

April 24, 2000

Legal Services, Inc.
P.O. Box 25397
Raleigh, NC 27611

Dear Sirs/Madam:

Thank you for your valuable time. I'm writing to respectfully request if you could review several issues relevant to my criminal conviction and legal representation. I realize how highly unorthodox this request may be during the appeal process, but I'm contemplating asking an appellate court to relieve counsel currently representing me, and if possible, I need your legal expertise to advise me about the alternatives available for me to pursue.

My name is Ronnie L. Kimble, and on 3 September 1998, a Guilford County jury convicted me on count(s) of first-degree murder, first-degree arson, and conspiracy to commit murder. I was consequently given sentence(s) of Life without parole, 55 to 75 months, and 135 to 171 months, respectively. With the excessive amount of time I'm expected to serve, hopefully you can understand my persistence to seek the most effective legal representation, which I'm optimistic will ultimately result in my being exonerated of such a hideous crime.

I surmise your office probably receives numerous request for assistance, from criminal defendants who consistently profess their innocence. However, I'm sure an evaluation of the circumstances in my case are extraordinary, if not compelling, so if you could advise me on the course of action I should pursue in alleviating what I consider valid concerns about my present legal counsel, I would sincerely appreciate it.

At the present, my court-appointed (appellate) counsel is comprised of attorney(s) Mr. W. David Lloyd and Mr. John B. Hatfield, of Greensboro. Both of these attorneys represented me during trial proceedings for the above referenced charges, and it is my belief that their incompetence and blatant refusal to put my best interest affront, that resulted in my being wrongfully convicted.

There are several aspects of my trial representation that I was dissatisfied with, [such as timely objections at trial to avoid a procedural forfeiture of specific issues and an irrevocable conflict with attorney, John Hatfield] but in lieu of the jury's adverse decision and my present dilemma, my primal concern regard presenting issues on appeal that will focus the Appellate Court's attention on the fundamental errors of my trial. I realize the significance of filing an effective appeal, so at this stage of the criminal process, I believe it is critical to have confidence in my lawyer(s) ability to effectively appeal my conviction.

The conflict with my lawyers exceeds far beyond a simple breakdown in communication; it is us my strong belief that my trial (appellate) attorneys specific omissions failed to meet the prevailing professional norms of defense counsel. Despite my reasonable efforts to overcome inhibitions about my appellant counsel, so I believe it would be in my best interest to file a MOTION TO AFFIRM, and possibly move the court for substitution of counsel.

As briefly as possible, I will try to summarize the problems I'm experiencing with my lawyers:

On 1 June 1999, I received a letter (dated 5/28/99) from attorney, David Lloyd, specifically stating he was three-quarters away from completing the assignment of errors in the transcript, and he expressed his optimism of my being granted a new trial. In closing, Mr. Lloyd advised that he would forward me a copy of the record on appeal, as soon as he completed it and filed it. Prior to receiving Mr. Lloyd's letter, I had not spoken to either one of my attorneys since 4 September 1998, Despite the fact that several weeks before receiving Mr. Lloyd's letter, I sent a correspondence to him through my parents. In that letter, I distinctly recall asking my attorney(s) to delay filing my record on appeal, until after I'd had an opportunity to thoroughly review it, as Mr. Lloyd's response exemplifies, my request was ignored.

On 11 June 1999, I mailed letters (dated 6/8/99) to my attorneys, reiterating my insistence to review any and all post-documents they intended to file on my behalf, and I voiced concerns that it appeared they were not cooperating with me because they are failing to keep me abreast on any developments in my case. In response to (dated 6/8/99) my letter, Mr. Hatfield denied depriving me of and opportunity to have some input in my case, however, his negating to respect my request for various documents and blatant refusal to respond to specific questions I have regarding my appeal, substantiates my complaint.

Upon receiving Mr. Hatfield's (6/14/99) letter, I felt the rapport with my attorney(s) should have been more harmonious, considering that both of them were interested to seemingly "fighting of my life" within the judicial process. So, I took the initiative to send additional letters to Mr. Lloyd and Mr. Hatfield, apologizing for any misunderstanding, to hopefully dispel any personal conflicts, and concentrate on the issue of my appeal. Moreover, I made assurances to Mr. Hatfield and Mr. Lloyd that I would excise more patience, but I still insisted on being provided with copies of documents relevant to my case, as well as a phone conference with them, to discuss vital questions I have. I did not believe these request were unreasonable, however, on 24 June 1999, I received a reply from Mr. Hatfield stating that he and Mr. Lloyd were declining my requests. More specifically, he stated, "I'm not aware that you have reason to expect anything to be sent to you until your appeal is filed..." Mr. Hatfield further stated, "At the present time I'm not planning to send you anything whatsoever. I also have no plans to have a telephone conference with you." Mr. Hatfield also cited "expenses" as another reason for refusing to send me pertinent documents to my case.

