defe Zimmerman/		r.	Арроіі	tedXXXR	etained
The defendant XX pled g	uilty to: 🗌 was fo	ound guilty by a jury of	: pled no co	ontest to:				***************************************
File No.(s) Off		Offense Description		Offense	Date	G.S. No.	F/M	CL.
98CRS 23656	Conspiracy:	First Degree Mu	rder	10-09	-95	C.L. & 14-2	.4 F	В-
			N.					
The Court:  X 1. makes no written fin under G.S. 15A-134	d level finding because the dings because the lo.17(c). (b) for ation as a violent habit of Aggravating and term pursuant to a has provided substlant to be an habitushment from a Clasery Mitigation. Ignated offenses(s) is classified as a second evidence, argun	prison term imposed is a Class A felony. abitual felon. G.S. 14-Mitigating Factors set plea arrangement as to antial assistance pursual felon pursuant to Ar is a reportable convict exually violent predator pents of counsel and st	cr Class A felonocking offenses.  (a) within the control of the co	the presumed firearm per for drug to tached AO er Article 5:-95(h)(5). Chapter 1 G.S. 90-95 minor. G.S.	ptive rapenalty rafficking C-CR-68 of G.S. 4. 6(e)(3) (c) ds that	ange of sentence (G.S. 15A-1340, ng offenses. 05. S. Chapter 15A. drugs); G.S. 14	authori 16A).	e, etc.).
imprisoned for a minimum term of:		for a maximum term o				tody of:		
163 Class A Felony: Li	months fe Imprisonment W arole	Longot	mon e attached Deat nd Certificates)	th		OC. pursuant to G.S. 1	5A-1352	?(b).
Class B1 Felony: Life I	Life Imprisonment V	Nithout Parole .			Other _			
The defendant shall be given The sentence imposed  XX The sentence imposed  (NOTE: List the case num 97CRS 39581 Crimin AOC-CR-601, Rev. 4/98	above shall begin a above shall begin a ber, date, county and nall Superior I	at the expiration of all s at the expiration of the	entences whicl sentence impos ence imposed.) d County Gr	h the defer sed in the d reensbord	dant is case ref	presently obligatering presently obligatering presently objects.		

4	******		EXHIBIT (C	<u> </u>			ola lakutapasa sa dikanipasa ayinin	umin ederrinamidiadada.
STATE OF	NOR	TH CARULIN	<b>JA</b>		.No. 98CRS2.	3486		
Guilford	and the property of the second se	Water was a state of the state	reensboro	_ Seat of Court		e General Court O		e
		) telony offense(s), and (2) in the horizontal property offense(s). Using the horizontal property offense(s).				Superior Court Divi	sion ———	
Name Of Defendant	S	TATE VERSUS	1999 1117 -	5 77 12: 130		ID COMMITMENT JNISHMENT		
Theodore Mead	l Kim	-	,	0.8.0.		ONY		
Race White		Sex Male	12/08/69 (		(STRUCTURE	D SENTENCING) G.S. 15A-13	01, 15A-1:	340.13
Attorney For State Richard Panos	sh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defenda Zimmerman/Cr		Appoint	ed XX Re	etained
The defendant	belqkx	guilty to: was	found guilty by a jury o	f: pled no con	test to:			
File No.(s)	011		Offense Description		Offense Date	G.S. No.	F/M	CL.
98CRS 23486		First degree	arson		10-09-95	C.L. & 14-58	F	D
			<b>N</b> EED TO SEE THE SEE					
2. makes no prenhanced fire Court: 1. makes no w	ior recorearm pritten f	ord level finding be penalty, violent hab indings because th	40.14, the prior record poi cause none is required f itual felon, or drug traff e prison term imposed i	for Class A felony icking offenses. s: (a) within th	, ne presumptive	range of sentences	authoriz	zed
(d) for an 2. makes the F 3. imposes the 4. finds the de 3. adjudges the	adjudi indings prison fendan e defer	cation as a violent of Aggravating an term pursuant to thas provided sub idant to be an habi	or a Class A felony. habitual felon. G.S. 14 and Mitigating Factors set a plea arrangement as to stantial assistance pursuant to A	-7.12. (e) (e) t forth on the atta o sentence under uant to G.S. 90-9 rticle 2A of G.S.	for drug traffic sched AOC-CR Article 58 of ( 5(h)(5). Chapter 14.	cking offenses. -605. G.S. Chapter 15A.		,
7. finds no Ext 8. finds the ab 9. finds the de	raordin ove de fendan	ary Mitigation. signated offenses(s t is classified as a	ass 1 misdemeanor to a s) is a reportable convic sexually violent predato	tion involving a m or. G.S. 14-208.2	inor. G.S. 14 20.	-208.6.		
The Court, having freely, voluntarily, imprisoned	conside and un	ered evidence, argu derstandingly enter	iments of counsel and s red, and Orders the abo	tatement of defer ve offenses be co	ndant, finds thensolidated for	at the defendant's p judgment and the de	lea was efendan	t be
for a minimum terr			for a maximum term of			ustody of:		
Class A Felony	082 :	months .ife Imprisonment \		mont e attached Death		DOC. ff pursuant to G.S. 15	iΔ-1352i	(h)
transfer of the second	y: Life	Parole Imprisonment With	out Parole	and Certificates)	Othe			
The defendant sha		Life Imprisonment	days spent in confine	ament prior to the	data of this led	amont as a result of the	in abase	ole)
The sentence in The sentence in (NOTE: List the co	nposed nposed	d above shall begin d above shall begin mber, date, county an	at the expiration of all s at the expiration of the ad court in which prior sen Division Guilfor	sentences which t sentence impose tence imposed.)	the defendant d in the case r	is presently obligate eferenced below:	_	

AOC-CR-601, Rev. 4/98

Material opposite unmarked squares is to be disregarded as surplusage.

		RTH CARULIN			<i>a No.</i> 99CRS	23241		
Guilfor  NOTE: [This farm is to be consolidated for it	e used for	County	Greensboro  Sidemeanor offense(s), which are -	Seat of Court	In T	he General Court Of Superior Court Divis		:e
Name Of Defendant Theodore Me		state versus .mble .sex	1799 [] — ] DOB	61 12: 114 JU	ACTIVE FI	AND COMMITMENT PUNISHMENT ELONY RED SENTENCING)	-	
White Attorney For State		Male	12-08-69	Attorney For Defend	lant	G.S. 15A-130	1, 15A-10	340.13
Richard Pan	osh		Del. Found Def. Waived Not Indigent Attorney	Zimmerman/Cr		Appointe	d XXRe	tained
The defendant	alq 🕰	d guilty to: 🔲 was f	ound guilty by a jury of	:  pled no con	itest to:			
File No.(s)	Off		Offense Description		Offense Dat	e G.S. No.	F/M	CL.