On or about 12 August 1999, I received a copy of the record on appeal, from my appellate attorney, Mr. Lloyd, and a brief letter (dated 8/10/99) explaining the context of the issues he intended to raise. What I found frustrating about this matter, is that this is a tiny reflection of the little regard my attorney(s) have of my opinion, because as I previously mentioned, I distinctly told them on numerous occasions to permit me to review all documents related to my case.

I would emphasize, that I insisted on reviewing any documents drafted or provided for my attorney(s), because I wanted to be certain specific issues of errors were raised. My evaluation of the ASSIGNMENTS OF ERROR [page 83-86] from the record of appeal was surprisingly good, and Mr. Lloyd raised some valid issues. However, in lieu of my attorney(s) refusal to confer with me about issues I believe have merit, many arguments were excluded. [I took the liberty of attaching copies of the ASSIGNMENTS OF ERROR - for your review] In a letter addressed to Mr. Lloyd (dated 9/19/99), I asked for more cooperation in considering issues I raised, and I pointed out possible prosecutorial misconduct in my case. [I also took the liberty of enclosing a copy of the letter for your review]

On 6 October 1999, I received a response from Mr. Lloyd, complimenting me on my persistence, but again declined to consider presenting issues and errors, I independently discovered.

On 28 October 1999, I received copies of an (appeal) BRIEF from Mr. Lloyd. I thoroughly read the documents Mr. Lloyd filed on my behalf, and concluded that I was somewhat dissatisfied with my attorney's resistance of accepting issues I raised.

On 25 October 1999, I received a copy of the state's responsive pleadings, to my attorney's (appeal) BRIEF. My attorney, Mr. Lloyd sent an accompanying letter, explaining the context of the state's response.

I surmise, you are probably saying, that it seems as if my attorney(s) have my best interest at heart, however, along with a clear lack of communication between my attorney(s) and I, there is evidence of ineffective assistance of counsel. To illustrate my point, I would like to point out that even the Attorney General's office emphasized that crucial errors had some conceivable effect on the outcome of my trial proceedings. The initial response in the state's reply was, "the defendant does not contend that the evidence is insufficient to convict him of murder and arson, and as Whidden's testimony is summarized in detail in the state's first argument, the state will not recite all of the evidence here..."

The preceding statement demonstrates that even the N.C. Attorney General's office recognizes the incompetence of my current defense counsel. Ironically, the same issue the state asserts was neglected to be raised by my attorney(s), is just one of the issues I have repeatedly asked both of my attorneys to consider.

Although it seems that I'm critical of my legal representation, I also understand that the prosecuting attorney (Richard Panosh) was maliciously instrumental in my being wrongfully convicted for crime(s) I've been accused of committing. Mr. Panosh did not seek to prosecute this case, in the interest of justice, but to persecute me and my family in the interest of self-gratification. Prior to and during my trial, there were numerous acts committed by Mr. Panosh that could be characterized as PROSECUTORIAL MISCONDUCT, and I specifically pointed this out to my appellate defender(s). [see attached letter to attorneys: dated 9/19/99] Here are just two examples, that I believe have some significance:

(1) Questions regarding whether Mr. Panosh tampered with evidence. In fact, I've recently received information that the Guilford County District Attorney's office is being investigated for possible corruption and prosecutorial misconduct; and

(2) In his closing argument, Mr. Panosh made improper remarks about the credibility of one of the state's witnesses (Whiddens). It has been long established, that such "vouching" is characterized as PROSECUTORIAL MISCONDUCT, and should result in reversible error, since Mr. Panosh's remarks prejudicially affected my substantive rights.

Based upon the foregoing, I sincerely pray you can understand why I'm imploring for any information and assistance your office can provide. As you are probably aware, I have to take this case very seriously, because not only was I wrongly convicted, but I also have been sentenced to life in prison. This is a significant adjustment for a man who has never been in trouble, thinks highly of family values, respects the law, served his country, and has a deeply religious background. My attorney(s) have been non-chalet about the complexity of my case, and have implied to my family that I should be content with the sentence(s) I'm currently serving. This is totally unacceptable to me, and I'm unable to sit back and watch my attorney(s) nullify my opportunity for post-conviction relief.

Again, any assistance rendered to answering my questions and concerns would be deeply appreciated.

Respectfully,

Ronnie L. Kimble
0628799
Odom Corr. Inst.
Route 1, Box 36
Jackson, NC 27845

ASSIGNMENTS OF ERROR

1. The trial court committed reversible error in allowing into evidence hearsay statements of the deceased victim in violation of the defendant's right to confront and cross examine witnesses against him guaranteed under the state and federal constitutions as well as in violation of North Carolina law.

Record pp 25-27.

Evid. T pp 37-43.

Evid. T p 47, lines 21-25; p 48 lines 1-8.

Evid. T pp 80-87.

Evid. T p 146, lines 7-16.

Evid. T p 149, lines 15-18.

Evid. T p 179, lines 24-25.

Evid. T p 209, lines 1-7; p 210, line 1-2.

Evid. T pp 663-674; p 675, lines 21-23.

Evid. T pp 679-684.

Evid. T pp 702-709.

Evid. T p 709, lines 11-24; p 716, lines 5-7.

Evid. T p 805, lines 16-23.

Evid. T p 807, lines 23-25.

2. The trial court committed reversible error in allowing into evidence hearsay statements of codefendant Ted Kimble in violation of the defendant's state and federal constitutional rights to confront and cross examine the witnesses against him as well as in violation of North Carolina law.

Record pp 20-24.

Evid. T p 142, lines 2-19.

Evid. T p 174, lines 1-6.

Evid. T p 211, lines 5-10; p 213, lines 7-10.

Evid. T p 620, lines 18-25; p 621, lines 1-15.

Evid. T p 774, lines 20-21.

Evid. T p 801, lines 19-25; p 802, line 1.

Evid. T p 805, lines 16-23.

Evid. T p 938, lines 10-19.

Evid. T pp 954-956.

Evid. T p 957, lines 7-8.

Evid. T p 993, lines 18-25.

Evid. T p 1006, line 25; p 1007, line 1.

Evid. T p 1025, lines 19-25; p 1026, lines 1-18.

Evid. T p 1031, line 25; p. 1032, 1-12.

Evid. T p 1068, lines 7-15.

Evid. T p 1121, lines 12-14.

Evid. T p 1178, lines 12-13.

Evid. T p 1383, lines 13-19.

Evid. T p 2658, lines 8-9.

3. The trial court committed error in allowing the introduction of the report of the SBI ballistics expert on direct examination.

Evid. T p 502, lines 14-17.

4. The trial court committed error in allowing the introduction of two reports of the SBI serology expert on direct examination.

Evid. T p 511, lines 7-9.

5. The trial court committed reversible error in allowing in testimony concerning instances of alleged insurance fraud on the part of the codefendant Ted Kimble.

Evid. T p 605, lines 22-25; p. 606, lines 1-15, lines 20-23; pp 607-164.

6. The trial court committed error in allowing the introduction of the report of the SBI hair identification expert on direct examination.

Evid. T p 925, lines 3-5.

7. The trial court committed error in allowing the introduction of the report of the SBI arson expert on direct examination.

Evid. T p 929, lines 8-11.

8. The trial court committed reversible error in denying the defendant's right to full and effective cross examination and confrontation under the state and federal constitutions and the rules of evidence by not allowing the defendant to pose a series of questions on cross examination to the prosecution's lead detective.

Evid. T p 1326, lines 5-6.

Evid. T p 1334, line 25; p 1335, line 1.

Evid. T p 1335, lines 17-24.

Evid. T p 1336, lines 12-13.

Evid. T p 1336, lines 17-21.

Evid. T p 1376, lines 2-4.

9. The trial court committed reversible error in allowing in prior statements of the prosecution's main witness, Mitch Whidden, which did not corroborate his testimony and contained

improper comments which would not have been admissible even on direct testimony.

Record pp 47-50.

Evid. T p 1663, lines 4-5.

Evid. T p 1676, lines 1-3.

10. The trial court committed reversible error in allowing publication of prior statements of a critical prosecution witness, Rob Nichols, which did little to corroborate his testimony and contained improper comments which would not have been admissible even on direct testimony.

Record pp 28-46.

Evid. T p 1691, lines 4-11.

11. The trial court erred in sustaining prosecution objections to leading questions of the defendant concerning whether he and his codefendant brother did various conspiratorial acts together in violation of the defendant's right to present a full and effective denial of the charges against him.

Evid. T p 2053, lines 20-25.

Evid. T p 2054, lines 18-20.

Evid. T p 2055, lines 1-3.

Evid. T p 2055, lines 19-23.

Evid. T p 2056, lines 13-17.

12. The trial court erred in allowing the prosecutor to ask the defendant to identify the pictures from his jail cell of a female jailor whom he was alleged to have had an affair with after the defendant's wife had already testified that she had filed for divorce and he had acknowledged that fact.

Evid. T p 2236, lines 13-25.

13. The trial court erred in allowing the prosecutor to question the defendant about whether he was aware his parents had told him they were claiming to be living in his trailer so that his codefendant brother could fraudulently claim the higher living expenses of living in the parents' house on his insurance.

Evid. T p 2267, lines 17-25; p 2268, lines 1-18.

14. The trial court committed reversible error in allowing the testimony on collateral matters of the defendant's former girlfriend who testified she had been coerced into an abortion by the defendant and his codefendant brother after she had been

impregnated by the defendant when she was 16 years old and the defendant's stalking of her when they broke up.

Evid. T p 2565, lines 12-13.

Evid. T p 2572, lines 12-14.