99CRS 23241		Solicitation:	First degree mu	rder	11-04-98	3 C.L. & 14-2.6	F	С
enhanced to the Court:  1. makes no sunder G.S.  (d) for a substitute of the Court of the Court of the Court, having freely, voluntarily imprisoned	written 15A- an adju Findin he prisa defendi he def inced p xtraoro above o defend g cons y, and o	penalty, violent habination findings because the 1340.17(c). (b) for dication as a violent has of Aggravating and the pursuant to a find the provided substant has provided substant to be an habit bunishment from a Cladinary Mitigation. It is classified as a sidered evidence, argular and the punderstandingly enternal to the punde	ause none is required for tual felon, or drug traffictual felon, or drug traffictual felon, or drug traffictual felon, or drug traffictual felon. G.S. 14 d Mitigating Factors set plea arrangement as to tantial assistance pursual felon pursuant to A ss 1 misdemeanor to a discounty violent predatorements of counsel and sed, and Orders the about	cking offenses.  (a) within the control of the attention	ne presumpti I firearm pen for drug traf ached AOC-( Article 58 of 95(h)(5). Chapter 14. G.S. 90-95(e) ninor. G.S. 20.	alty (G.S. 15A-1340.1 ficking offenses. CR-605. f G.S. Chapter 15A. (3) (drugs); G.S. 14-3 4-208.6. that the defendant's por judgment and the defendent of the	(c) (race	, e, etc.) s
for a minimum te	erm of: LO8	months	for a maximum term of 139	ot: mon	ths	e custody of:		
Class A Felor		] Life Imprisonment V Parole	Vithout Death (se	e attached Death and Certificates)	" □sh	C. DOC. eriff pursuant to G.S. 15 her	A-1352	ː(b).
☐ Violent Habitu	ıal Feld	ife Imprisonment Withon: Life Imprisonment	Without Parole					
The sentence  XX The sentence  (NOTE: List the	impos impos e case i	sed above shall begin sed above shall begin number, date, county ar	days spent in confinat the expiration of all at the expiration of the ad court in which prior seror Division Guilf	sentences which sentence imposentence imposed.)	the defenda ed in the cas	nt is presently obligate e referenced below:		

AOC-CR-601, Rev. 4/98 Material opposite unmarked squares is to be disregarded as surplusage.

-	Marine of Amarina and Amarina		- EXHIBIT D	112018					
STATE OF Guilford	NOR	TH CARULIN	A eensboro		.e No. 99CRS232	242			
NOTE: (This form is to be consolidated for ju	used for ( adgment w	County(1) felony offense(s), and (2) m ith any felony offense(s). Use	isdemeanor offense(s), which are AOC-CR-301 on DWI.	Seat of Court		e General ( Superior Co			ce
Name Of Defendant Theodore Mo		STATE VERSUS	1111	)Ju		ND COMMI UNISHMEN LONY			
<i>Race</i> White		Sex Male	DOB, 12-08-69		(STRUCTURE	D SENTENCI	<b>NG)</b> S. 15A-130	1. 15A-1	340.1
Attorney For State Richard Par	nosh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defend Zimmerman/Cr			Appointed	-	
The defendant	X pled	guilty to: 🗌 was f	ound guilty by a jury o	f:  pled no con	test to:				
File No.(s)	Off		Offense Description		Offense Date	G.S.	No.	F/M	CI
99CRS 23242		Solicitation	:First degree mu	rder	11-04-98	C.L. &	14-2.6	F	С
				:					
2. makes no prenhanced fi The Court: 1. makes no wounder G.S.	rior reco rearm p ritten f 15A-13	ord level finding becomenly, violent habit indings because the 340.17(c). (b) for	D.14, the prior record points ause none is required foual felon, or drug traffi prison term imposed is a Class A felony.	or Class A felony, cking offenses.  (a) within the (c) for enhanced	e presumptive firearm penalt	range of ser	ntences at		zed
2. makes the F 3. imposes the 4. finds the de 5. adjudges th 6. finds enhan 7. finds no Ext	indings e prison fendan e defer ced pui	s of Aggravating and a term pursuant to a author to be an habitunishment from a Clastary Mitigation.	abitual felon. G.S. 14-Mitigating Factors set plea arrangement as to antial assistance pursual felon pursuant to Ares 1 misdemeanor to a fixed a reportable convict	forth on the attactors sentence under a contract to G.S. 90-99 ticle 2A of G.S. Class I felony G.G.	ched AOC-CR- Article 58 of C 5(h)(5). Chapter 14. G.S. 90-95(e)(3)	.605. G.S. Chapter (drugs);	15A.	) (race	, etc
The Court, having	conside	ered evidence, argun	exually violent predator nents of counsel and st d, and Orders the abov	tatement of defen	dant, finds the	at the defend	dant's ple	a was	t ha
for a minimum terr	n of:		for a maximum term o	f:	in the cu	ustody of:			
Class A Felony		months Life Imprisonment W Parole		montle e attached Death nd Certificates)	XN.C.	ff pursuant to	G.S. 15A	-1352(	b).
		Imprisonment Withou Life Imprisonment V							
The defendant sha	III be gi	ven credit for	_ days spent in confine	ment prior to the	date of this Jud	gment as a re	sult of this	charge	e(s).
The sentence i	mposed case nui	d above shall begin a mber, date, county and	It the expiration of all so It the expiration of the I court in which prior sent Division Guilfo	sentence imposed tence imposed.)	d in the case r	eferenced be	-	to ser	ve.

Material opposite unmarked squares is to be disregarded as surplusage.

AOC-CR-601, Rev. 4/98

	~~~	,		1111111	30f2	**************************************					
STATE OF	NOR <sup>-</sup>	TH CAROLIN	<b>A</b>	i i i i i i i		i No.	9CRS	23243			
Guilford		County G	reensboro		Seat of Court		n The	General	Court Of	Justic	`A
		) felony offense(s), and (2) mi h any felony offense(s). Use .							Court Divis		,,
	S	TATE VERSUS	1773	7 1	111 2 11 Ju	UDGMEN	IT AN	ID COMN	IITMENT		
Name Of Defendant Theodore M	ead K	imble			0.8.0.	ACTIV		JNISHME .ONY	NT		
Race		Sex	DOB	/1/	$\gamma$	(STRUC		.ON T D SENTEN	CING)		
White Attorney For State		Male	12-0	8-69	ttorney For Defend				G.S. 15A-130	1, 15A-1	340.13
Richard Pa	nosh		Def. Found   Not Indigent	Def. Waived 1	immerman/C				Appointe	d XX Re	etaine
The defendant	<mark>%%</mark> pled	guilty to: 🔲 was fo	ound guilty b	y a jury of:	pled no co	ntest to:		,			
File No.(s)	Off		Offense Descr	iption		Offense	Date	G.S	. No.	F/M	CL
99CRS 23243		Solicitation:	First de	gree mur	der	11-04	1-98	C.L. &	14-2.6	F	
									***************************************		
2. makes no p enhanced fi	rior reco	uant to G.S. 15A-1340 ord level finding beca enalty, violent habit	ause none is i	required for	Class A felony			PRIOR RECORD LE	VEL: ∰ II [		v v
under G.S.  (d) for an (d) for an (e) 2. makes the le (e) 3. imposes the de (e) 4. finds the de (e) 5. adjudges the (e) 6. finds enhared (e) 7. finds no Ex (e) 8. finds the all (e) 9. finds the de (e)	15A-13 n adjudio indings e prison efendan ne defen nced pur traordin pove des	signated offenses(s) t is classified as a se	a Class A fel abitual felon. Mitigating Faplea arranger antial assista al felon pursus 1 misdeme is a reportabexually violen	lony. [] (c G.S. 14-7. actors set for ment as to so ince pursual uant to Artic anor to a Clausianor to a Clausianor to a Clausianor to a character.	to for enhanced 12. (e) orth on the attainente under to G.S. 90-9 cle 2A of G.S. ass I felony.	d firearm properties of the following the fo	traffic C-CR- 8 of G 14. 5(e)(3)	y (G.S. 15 king offen 605. G.S. Chapt (drugs); [	A-1340.16 ses. er 15A. ]G.S. 14-3(	SA). c) (race	, etc
freely, voluntarily, imprisoned	and un	ered evidence, argun derstandingly entere	d, and Orders	s the above	offenses be co	onsolidate	d for j	judgment	and the de	ea was fendan	t be
for a minimum ter 1(	m of: 08	months	for a maximu	im term of: 139	mon	. 1	the cu	ustody of:			
Class A Felony	/: [] L	ife Imprisonment W Parole		Death (see a	nttached Death Certificates)		N.C. I Sherif		to G.S. 15	A-1352(	(b).