RONNIE L. KIMBLE 0628799
ODOM CORR. INST. RT. 1 BOX 36
JACKSON, N.C. 27845

19 SEPTEMBER 1999

W. DAVID LLOYD
101 SOUTH ELM ST., SUIT 310
GREENSBORO, NC 27401

DEAR DAVID:

I KNOW THAT YOU DO NOT PLAN TO ADDRESS ALL OF THE ERRORS BUT I HAD WANTED THESE REVERSIBLE ERRORS AND PLAIN ERRORS TO BE HEARD SO PLEASE FILE A MOTION TO HAVE THESE ADDED TO THE APPEAL ON RECORD. ALSO, PLEASE DO MORE RESEARCH AND ADD ANY CASE LAW OR APPLICABLE LEGAL STANDARD WHICH APPLIES AS TO PRESENT THESE ERRORS EFFECTIVELY WITH MERIT.

THE STATES EVIDENCE WAS INSUFFICIENT AND CONTRADICTING.
N.C.G.S. § 15A-1442 (3) , N.C.G.S. § 15A-1443 (A)-(B)

PRIOR TO 1600 THERE IS NO QUESTION THAT PATRICIA WAS STILL ALIVE SO STARTING AT 1600. EVID. T P 1198 LINES 11-15 DET. CHURCH GAVE THE DISTANCE AND TIME OF TRAVEL FROM LYLES BUILD. MAT. TO BRANDON STATION COURT. WHICH WAS 12.1 MILES AND TOOK 18 MIN. EVID. T P 1199 LINES 5-8 DET. CHURCH GAVE THE DISTANCE AND TIME FROM BRANDON STATION COURT TO MY HOUSE. WHICH WAS 8.3 MILES AND TOOK 10 MIN. EVID. T P 1381 LINE 1 DET. CHURCH ANSWERED THAT PATRICIA'S DEATH WAS SHORTLY AFTER 1600. (IN ONE OF

MY BROTHERS HEARINGS?) MR. PANISH STATED THAT PATRICIA DIED AT 1600. EVID. T P 1380 LINES 22 - T P 1381 LINE 8 WHEN READ IN CONTEXT DET. CHURCH IS SAYING I LEFT LYLES SHORTLY AFTER 1600. ALTHOUGH HE WAS CUT OFF BY OBJECTION. EVID. T P (? CLOSING ARGUMENTS?) MR. PANISH STATED AND WROTE ON THE BOARD THAT I WAS AT LYLES AT 1600. EVID. T P 2095 LINE 8 I ANSWERED THAT I LEFT LYLES SOMETIME AFTER 1615

ALL OF THIS EVIDENCE SUPPORTS MY ALIBI AND WHEN YOU CONSIDER THE CREDIBILITY OF MY ALIBI WITNESSES, (UNDER THESE CIRCUMSTANCES NO-ONES IN-LAWS OR WIFE WOULD LIE BECAUSE THEY WOULD FEAR FOR THEIR OWN LIVES), IT WAS IMPOSSIBLE FOR ME TO HAVE COMMITTED THIS CRIME BECAUSE THERE WAS NOT ENOUGH TIME.

WHEN YOU PLACE A TIME ON THE EVIDENCE AND NATURAL KNOWN FACTS OF WHAT WOULD HAVE HAD TO OCCUR THE TIME GOES BEYOND 1700. EVEN IF I HAD BEEN GETTING IN THE CAR TO LEAVE LYLES WHEN MR PANISH SAID I WAS THERE I COULD HAVE NEVER BEEN AT THE HOUSE BEFORE PATRICIA, (ACCORDING TO DET. CHURCH), OR TO MY HOME BEFORE JAMES STUMP.

WHEN YOU PRESENT THIS ERROR PLEASE MAKE THE CONTRADICTIONS CLEAR AND DRAW A PICTURE THAT WILL MAKE THE JUDGES THINK OF THE TIME IT WOULD TAKE DOWN TO THE SMALLEST DETAIL.

MR. PANISH INTENTIONALLY MISLEAD AND DECEIVED THE JURY THROUGH OUT THE TRIAL. N.C.G.S. § 14-230. HE RECKLESSLY MADE FALSE STATEMENTS AND USED IMPROPER METHODS CALCULATED TO PRODUCE A WRONGFUL CONVICTION. 18 U.S.C.A. § 1001. IN DOING SO HE VIOLATED MY RIGHTS UNDER THE DUE PROCESS CLAUSE. BECAUSE OF MR PANISH'S INTENTIONAL PROSECUTORAL MISCONDUCT THESE ERRORS SHOULD DEMAND REVERSAL.

I DO NOT HAVE THE CLOSING ARGUMENTS YET SO I CANNOT PIN POINT THE BEST SUPPORTING ERRORS. I EXPECT AND TRUST THAT YOU WILL STATE THE "PLAIN ERRORS" AS WELL AS THE REVERSIBLE ERRORS CONCERNING THIS ISSUE.

1. MR. PANISH MISUSED, MISSTATED, ALTERED, AND WITHHELD EVIDENCE. 18 U.S.C.A. § 1001.
 - A. HE ALTERED THE EVIDENCE BY PLACING A BATTERY IN THE LAZER SIGHT ON THE GUN WHICH DID NOT WORK. N.C.G.S. § 14-221.1
 - B. HE WITHHELD EITHER TWO OR THREE LETTERS BETWEEN JANET AND I THAT SPOKE OF ENDING THE LETTER WRITING.
 - C. I WAS INTERROGATED AND SPENT 11 HOURS IN CUSTODY BEFORE GUILFORD COUNTY READ ME MY MIRANDA RIGHTS. THE JAG. OFFICERS, (LEGAL REPRESENTATIVES OF THE MARINE CORPS.) READ ME MY MIRANDA RIGHTS AND HAD ME SIGN A WAIVER OR ACKNOWLEDGMENT SHEET BEFORE TALKING TO ME ABOUT SIGNING MY RELEASE

OVER TO GUILFORD COUNTY BUT AFTER EXPLAINING THEIR PURPOSE. MR. PANISH MISUSED A COPY OF THAT SHEET TO DECEIVE THE COURT AND JURY INTO BELIEVING THAT IT COVERED GUILFORD COUNTY'S RESPONSIBILITY OF READING ME MY MIRANDA RIGHTS. (IF THEY WERE SO TRUTHFUL THEN WHY DIDN'T THEY CALL THE N.I.S. AGENTS TO THE STAND?!) N.C.G.S. § 15A-501. (5)

- D. HE MISLEAD THE JURY TO BELIEVE THAT I HAD LIED ON MY ENLISTMENT PAPERS AND FRAUDULENTLY ENTERED THE MARINE CORPS.
- E. HE MISLEAD THE JURY TO BELIEVE THAT I HAD NEVER BEEN DIAGNOSED WITH A SLEEPING DISORDER, THAT I REQUESTED DISABILITY, AND THAT I WAS FRAUDULENTLY TRYING TO GET DISABILITY. HE LEAD THEM TO BELIEVE THAT THE SLEEPING DISORDER IN WHICH THE MARINE CORPS DIAGNOSED ME WITH WAS NOTHING MORE THAN EXCESSIVE SLEEPINESS.
- 2. MR. PANISH BROKE THE RULES OF CLOSING ARGUMENTS, STATE, AND FEDERAL LAWS. (N.C. TRIAL PRACTICE) N.C.T.P. § 6-6 RULE OF CLOSING ARGUMENTS, N.C.G.S. § 15A-1230
 - A. HE DISCREDITED MY WITNESSES WITH NO EVIDENCE TO SUPPORT HIS ACCUSATIONS.
 - B. HE READ A QUOTE FROM THE APOCRYPHA AND STATED THAT MITCH W. BELIEVED IT. THERE WAS NO SUPPORTING EVIDENCE, IT WAS HIS PERSONAL BELIEF, AND IT WAS AN APPEAL TO THE PASSIONS OF

THE JURY.

- C. HE STATED IN REFERENCE TO MITCH W., "THIS IS A MAN WHO HAS GIVEN HIS ENTIRE LIFE TO GOD," "HE COULD NOT STAND BEFORE YOU, PUT HIS HAND ON THAT BIBLE AND SAY A FALSE STATEMENT. AGAIN THIS WAS HIS PERSONAL BELIEF WITH NO SUPPORTING EVIDENCE, IT WAS AN APPEAL TO THE PASSIONS OF THE JURY, AND IT WAS AGAINST THE LAW! N.C.G.S. 8C-1 RULE 601 FED. R. EVID. RULE 610.
- D. HE STATED, "THERE WAS A RELATIONSHIP BETWEEN RONNIE AND TED, NO MATTER HOW MUCH HE WANTS TO DENY IT'S TRUE." THIS WAS HIS PERSONAL BELIEF WITH NO SUPPORTING EVIDENCE.
- E. HE STATED, THAT I WAS TRYING TO GET DISABILITY OUT OF THE MARINE CORPS JUST LIKE MY FATHER. THIS WAS A FALSE STATEMENT AND AGAINST THE LAW. 18 U.S.C. § 1001. THIS STATEMENT IS DEFAMATION AGAINST MY FATHER! MY FATHER WAS NEVER IN THE MILITARY. THIS STATEMENT AND OTHER HAS LAUSE MY FATHER PROBLEMS.

PLEASE SEND ME A COPY OF THE APPEAL INFORMATION STATEMENT.

DAVID, I AM IN NO WAY INSULTING YOUR ABILITY. I KNOW THAT YOU HAVE MANY OTHER CLIENTS TO REPRESENT AND YOU DON'T HAVE THE TIME TO DO THE AMOUNT OF RESEARCH FOR EACH CASE THAT

YOU'D LIKE TOO. I'M NOT A LAWYER OF ANY KIND BUT I KNOW THESE ARE STRONGLY SUPPORTED ERRORS FROM THE CASE LAW THAT I'VE READ. THAT IS WHY I WANT THEM TO BE HEARD. IT IS ALSO WHY I HAD WANTED TO DISCUSS THESE AND OTHERS WITH YOU BEFORE YOU FILED THE APPEAL ON RECORD. I KNOW THAT IT SHOULD BE KEPT BRIEF AND THAT IS WHY I ONLY WANT THESE TWO ADDED. BESIDES WHILE I MAY SEE THE OTHER ERRORS AS REVERSIBLE ERRORS, ACCORDING TO THE CASE LAW I'VE READ THEY WOULD BE WEAK AND MAYBE CONSIDERED HARMLESS. I'LL STILL WRITE THEM OUT AND SEND THEM TO YOU JUST INCASE YOU SEE THEM DIFFERENTLY BECAUSE THEY MAY BE WORTH MENTIONING IF YOU DO AN ORAL BRIEF?!