	ıy: Life	Imprisonment Withou Life Imprisonment V	ut Parole				Other		######################################		
The defendant sha					ent prior to the	date of th	is lude	unent se s	result of thi	e chara	n/el
The sentence The sentence (NOTE: List the	mposed mposed case num	above shall begin a above shall begin a aber, date, county and inal Superior	t the expirati It the expirati I court in which	on of all ser on of the se h prior senter	ntences which entence impose ace imposed.)	the defer	idant i case re	s presentl eferenced	y obligated		

STATE OF N	ORTH CARC.	INA EXHIBIT(D	1 GOFF.	<b>v₀.</b> 99CRS 2324	14		
Guilford	County	Greensboro	Seat of Court	In The	e General Court Of	Justic	е
	ed for (1) felony offense(s), and nent with any felony offense(s).	f (2) misdemeanor offense(s), which ar I. Use AOC-CR-301 on DWI	The same states		uperior Court Divis		
Name Of Defendant Theodore Mea	STATE VERSUS	S	] -3   ;; ;; Ju	ACTIVE PU	D COMMITMENT JNISHMENT ONY		
Race White	Sex Male	12-08-69	700		D SENTENCING) G.S. 15A-130	1, 15A-13	340.13
Attorney For State Richard Panc	osh	Def. Found Def. Waive Not Indigent Attorney	Attorney For Defend Zimmerman/Ci				
The defendant 📉	pled guilty to: w	vas found guilty by a jury	of: pled no con	ntest to:			
File No.(s)	Off .	Offense Description		Offense Date	G.S. No.	F/M	CL.
99CRS 23244	Solicitati	on: First degree :	nurder	11-04-98	C.L. & 14-2.6	F	С
			N.				
2. makes no price enhanced fire The Court:  1. makes no write under G.S. 15  (d) for an at 2. makes the Fire 3. imposes the price 4. finds the defe	or record level finding arm penalty, violent hatten findings because 5A-1340.17(c). (budjudication as a viole adings of Aggravating prison term pursuant endant has provided s	-1340.14, the prior record p because none is required habitual felon, or drug tra e the prison term imposed b) for a Class A felony, ent habitual felon. G.S. 1 g and Mitigating Factors s to a plea arrangement as substantial assistance pur	for Class A felony fficking offenses.  is: (a) within th (c) for enhanced 4-7.12. (e) et forth on the attato sentence under suant to G.S. 90-9	ne presumptive d firearm penalt for drug traffic ached AOC-CR Article 58 of C	range of sentences a y (G.S. 15A-1340.16 king offenses. -605.	authoriz	zed
6. finds enhance 7. finds no Extra 8. finds the abo	ed punishment from a aordinary Mitigation. ve designated offens	nabitual felon pursuant to I Class 1 misdemeanor to ses(s) is a reportable conv s a sexually violent preda	a Class I felony	G.S. 90-95(e)(3) ninor. G.S. 14-		c) (race	, etc.).
The Court, having c freely, voluntarily, a imprisoned	onsidered evidence, a nd understandingly e	arguments of counsel and entered, and Orders the ab	statement of defe ove offenses be co	endant, finds th onsolidated for	at the defendant's pl judgment and the de	ea was fendan	t be
for a minimum term		for a maximum term			ustody of:		
Class A Felony:	month  Life Imprisonme Parole	ent Without Death (	mon see attached Death t and Certificates)	XN.C.	ff pursuant to G.S. 15	4-1352(	(b).
	: Life Imprisonment V Felon: Life Imprisonm						•
The sentence im (NOTE: List the ca	sposed above shall be sposed above shall be se number, date, count	days spent in confegin at the expiration of a egin at the expiration of the expirati	II sentences which ne sentence impose entence imposed.)	the defendant ed in the case i	referenced below:		

STATE OF	NOR'	TH CARC_IN	A GXXIBIT (Q)	5018	, Vo.	9,9CF	RS 2324	5		
Guilford		County G	reensboro	Seat of Court				l Court Of		е
		1) felony offense(s), and (2) mi th any felony offense(s). Use ,	sdemeanor offense(s), which are AOC-CR-301 on DWI			******************************		Court Divisi	on	
Name Of Defendant Theodore M	major anno mora o anti- anti- anti- anti-	STATE VERSUS	17:27 (13.3)		AC-	TIVE PU	ID COMI JNISHMI .ONY	MITMENT ENT		
Race White		Sex Male	12-08-69		(STR		D SENTEN	ICING) G.S. 15A-130	1. 15A-13	340.13
Attorney For State Richard Pa	nosh		Def. Found Def. Waived Not Indigent Attorney	Actorney For Defe Zimmerman/		er		Appointed		
The defendant	KX pled	I guilty to: was f	ound guilty by a jury o	f: pled no c	ontest to	:				
File No.(s)	Off		Offense Description		Offen	se Date	G.	S. No.	F/M	CL.
99CRS 23245		Solicitation:	First degree m	urder	11-	04-98	C.L. 6	14-2.6	F	С
 				Ĺ						
			ente?							
2. makes no penhanced f The Court: 1. makes no v	rior rec irearm vritten	ord level finding bec penalty, violent habi	0.14, the prior record po ause none is required tual felon, or drug traft prison term imposed	for Class A felo ficking offenses is: XX (a) within	the pres	umptive	range of	sentences a	uthoria	vi
under G.S.  (d) for a  2. makes the  3. imposes th  4. finds the d  5. adjudges th  6. finds enhar  7. finds no Ex  8. finds the a	15A-1 n adjud Finding e prisor efendar ne defe nced pu traordir	340.17(c). (b) for ication as a violent has of Aggravating and name term pursuant to an thas provided substant to be an habite unishment from a Classianty Mitigation.	r a Class A felony. [abitual felon. G.S. 14] Mitigating Factors seplea arrangement as tantial assistance pursual felon pursuant to Ass 1 misdemeanor to a sually violent predators.	(c) for enhance (-7.12. (c)	ed firearne) for dru ttached Aler Article 0-95(h)(5 S. Chapte G.S. 90	m penalting traffic AOC-CR = 58 of ( ). er 14.	ey (G.S. 1 sking offe -605. G.S. Char (drugs); [	5A-1340.16 nses. oter 15A.	6A).	