A QUICK NOTE! I'M SURE THAT YOU ALREADY KNOW BECAUSE I SEEN THAT YOU CITED THE SINGLETON CASE IN A PRETRIAL MOTION BUT TO BE SURE..... IT IS NOW A LAW THAT A FED. COURT DA. CANNOT OFFER LENIENCY IN EXCHANGE FOR TESTIMONY!!

ONE LAST THING! EVERYTHING I'VE LEARNED HAS BEEN THROUGH MY EXPERIENCE OF THE TRIAL BUT MOSTLY FROM LAW BOOKS. IF YOU KNOW OF AND HAVE TIME WOULD YOU PLEASE RECOMMEND A PARALEGALS HANDBOOK. I'M NOT SURE WHERE TO ORDER ONE FROM. THANK YOU DAVID!
I ALSO SINCERELY THANK YOU FOR YOUR HARD WORK AND WOULD APPRECIATE YOUR ASSISTANCE IN ADDING THESE ERRORS.

Free In Christ,

Ronnie L. Kimble

CERTIFICATE OF SERVICE

PAGE 7

I, THE UNDERSIGNED HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE PURPOSED REVERSIBLE ERRORS AND PLAIN ERRORS THAT I REQUEST TO BE ADDED TO THE APPEAL ON RECORD UPON THE PARTIES INDICATED BELOW, BY PLACING THE SAME IN A ENVELOPE AND PLACING THE ENVELOPE IN THE MAIN HALL MAIL BOX AT ODOM CORRECTIONAL INSTITUTION ADDRESSED AS FOLLOWS:

W. DAVID LLOYD
ATTORNEY AND COUNSELLOR AT LAW
101 SOUTH ELM ST., SUITE 310
GREENSBORO, NC 27401

JOHN B. HATFIELD, JR.
ATTORNEY AT LAW
219 W. WASHINGTON ST.
GREENSBORO, NC. 27401

PETITIONER: Ronnie L. Hinkle
0628799
ODOM CORR. INST.
RT 1 BOX 36
JACKSON, NC 27845

SUBSCRIBED AND SWORN TO
BEFORE ME, Ol L Mauts
THIS 21ST DAY SEPTEMBER 1999
MY COMMISSION EXPIRES 02-19-03

MARCH 2, 2000

DAD OR MOM: PLEASE TYPE WITH THE FOLLOWING HEADING AND MAIL TO THE SAME - DATE TOP CENTER, LEFT MARGIN - NORTH CAROLINA PRISONER LEGAL SERVICES, INC, P.O. BOX 25397, RALEIGH, NC 27611 TO WHOM IT MAY CONCERN:

PLEASE KEEP THIS ON FILE AND DON'T BOTHER TO SEND ME A COPY UNTILL THE WEEK AFTER NEXT BECAUSE I INTEND TO SEND ANOTHER COPY TO MS. CRANE WITH ANOTHER LETTER - ASKING FOR CONFIRMATION, ASSISTANCE IN FINDING AN ATTORNEY, AND A COMPLAINT AGAINST PAVOSH !!!

Thank you for your valuable time. I am writing to respectfully request if you could review several issues relevant to my criminal conviction and legal representation. I realize how highly unorthodox this request may be during the appeal process, but I am contemplating asking an appellate court to relieve counsel currently representing me, and if possible, I need your legal expertise to advise me about the alternatives available for me to pursue.

My name is Ronnie L. Kimble, and on 3 September 1998, a Guilford County jury convicted me on count(s) of first-degree murder, first-degree arson, and conspiracy to commit murder. I was consequently given sentence(s) of life without parole, 55 to 75 months, and 135 to 171 months, respectively. With the excessive amount of time I am expected to served, hopefully you can understand my persistence to seek the most effective legal representation, which I am optimistic will ultimately result in my being exonerated of such a hideous crime.

I SURMISE YOUR OFFICE PROBABLY RECEIVES NUMEROUS REQUESTS FOR ASSISTANCE, FROM CRIMINAL DEFENDANTS WHO CONSISTENTLY PROFESS THEIR INNOCENCE. HOWEVER, I AM SURE AN EVALUATION OF THE CIRCUMSTANCES IN MY CASE ARE EXTRAORDINARY, IF NOT COMPELLING, SO IF YOU COULD ADVISE ME ON THE COURSE OF ACTION I SHOULD PURSUE IN ALLEVIATING WHAT I CONSIDER VALID CONCERNS ABOUT MY PRESENT LEGAL COUNSEL, I WOULD SINCERELY APPRECIATE IT.