The Court, having freely, voluntarily, imprisoned	consid and ur	lered evidence, argur nderstandingly entere	ments of counsel and sed, and Orders the abo	statement of de ove offenses be	fendant, consolid	finds th ated for	at the def judgment	fendant's pla and the def	ea was fendan	t be
for a minimum ter 096		months	for a maximum term of 125		onths	in the c	ustody of			
Class A Felony	/:	Life Imprisonment W Parole	/ithout 🗌 Death (se	ee attached Dea and Certificates	ith		ff pursuan	t to G.S. 15 <i>A</i>	N-1352(	,b).
	•	e Imprisonment Witho	ut Parole			Othe				
The defendant sh	all be g	iven credit for	_ days spent in confin	ement prior to the	he date of	this Jud	gment as	a result of this	s charge	e(s).
The sentence (NOTE: List the	impose <i>case nu</i>	d above shall begin a	at the expiration of all at the expiration of the decourt in which prior ser	sentences whice sentence impo	the deleased in th	fendant e case r	is presen eferenced	tly obligated d below:	_	

STATE OF I	VORT	H CARC	MA (	FXRISKU16	968.	.Vo.	990	RS 23246			
Guilford NOTE: [This form is to be	anning and the second	County	Green	sboro	Seat of Cou	urt		e General C			e
consolidated for jus	dgment witl	any felony offense(s).	Use AOC-CR-	301 on DWI	• FN _C= - FN ( )	·AILIDOM	The state of the s	ID COMMIT			
Name Of Defendant Theodore Me		TATE VERSUS .mble	<u> </u>		> 141 		TIVE P	JNISHMEN .ONY			
Race White		Sex Male		ров 12-08-69	$\bigcirc \bigcirc \bigcirc$	(STR		D SENTENCII	NG) 5. 15A-1301	, 15A-13	40.13
Attorney For State Richard Pa	nosh	22-4	Def. F	Found Def. Waived digent Attorney	Attorney Ford Zimmerma		.er		Appointed	√X Ret	tained
The defendant	₩ pled	guilty to: w	as found	guilty by a jury o	f: pled n	o contest to	o:			-	
File No.(s)	Off		Offen	se Description		Offer	nse Date	G.S.	No.	F/M	CL.
99CRS 23246		Solicitati	on: Fir	rst degree mu	ırder	11-	-04-98	C.L. & 1	4-2.6	F	С
· 	-				/						
				• •							
The Court:  1. has determin 2. makes no p enhanced f	rior rec	ord level finding	because	the prior record po none is required t elon, or drug traff	or Class A f	elony,		PRIOR RECORD LEV	Er: 🔯 II (		∐vī ——
(d) for all (2) makes the 3. imposes the 4. finds the d 5. adjudges the	15A-13 n adjudi Findings e prison efendan ne defer	340.17(c). [] (b) cation as a viole of Aggravating term pursuant thas provided so	) for a Cla ent habitu I and Mitiq to a plea substantia abitual fel	ass A felony.  al felon. G.S. 14 gating Factors se arrangement as t Il assistance purs lon pursuant to A	](c) for enha -7.12. [ t forth on th o sentence u uant to G.S. rticle 2A of	anced firear (e) for dru e attached under Articl 90-95(h)(5) G.S. Chapt	m penal ug traffic AOC-CF e 58 of 5). er 14.	ty (G.S. 15A cking offens I-605. G.S. Chapte	A-1340.16 es. r 15A.	5A).	
7. finds no Ex 8. finds the a	traordir bove de	ary Mitigation. signated offens	es(s) is a	nisdemeanor to a reportable convic ly violent predato	tion involvin	g a minor.			G.S. 14-3(	c) (race	, etc.)
The Court, having freely, voluntarily, imprisoned	conside , and un	ered evidence, a derstandingly e	rguments ntered, an	of counsel and s ad Orders the abo	tatement of ve offenses	defendant be consolic	, finds th lated for	nat the defer judgment a	ndant's plo nd the de	ea was fendan	t be
for a minimum ter	m of: 08	month	ŀ	maximum term o	of: .39	months		custody of:			
Class A Felon		Life Imprisonme Parole	nt Withou		ee attached i and Certifica		X¥N.C. □Sher □Othe	iff pursuant t	o G.S. 15	\-1352(	(b).
		Imprisonment V Life Imprisonm				•		***			
The defendant sh	all be gi	ven credit for _	0- day	s spent in confin	ement prior	to the date o	f this Jud	dgment as a r	esult of thi	s charg	e(s).
The sentence (NOTE: List the	imposed	d above shall be aber, date, count	gin at the y and cour	expiration of all expiration of the tin which prior ser	sentence in Itence impose	nposed in tl ed.)	he case	referenced b		l to ser	vē.

STATE OF	NOR	TH CARL	NA GRAN	8140)	7012	No.	99ÇRS	23247	ri <del>dan saring san ing saksari dan dan dan da</del>		
Guilford NOTE: (This form is to be		(1) felony offense(s), and (2)			Seat of Court			e General Co uperior Cour			е
Name Of Defendant Theodore M				1000			NT AN	ID COMMITN JNISHMENT ONY			TO STATE OF THE ST
Rac <b>a</b> White		Sex Male	12-08	3-69 (	( S)		JCTURE	D SENTENCING G.S.	6) 15A-1301	, 15A-13	340.13
Attorney For State Richard Pa	nosh		Def. Found Not Indigent	Def. Waived Attorney	Attorney For Def Zimmerman/		er		Appointed	XX Re	tained
The defendant	KX <sub>pleα</sub>	d guilty to: was	found guilty by	a jury of	f: pled no c	contest to	:				
File No.(s)	Off		Offense Descri	ption		Offen	se Date	G.S. No		F/M	CL.
99CRS 23247		Solicitatio	n: First de	gree mu	ırder	11-	04-98	C.L. & 14	-2.6	F	С
					A.						
enhanced fi	rior red rearm	suant to G.S. 15A-1 cord level finding b penalty, violent ha findings because t	ecause none is r bitual felon, or c	required f drug traffi	or Class A felo icking offenses	ony, s.	02				V VI
under G.S.  (d) for an	15A-1 n adjud Finding e priso efenda ne defe nced po etraordi	340.17(c). (b) dication as a violengs of Aggravating and term pursuant to nt has provided sugnation and the sunishment from a Continuity Mitigation.	for a Class A fel t habitual felon. and Mitigating Fa a plea arranger bstantial assista bitual felon pursi Class 1 misdeme	ony	(c) for enhance -7.12. (d) (t) forth on the action of the	ced fiream (e) for dru attached A der Article 0-95(h)(5) S. Chapte G.S. 90	n penalting traffic AOC-CR 58 of ( ). er 14. -95(e)(3)	cy (G.S. 15A-1 cking offenses -605. G.S. Chapter 1 (drugs); G.S.	340.16 5A.	A).	
9. finds the d	efenda	int is classified as	a sexually violen	nt predato	or. G.S. 14-20	8.20. efendant,	finds th	at the defenda	ant's ple	a was	t ha
freely, voluntarily imprisoned for a minimum term 108	rm of:	nderstandingly ent months	for a maximu	ım term o	of: 9 m	onths		ustody of:	THE UE		
Class A Felon	y: 🗌	Life Imprisonmen Parole			ee attached De and Certificate:		Sher Othe	iff pursuant to ( er	G.S. 15A	-1352	(b).
		fe Imprisonment Wi n: Life Imprisonme		9 '							,
The defendant sh	all be	given credit forC	days spent		ement prior to						
The sentence	impos case n	ed above shall beg ed above shall beg number, date, county minal Superio	in at the expirat and court in whic	ion of the th prior ser	e sentence imp ntence imposed.,	osed in th /	ne case	referenced bel	bligated ow:	to sei	rve.