AT THE PRESENT, MY COURT-APPOINTED [APPELLATE] COUNSEL IS COMPRISED OF ATTORNEY(S) MR. W. DAVID LLOYD AND MR. JOHN B. HATFIELD, OF GREENSBORO. BOTH OF THESE ATTORNEYS REPRESENTED ME DURING TRIAL PROCEEDINGS FOR THE ABOVE REFERENCED CHARGES, AND IT IS MY BELIEF THAT THEIR INCOMPETENCE AND BLATANT REFUSAL TO PUT MY BEST INTEREST AFRONT, THAT RESULTED IN MY BEING WRONGFULLY CONVICTED.

THERE ARE SEVERAL ASPECTS OF MY TRIAL REPRESENTATION THAT I WAS DISSATISFIED WITH, [SUCH AS TIMELY OBJECTIONS AT TRIAL TO AVOID A PROCEDURAL FORFEITURE OF SPECIFIC ISSUES AND AN IRREVOCABLE CONFLICT WITH ATTORNEY, JOHN HATFIELD] BUT IN LIEU OF THE JURY'S ADVERSE DECISION AND MY PRESENT DILEMMA, MY PRIMAL CONCERN REGARD PRESENTING ISSUES ON APPEAL THAT WILL FOCUS THE APPELLATE COURT'S ATTENTION ON THE FUNDAMENTAL ERRORS OF MY TRIAL. I REALIZE THE SIGNIFICANCE OF FILING AN EFFECTIVE APPEAL, SO AT THIS STAGE OF

the CRIMINAL PROCESS, I believe it is CRITICAL to have CONFIDENCE in my LAWYER(S)' ability to effectively APPEAL my CONVICTION.

The conflict with my LAWYERS EXCEEDS far beyond a simple BREAKDOWN in communication; it is my STRONG belief that my TRIAL (Appellate) ATTORNEYS specific OMISSIONS failed to meet the PREVAILING PROFESSIONAL NORMS of DEFENSE COUNSEL. Despite my REASONABLE efforts to OVERCOME inhibitions about my APPELLANT COUNSEL, the DEFICIENCY in their COOPERATION AND PERFORMANCE CONTINUES, so I believe it would be in my best INTEREST to file a MOTION TO AFFIRM, and possibly MOVE the COURT for Substitution of Counsel.

As briefly as possible, I will try to SUMMARIZE the PROBLEMS I AM EXPERIENCING with my LAWYERS:

ON 1 JUNE 1999, I RECEIVED A LETTER (dated 5/28/99) FROM ATTORNEY, DAVID LLOYD, specifically stating he was THREE-QUARTERS AWAY from completing the ASSIGNMENT of ERRORS in the TRANSCRIPT, and he expressed his OPTIMISM of my being granted A NEW TRIAL. In closing, MR. LLOYD advised that he would FORWARD ME A copy of the RECORD ON APPEAL, AS SOON AS he completed it and filed it. PRIOR to RECEIVING MR. LLOYD'S letter, I had NOT spoken to EITHER ONE of my ATTORNEYS SINCE 4 SEPTEMBER 1998, despite the fact that SEVERAL

WEEKS BEFORE RECEIVING MR. LLOYD'S LETTER, I SENT A CORRESPONDENCE TO HIM THROUGH MY PARENTS. IN THAT LETTER, I DISTINCTLY RECALL ASKING MY ATTORNEY(S) TO DELAY FILING MY RECORD ON APPEAL, UNTIL AFTER I'D HAD AN OPPORTUNITY TO THOROUGHLY REVIEW IT; AS MR. LLOYD'S RESPONSE EXEMPLIFIES, MY REQUESTS WERE IGNORED.

ON 11 JUNE 1999, I MAILED LETTERS (DATED 6/8/99) TO MY ATTORNEYS, REITERATING MY INSISTENCE TO REVIEW ANY AND ALL POST-CONVICTION DOCUMENTS THEY INTENDED TO FILE ON MY BEHALF, AND I VOICED CONCERNS THAT IT APPEARED THEY WERE NOT COOPERATING WITH ME BECAUSE THEY ARE FAILING TO KEEP ME ABREAST ON ANY DEVELOPMENTS IN MY CASE. IN RESPONSE TO (DATED 6/14/99) MY LETTER, MR. HATFIELD DENIED DEPRIVING ME OF AN OPPORTUNITY TO HAVE SOME INPUT IN MY CASE, HOWEVER, HIS NEGATING TO RESPECT MY REQUEST FOR VARIOUS DOCUMENTS AND BLATANT REFUSAL TO RESPOND TO SPECIFIC QUESTIONS I HAVE REGARDING MY APPEAL, SUBSTANTIATES MY COMPLAINT.