STATE OF	NOR	TH CAROL	NA GYHIBH (D)	8048	99CRS	23248		4 47 9 47 44 1 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Guilford		County	Greensboro	Seat of Court	In The	e General Court Of	Justic	
		(1) felony offense(s), and (2 vith any felony offense(s).	2) misdemeanor offense(s), which are Use AOC-CR-301 on DWI		S	Superior Court Divis	ion	
Name Of Defendant Theodore Me		STATE VERSUS	14 1	JU	ACTIVE P	ID COMMITMENT JNISHMENT		
<i>Race</i> White		Sex Male	DOB 12-08-69	000	(STRUCTURE	LONY D SENTENCING) G.S. 15A-130	1, 15A-1:	340.13
Attorney For State Richard Pa	nosh		Def. Found Def. Walved Not Indigent Attorney	Ammerman/Cr			d XX Re	rtained
The defendant	Mypleo	d guilty to: 🗌 wa	s found guilty by a jury o	f: pled no con	test to:			
File No.(s)	Off		Offense Description		Offense Date	G.S. No.	F/M	CL.
99CRS 23248		Solicitatio	on: First degree mu	urder	11-04-98	C.L. & 14-2.6	F	С
				4				
2. makes no p enhanced fi	rior red	cord level finding b	1340.14, the prior record poi pecause none is required f abitual felon, or drug traff	or Class A felony,	t to be <u>02</u> .	PRIOR [ ] [ ] RECORD LEVEL: [X] II [		v   vi
under G.S.  (d) for ar  2. makes the l  3. imposes th  4. finds the de	15A-1 n adjud Finding e priso efenda	340.17(c). (b) dication as a violer gs of Aggravating on term pursuant tent has provided su	the prison term imposed if for a Class A felony. The habitual felon. G.S. 14 and Mitigating Factors set of a plea arrangement as the stantial assistance pursubitual felon pursuant to A	(c) for enhanced -7.12. (e) t forth on the atta o sentence under uant to G.S. 90-9	firearm penalt for drug traffic ched AOC-CR Article 58 of ( 5(h)(5).	ty (G.S. 15A-1340.10 cking offenses. -605.	authori 5A).	zed
6. finds enhar 7. finds no Ex 8. finds the al 9. finds the de	nced po traord pove d efenda	unishment from a ( inary Mitigation. lesignated offense int is classified as	Class 1 misdemeanor to a s(s) is a reportable conviduates a sexually violent predator	Class I felony (	3.S. 90-95(e)(3) inor. G.S. 14 0.	-208.6.		
The Court, having freely, voluntarily, imprisoned	consi and u	dered evidence, ar inderstandingly en	guments of counsel and s tered, and Orders the abo	statement of defer we offenses be co	ndant, finds the Insolidated for	at the defendant's pl judgment and the de	ea was fendan	s it be
for a minimum ter		6 months	for a maximum term of	of: 125 mont		custody of:		
Class A Felon		Life Imprisonmer Parole	Warrant	ee attached Death and Certificates)	1	iff pursuant to G.S. 15.	A-1352	(b).
☐ Violent Habitua	al Felo	fe Imprisonment W n: Life Imprisonme	ant Without Parole					
The defendant sh	all be	given credit for	O- days spent in confin					
The sentence	impos	ed above shall beg number, date, county	gin at the expiration of all gin at the expiration of the vand court in which prior second Division Cuilfo	e sentence impose ntence imposed.)	ed in the case	referenced below:	d to se	rve.

			File No.		9581
STA'	TE OF NORTH CAI	ROLINA			
In the Go	eneral Court of Justice				
Sup	erior Court Division LFORD COUNTY	FIL	Film No.		
		9777	P.1 15: 00		
STAT	E VERSUS		The state of the s		
fendant <b>THEO</b> D	ORE MEAD KIMBLE	B	J. J		
		3Y	IN.	IDICTMENT	
nte of Offense )-9-95	Offense in Violation of 14-17	of G.S.	FRIS	ST DEGREE MUI	RDER
	r the State upon their c	path present that	on or about Oct	ober 9, 1995 and	l in Guilford
The jurors to	r the State upon their cart, Theadore Mead Kim	able unlawfully, v	villfully and felor	niously did of ma	lice aforethought
ounty, the delenda	int, Theadore Mead Im	, , , , , , , , , , , , , , , , , , ,	· ·		
ill and murder Pati	ricia Gali Killibie.				
			<i>'</i> .		
		set 1			
				44	
					)
			Signature of Pro-	ecutor	)
		WITNESSES	Signature of Pro-	ecutor	)
		WITNESSES	Signature of Pro-	ecutor	)
🐧 Det. J.D. Ch	urch G.C.S.D.	WITNESSES	Signature of Pro-	ecutor	)
	urch G.C.S.D.	WITNESSES	Signature of Pro-	ecutor	)
		WITNESSES	Signature of Pro-	ecutor	
	urch G.C.S.D.	WITNESSES	Signature of Provi	ecutor	
	urch G.C.S.D.	WITNESSES	Signature of Pro-	ecutor	
Det. D.L.Del	urch G.C.S.D.  Berry G.C.S.D.				iry and after
Det. D.L.Del	urch G.C.S.D.  Berry G.C.S.D.  ses marked "X" were sw	vorn by the unde	rsigned Foreman	n of the Grand Ju	
Det. D.L.Del	urch G.C.S.D.  Berry G.C.S.D.  ses marked "X" were swon, this bill was found to	vorn by the unde	rsigned Foreman	n of the Grand Ju	
Det. D.L.Del	urch G.C.S.D.  Berry G.C.S.D.	vorn by the unde	rsigned Foreman	n of the Grand Ju	
Det. D.L.Del	urch G.C.S.D.  Berry G.C.S.D.  ses marked "X" were sw , this bill was found to E BILL by twelve or more ence of twelve or more	vorn by the unde be: re grand jurors, a grand jurors in the	rsigned Foreman	of the Grand Jugned Foreman of nent.	
The witness hearing testimony A TRUI attest the concurr	urch G.C.S.D.  Berry G.C.S.D.  ses marked "X" were sw , this bill was found to E BILL by twelve or more ence of twelve or more	vorn by the unde be: re grand jurors, a grand jurors in the	rsigned Foreman	of the Grand Jugned Foreman of nent.	

# STATE OF NORTH CAROLINA COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

99CRS<u>2324</u> through 99CRS<u>2324</u>8

STATE OF NORTH CAROLINA

v.

AT 350 M.

CLEAK OF SUPERIOR COURT

BUILFORD COUNTY

WAIVER OF VENUE

Theodore Mead Kimble,
The defendant

THEODORE MEAD KIMBLE,
DEENDANT

NOW COMES, the defendant, Theodore Mead Kimble pursuant to N.C.Gen.Stat. 15A-1012(c) and hereby WAIVES venue in the above cases and specifically consents that venue be transferred from the 19B Judicial District, Montgomery County, to Guilford County, the 18<sup>th</sup> Judicial District, for the purpose of filing bills of information, entering a plea of guilty, and sentencing, in the above entitled actions, and MOVES this court to enter an order transferring venue. This waiver covers eight counts of solicitation to commit murder which occurred in the State Department of Corrections at Troy on or about November 4, 1998, and allege the defendant solicited William Stewart to kill eight individuals who were witnesses or related to witnesses in the murder charge that was pending against the defendant.

The parties to this criminal action, by signing this agreement to waive venue, hereby stipulate and agree that there is a factual basis for the offenses being transferred and that the purpose of the transfer of venue is for entering pleas of guilty, and sentencing to the felonies charged.

This Thursday, January 28, 1999.

Consented to:

H.W. Zimmerman, Jr. Attorney for Defendant

Fred G. Crumpler, Jr.

Horace M. Kimel, Jr.

District Attorney, Guilford County, Accepting Venue

Garland N. Yates,

District Attorney, Montgomery County, Transferring Venue

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STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division		File No.	99CRS 23241	
GUILFORD COUNTY STATE OF NORTH CAROLINA v. THEODORE MEAD KIMBLE	FIL  JAN 28	OUNTE E D 1999	BILL OF INFORMA Solicitation to Cor First Degree Murd	nmit
Date of Offense On or about November 4, 1998	CLERK OF SUPER		Offense in Violation of G.S. 14-2.6 & Common Law	
I, the undersigned prosecutor, a November 4, 1998, the Defendant, 'oniously solicit William Wayne Stewart to will solicit William Wayne Stewart to will Gray Lyles, in violation of N.C. Gen County prior to the trial date of the being a violation of N.C. Gen.Stat. Carolina. Said crime did occur in Transferred to Guilford County for the parties.	ewart to com llfully, delibe .Stat. 14-17. defendant, w 14-2.6 and	ntion and Mead Kir mit first rately and Said m hich was the Comm	degree murder, in degree murder, in with premeditation urder was to occur set for January 25, non Law of the Stary North Carolina, a	that he did n, kill Rose in Guilford 1999. This ate of North nd has been
I, the below signed defendant, waive the case may be tried upon the above inform	Prosecution WAIVEI		of a Bill of Indictment ar	nd agree that
	X	are of the De	28 99 efendant.  Sou Trail eys for the Defendant	

	File No.
STATE OF NORTH CAROLINA	99CRS 23242
In the General Court of Justice	
Superior Court Division	
GUILFORD COUNTY	GUILFORD XOUNTFilm No.
STATE OF NORTH CAROLINA	
V.	Religitation to Commit
THEODORE MEAD KIMBLE	JAN 29 1999 Solicitation to Commit  Orange Pirst Degree Murder
<b>\</b>	17 350 AND MARKET MARKAT MARKET MARKET MARKET MARKET MARKET MARKET MARKET MARKET MARKE
Date of Offense	CLERK OF SUPERIOR COURT 14-2.6 & Common Law
On or about November 4, 1998	CLERK OF SUPERIOR COURT 14-2.6 & Common Law
	COUNT I
November 4, 1998, the Defendant, Teloniously solicit William Wayne Stewart to willfull Roy Pardee, in violation of N.C. Gen.St. County prior to the trial date of the defebeing a violation of N.C. Gen.Stat. 14 Carolina. Said crime did occur in Troy,	on information and belief, allege that on or about Theodore Mead Kimble, did unlawfully, willfully, art to commit first degree murder, in that he did ly, deliberately and with premeditation, kill Patrick at. 14-17. Said murder was to occur in Guilford endant, which was set for January 25, 1999. This -2.6 and the Common Law of the State of North Montgomery County, North Carolina, and has been urpose of plea and sentencing by the consent of all
	Prosecutor
	WAIVER
I, the below signed defendant, waive the the case may be tried upon the above information	finding and the return of a Bill of Indictment and agree that
	Date / 28/99
	Signature of the Defendant.
	> Theodora Molly
	Signature of Attprneys for the Defendant
	an Aumin

99CRS\_23243 File No. STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division Film No. **GUILFORD COUNTY** CHILFORD ODUNTY STATE OF NORTH CAROLINA BILL OF INFORMATION FILED Solicitation to Commit THEODORE MEAD KIMBLE First Degree Murder JAN 28 1999 Offense in Violation of G.S. Date of Offense 14-2.6 & Common Law On or about November 4, 1998 CLERK OF SUPERIOR COURT COUNT I I, the undersigned prosecutor, upon information and belief, allege that on or about November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, willfully, feloniously solicit William Wayne Stewart to commit first degree murder, in that he did licit William Wayne Stewart to willfully, deliberately and with premeditation, kill Louie Mitchell Widden, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilford County prior to the trial date of the defendant, which was set for January 25, 1999. This being a violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Carolina. Said crime did occur in Troy, Montgomery County, North Carolina, and has been transferred to Guilford County for the purpose of plea and sentencing by the consent of all parties. Prosecutor WAIVER I, the below signed defendant, waive the finding and the return of a Bill of Indictment and agree that the case may be tried upon the above information. Date Signature of the Defendant. Signature of Attorneys for the Defendant

STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division	A	99CRS 23244
GUILFORD COUNTY STATE OF NORTH CAROLINA v. THEODORE MEAD KIMBLE	THE JAN ES 15	BILL OF INFORMATION
Date of Offense On or about November 4, 1998	CLERK OF SUPERIOR	Offense in Violation of G.S. 14-2.6 & Common Law
	COUNT I	
November 4, 1998, the Defendant feloniously solicit William Wayne S licit William Wayne Stewart to wi Shane Dudley, in violation of N.C. G County prior to the trial date of the being a violation of N.C. Gen.Stat. Carolina. Said crime did occur in Ta	t, Theodore Motewart to commillfully, deliberal Gen.Stat. 14-17. defendant, while 14-2.6 and the groy, Montgomer.	ion and belief, allege that on or about ead Kimble, did unlawfully, willfully, nit first degree murder, in that he did tely and with premeditation, kill David Said murder was to occur in Guilford ch was set for January 25, 1999. This is Common Law of the State of North y County, North Carolina, and has been lea and sentencing by the consent of all
I, the below signed defendant, waive the case may be tried upon the above inforn		e return of a Bill of Indictment and agree that
		1
	Date	1/28/99
	Signature	of the Defendant.  Theodore faille
	Signature	of Attorneys for the Desendant

File No. 99CRS 23245 STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division **GUILFORD COUNTY** Film No. **G**UALFORD ODUNTY STATE OF NORTH CAROLINA BILL OF INFORMATION THEODORE MEAD KIMBLE Solicitation to Commit First Degree Murder Date of Offense Offense in Violation of G.S. On or about November 4, 1998 14-2.6 & Common Law COUNT I I, the undersigned prosecutor, upon information and belief, allege that on or about November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, willfully, solicit William Wayne Stewart to commit first degree murder, in that he did olicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Gary Paul Lyles, in violation of N.C. Gen. Stat. 14-17. Said murder was to occur in Guilford County prior to the trial date of the defendant, which was set for January 25, 1999. This being a violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Carolina. Said crime did occur in Troy, Montgomery County, North Carolina, and has been transferred to Guilford County for the purpose of plea and sentencing by the consent of all parties. Prosecutor WAIVER I, the below signed defendant, waive the finding and the return of a Bill of Indictment and agree that the case may be tried upon the above information. Date Signature of the Defendant.

STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division  GUILFORD COUNTY STATE OF NORTH CAROLINA  V.  THEODORE MEAD KIMBLE  Date of Offense On or about November 4, 1998  TI, the undersigned prosecutor, upon information and belief, allege that on November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, feloniously solicit William Wayne Stewart to commit first degree murder, in the solicit William Wayne Stewart to willfully, deliberately and with premeditation, kil Dudley, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilfor prior to the trial date of the defendant, which was set for January 25, 1999. This violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Said crime did occur in Troy, Montgomery County, North Carolina, and I transferred to Guilford County for the purpose of plea and sentencing by the consparties.	
THEODORE MEAD KIMBLE  Date of Offense On or about November 4, 1998  The undersigned prosecutor, upon information and belief, allege that on November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, feloniously solicit William Wayne Stewart to commit first degree murder, in the solicit William Wayne Stewart to willfully, deliberately and with premeditation, kil Dudley, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilfor prior to the trial date of the defendant, which was set for January 25, 1999. This violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Said crime did occur in Troy, Montgomery County, North Carolina, and I transferred to Guilford County for the purpose of plea and sentencing by the constant of the content of the conte	
On or about November 4, 1998  COUNT I  I, the undersigned prosecutor, upon information and belief, allege that on November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, feloniously solicit William Wayne Stewart to commit first degree murder, in the solicit William Wayne Stewart to willfully, deliberately and with premeditation, kil Dudley, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilfor prior to the trial date of the defendant, which was set for January 25, 1999. Thi violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Said crime did occur in Troy, Montgomery County, North Carolina, and by transferred to Guilford County for the purpose of plea and sentencing by the constant.	mit
I, the undersigned prosecutor, upon information and belief, allege that on November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, feloniously solicit William Wayne Stewart to commit first degree murder, in the solicit William Wayne Stewart to willfully, deliberately and with premeditation, kil Dudley, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilfor prior to the trial date of the defendant, which was set for January 25, 1999. This violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Said crime did occur in Troy, Montgomery County, North Carolina, and I transferred to Guilford County for the purpose of plea and sentencing by the const	
November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, feloniously solicit William Wayne Stewart to commit first degree murder, in the solicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Dudley, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilfor prior to the trial date of the defendant, which was set for January 25, 1999. This violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Said crime did occur in Troy, Montgomery County, North Carolina, and I transferred to Guilford County for the purpose of plea and sentencing by the constant.	
	willfully, at he did ll Cara R. d County is being a Carolina.
Prosecutor	
WAIVER  I, the below signed defendant, waive the finding and the return of a Bill of Indictment and at the case may be tried upon the above information.	gree that
Date / (28/99	
Signature of the Defendant.	
Signature of Attorneys for the Defendant  L. Crumple  M. M	

STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division		File N	99CRS_23247
GUILFORD COUNTY STATE OF NORTH CAROLINA v. THEODORE MEAD KIMBLE	FILT JAN 28 P	UNTY D 99	BILL OF INFORMATION Solicitation to Commit First Degree Murder
Date of Offense On or about November 4, 1998	BY COO	COURT	Offense in Violation of G.S. 14-2.6 & Common Law
	COUNT I	.,	

I, the undersigned prosecutor, upon information and belief, allege that on or about November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, willfully, feloniously solicit William Wayne Stewart to commit first degree murder, in that he did colicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Linda hompson Cherry, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilford County prior to the trial date of the defendant, which was set for January 25, 1999. This being a violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Carolina. Said crime did occur in Troy, Montgomery County, North Carolina, and has been transferred to Guilford County for the purpose of plea and sentencing by the consent of all parties.



#### WAIVER

I, the below signed defendant, waive the finding and the return of a Bill of Indictment and agree that the case may be tried upon the above information.

Date	
1/28199	
Signature of the Defendant.	-
- Shedow Wall	
Signature of Attorneys for the Defendant	
- Cruyal	
And V	
Mother	
W	

99CRS\_232L File No. STATE OF NORTH CAROLINA In the General Court of Justice **Superior Court Division** Film No. **GUILFORD COUNTY** BUILTOND GOOD MY STATE OF NORTH CAROLINA BILL OF INFORMATION Solicitation to Commit THEODORE MEAD KIMBLE First Degree Murder Offense in Violation of G.S. Date of Offense 14-2.6 & Common Law On or about November 4, 1998 CLERK OF SUPERIOR COUNT I I, the undersigned prosecutor, upon information and belief, allege that on or about November 4, 1998, the Defendant, Theodore Mead Kimble, did unlawfully, willfully, <sup>l</sup>coloniously solicit William Wayne Stewart to commit first degree murder, in that he did solicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Kevin Cherry, in violation of N.C. Gen.Stat. 14-17. Said murder was to occur in Guilford County prior to the trial date of the defendant, which was set for January 25, 1999. This being a violation of N.C. Gen.Stat. 14-2.6 and the Common Law of the State of North Carolina. Said crime did occur in Troy, Montgomery County, North Carolina, and has been transferred to Guilford County for the purpose of plea and sentencing by the consent of all parties. Prosecutor WAIVER I, the below signed defendant, waive the finding and the return of a Bill of Indictment and agree that the case may be tried upon the above information. Date Signature of the Defendant. corneys for the Defendant

### APPEARANCE OF COUNSEL

Richard E. Panosh, Assistant District Attorney, 18th Judicial District, represented the State.

Fred G. Crumpler, Jr. and H.W. Zimmerman, Jr., Attorneys at Law, Winston-Salem, North Carolina, represented the defendant.

# TRANSCRIPT OF PROCEEDINGS

Pursuant to Appellate Rule 9(c), the complete stenographic transcript of the proceedings in this case, consisting of 301 pages and bound in three (3) volumes, as detailed below, is filed contemporaneously with this record.

Volume	Date of Proceeding	<u>Pages</u>	Court Reporter
I	December 3, 1998	1-53	Marsha M. Garlick
II	January 28, 1999	1-20	Deborah R. Wise
III	March 4-5, 1999	1-228	Pamela K. Vaughn

# **EXHIBITS**

Pursuant to Appellate Rule 9(d), all exhibits received into evidence in this case are a necessary part of the Record on Appeal. Upon request, the Guilford County Clerk of Court will forward exhibits to the Clerk of the North Carolina Court of Appeals.

# STATEMENT CONCERNING DEFENDANT'S REPRESENTATION

On April 2, 1997, the Presiding Judge of Guilford County Superior Court found defendant to be indigent and appointed Public Defender Wallace C. Harrelson to represent defendant at trial. On April 3, 1997, Robert L. McClellan was appointed as co-counsel pursuant to N.C. Gen. Stat. § 7A-450(b1). On August 22, 1997, the Presiding Judge of Guilford County Superior Court found that the Public Defender's Office had a conflict of interest, relieved that Office of its appointment in this case, and appointed John Bryson as substitute counsel. Subsequently, on December 3, 1998, defendant waived appointed counsel and retained attorneys Crumpler and Zimmerman to represent him at the trial proceedings.

ST	ATE OF NO	RTH CA	R INA	MH COOR and	File No.		
				DULFORD COUNTY	I TIVE		7CRS39581
	GUILFO	ORD	County	FILED	I		urt Of Justice Court Division
1	040-44	STATE VE	RSUS	JAN 28 1999		<del></del>	
	Of Defendant CODORE MEADE	KIMBI E	i	AT 350 WOUND	TRANCORIDE OF	D1 F A	
DOB		Age	Highest Level Of Education	CLERK OF SUPERMOR COUNTE	TRANSCRIPT OF	PLEA	
	12-08-1969	29				·	G.S. 15A-1022
	defendant, having a ces the following a		lea of ne questions set out	GUILTY and be t below:	eing first duly sworn,		Answers
1.	Are you able to he	ear and unde	erstand me?			(1)	ges
2.	Do you understan used against you?		ave the right to ren	nain silent and that any statem	ent you make may be	(2)	_ lus
3.	At what grade lev	rel can you re	ead and write?			(3)	12.4h
4.		under the inf	fluence of alcohol, o	drugs, narcotics, medicines, pil	lls, or any other		111)
	Intoxicants? (b) When was the	a last time v	ou used or consum	ed any such substance?		(4a) (4b)	Chamal it
5.				lawyer, and do you understand	the nature of the	(10)	new-
			nd every element o		a the flataic of the	(5)	yes
6.			discussed the poss Ir lawyer's legal ser	sible defenses, if any, to the ch	narges?	(6a) (6b)	- yis
7	•	-		plead not guilty and be tried b	ny a juny?		440
,,	(b) Do you unders	stand that at		e the right to confront and to c		(7a)	
	witnesses aga	-	v vour plea(s) vou α	ive up these and your other co	onstitutional rights	(7b)	ys
	relating to a ti		, your product, you g		montational rights	(7c)	_ys.
8.	•			of the United States of America			
	naturalization und			usion from admission to this co	duntry, or the denial of	(8)	
9.			nd that upon convi- by G.S. 15A-1331	ction of a felony that you auto A for the full term:	matically forfeit any		
i				994) of the maximum sentence			
	•		•	ou are offered a suspended ser probation, or (2) your probation			
	suspended	and the Cou	ırt makes findings t	hat you failed to make reasona			1
		onditions of p Sentencing ca		after October 1, 1994) of the per	iod vou are placed on	(9a)	*******************************
	probation in	f: (1) your pr	robation is revoked	or suspended, or (2) (for offense	es committed before		
		G.S. 15A-1		nce on condition you accept pr	obation and you refuse	(9b)	ys
10.				(ne-contest) to the charges sho	own on the attached	(10)	ues
11	sheet, which carry					(10)	YES
11.	Do you now perso	onally plead	(guilty) (A <del>a comest</del> )	rr		(11)	
12.	(a) (if applicable) A		-	ur plea of no contest you will b	pe treated as being	(12a)	1995 Offenses
	guilty whether	r or not you	admit your guilt?		o mountain as isoming	(12b)	N/A
	(c) (if applicable) (/		t to be in your best	interest to plead guilty?		(12c1	1998 Offenses
	· ·		it upon your "Alford are in fact guilty?	d Plea" you will be treated as b	eing guilty whether or	(12c2	
19	-	•		iomont? Refere you arewer !	advica vou that the	, , 202	<u> </u>
13.				ement? Before you answer, I are is such, you may advise me			
	of incurring my di	sapproval?				(13)	yes
	C-CR-300, Rev. 10/9		4.	/Ov1			/
• 19	97 Administrative O	ffice of the Co	ourts	(Over)			

File No.	Count No.(s)	Offense(s)
97CRS23656	1	Second Degree Arson
97CRS23663	1 & 2	Breaking and Entry and Larceny
97CRS23661	1 & 2	Breaking and Entry and Larceny
97CRS23657	1 & 2	Breaking and Entry and Larceny
97CRS23671	1	Breaking and Entry
97CRS23675	1 & 2	Breaking and Entry and Larceny
		·
	·	
	·	
		A
		CERTIFICATION BY PROSECUTOR
The undersigned pro Transcript Of Plea a		dismissal to the above charges pursuant to a plea arrangement shown on the

	H CAR	_IIVA		97CRS39	581;23656;98	BCRS23486;99C	RS23241-48
GUILFORD	Cou	ınty		FILES	In The	General Court C  Superior Co	)f Justice urt Division
		•		1 (1 <u></u> )			
ST. ame Of Defendant	ATE VERSU	JS	1999-1	EB - I FII	Lill (DGMENT	r/order or	
HEODORE MEAD KIMB	LE		titel ere	i			
nce Sex	(		Social Security No:	000	े.OTHER D	ISPUSITION	
WHITE ttorney For State	MALE	12-08-1969	240-47-9619  Def. Waived	Auorhoy for del	endant		
ICHARD PANOSH		Def. Found Not Indigent	1 1 .		N/CRUMPLER	Арро	ointed 🔀 Retained
ffanse nd degree murder;co	ongo to c	ommit 1st	dearee mu	rder;1st d	egree arson;	NOTE: (For use in red	
nd degree murder; co	mit 1st d	egree munc	der	VERDICT		conviction levels under	
PLE/	Α			VERDICI	No	./Level[] (0)	
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Guilty/Responsible No C			C				0.0.0.
Not Guilty/Not Responsible	***************************************		Not Guilty/No	t Hesponsible		aurus-famure	
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The defendant is presen whom a plea of guilty is en Richard Panosh through wh	tered in the a	bove entitled	charges. Pres	ent for the Stat	e of North Caron	er and David Free na is Assistant Dis	dman through strict Attorney
Motion to Quash Subpo	ona Ducas T	ecum to Paula	Christian ma	de by the defen	dant. State has n	o_objectionsMO	TION
ALLOWED.	icha Duces T	cum w Lama					
Motion to have waiver	of venue to	transfer 8 cou	nts_of_solicitat	ion to commit	murder transferre	d from Montgome	ry_County_to
Guilford County made by t	the State. No	objections.	Defendant cor	sents. MOTIC	IN ALLOWED.		
Motion to continue sen		by the State.	No objection	s. MOTION A	LLOWED.		
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# NORTH CAROLINA Wake \_\_\_\_COUNTY G. J. O'Neal I, 6. J. O'Neal, a Notary Public in and for said County and State, do hereby certify that THEODORE MEAD KIMBLE personally appeared before me this day and acknowledged the due execution of the foregoing Notice of Appeal. Witness my hand and notarial seal, this 12 day of Mach, 1999. Notary Public My Commission Expires 11-23-2003 My Commission Expires 11-23-2003

My commission expires:

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NORTH CAROLINA	-   -	THE GENERAL COURT OF JUSTICE
GUILFORD COUNTY	1999 HAR 12 !	SUPERIOR COURT DIVISION FILE NOS. 97 CRS 23656, 97 CRS 39581,
STATE OF NORTH CAR		
v.		CERTIFICATE OF SERVICE
THEODORE MEAD KIM	BLE	
The undersigned here	eby certifies that h	ne is the defendant in this Action.
APPEAL by placing said cop at the place and address state	py in a postpaid ened below, which is	9, he served a copy of the attached NOTICE OF nvelope addressed to the person hereinafter named, s the last known address, and by depositing said Mail at Winston-Salem, North Carolina.
ADDRESSEE: Richard E. P	anosh	
Assistant D.		
Guilford Cou P. O. Box 23	unty Superior Cou	irt en
	NC 27402-2378	
	วิ	Theodore Mead Kimble THEODORE MEAD KIMBLE
NORTH CAROLINA		
Wake	COUNTY	
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