UPON RECEIVING MR. HATFIELD'S (6/14/99) LETTER, I FELT THE RAPPORT WITH MY ATTORNEY(S) SHOULD HAVE BEEN MORE HARMONIOUS, CONSIDERING THAT BOTH OF THEM WERE ENTRUSTED TO SEEMINGLY "FIGHTING FOR MY LIFE" WITHIN THE JUDICIAL PROCESS. SO, I TOOK THE INITIATIVE TO SEND ADDITIONAL LETTERS TO MR. LLOYD AND MR. HATFIELD, APOLOGIZING FOR ANY MISUNDERSTANDING, TO HOPEFULLY DISPEL ANY PERSONAL CONFLICTS, AND CONCENTRATE ON THE ISSUES OF

My appeal. Moreover, I made assurances to Mr. Hatfield and Mr. Lloyd that I would exercise more patience, but I still insisted on being provided with copies of documents relevant to my case, as well as a phone conference with them, to discuss vital questions I have. I did not believe these requests were unreasonable, however, on 24 June 1999, I received a reply from Mr. Hatfield stating that he and Mr. Lloyd were declining my requests. More specifically, he stated, "I am not aware that you have reason to expect anything to be sent to you until your appeal is filed..." Mr. Hatfield further stated, "At the present time I am not planning to send you anything whatsoever. I also have no plans to have a telephone conference with you." Mr. Hatfield also cited "expenses" as another reason for refusing to send me pertinent documents to my case.

On or about 12 August 1999, I received a copy of the record on appeal, from my appellate attorney, Mr. Lloyd, and a brief letter (dated 8/10/99) explaining the context of the issues he intended to raise. What I found frustrating about this matter, is that this is a tiny reflection of the little regard my attorney(s) have of my opinion, because as I previously mentioned, I distinctly told them on numerous occasions to permit me to review all documents related to my case.

I would emphasize, that I insisted on reviewing any documents drafted or provided for my attorney(s), because I wanted to be certain specific issues of errors were raised. My evaluation of the assignments of error [pages 83-86] from the record of appeal was surprisingly good, and Mr. Lloyd raised some valid issues. However, in lieu of my attorney(s) refusal to confer with me about issues I believe have merit, many arguments were excluded. [I took the liberty of attaching copies of the assignments of error - for your review] In a letter addressed to Mr. Lloyd (dated 9/19/99), I asked for more cooperation in considering issues I raised, and I pointed out possible prosecutorial misconduct in my case. [I also took the liberty of enclosing a copy of the letter for your review]

On 16 October 1999, I received a response from Mr. Lloyd, complimenting me on my persistence, but again declined to consider presenting issues and errors, I independently discovered.

On 28 October 1999, I received copies of an (appeal) brief from Mr. Lloyd. I thoroughly read the documents Mr. Lloyd filed on my behalf, and concluded that I was somewhat dissatisfied with my attorneys' resistance of accepting issues I raised.

On 25 February 2000, I received a copy of the state's responsive

pleadings, to my attorney's (appeal) BRIEF. My attorney, Mr. Lloyd sent an accompanying letter, explaining the context of the state's response.

I surmise, you are probably saying, that it seems as if my attorney(s) have my best interest at heart, however, along with a clear lack of communication between my attorney(s) and I, there is evidence of ineffective assistance of counsel. To illustrate my point, I would like to point out that even the Attorney General's office emphasized that crucial errors had some conceivable effect on the outcome of my trial proceedings. The initial response in the state's reply was, "the defendant does not contend that the evidence is insufficient to convict him of murder and arson, and as Whidden's testimony is summarized in detail in the state's first argument, the state will not recite all of the evidence here...."

The preceding statement demonstrates that even the N.C. Attorney-General's office recognizes the incompetence of my current defense counsel. Ironically, the same issue the state asserts was neglected to be raised by my attorney(s), is just one of the issues I have repeatedly asked both of my attorneys to consider.

Although it seems that I am critical of my legal representation,

I also understand that the prosecuting attorney (Richard Panosh) was maliciously instrumental in my being wrongfully convicted for crime(s) I've been accused of committing. Mr. Panosh did not seek to prosecute this case, in the interest of justice, but to persecute me and my family in the interest of self-gratification. Prior to and during my trial, there were numerous acts committed by Mr. Panosh that could be characterized as prosecutorial misconduct, and I specifically pointed this out to my appellate defender(s). [See attached letter to attorneys: dated 9/19/99] Here are just two examples, that I believe have some significance:

(1) Questions regarding whether Mr. Panosh tampered with evidence. In fact, I've recently received information that the Guilford County District Attorney's office is being investigated for possible corruption and prosecutorial misconduct; and

(2) In his closing argument, Mr. Panosh made improper remarks about the credibility of one of the state's witnesses (Whiddens). It has been long established, that such "vouching" is characterized as prosecutorial misconduct, and should result in reversible error, since Mr. Panosh's remarks prejudicially affected my substantive rights.

BASED UPON THE FOREGOING, I SINCERELY PRAY YOU CAN UNDERSTAND WHY I AM IMPLORING FOR ANY INFORMATION AND ASSISTANCE YOUR OFFICE CAN PROVIDE. AS YOU ARE PROBABLY AWARE, I HAVE TO TAKE THIS CASE VERY SERIOUSLY, BECAUSE NOT ONLY WAS I WRONGLY CONVICTED, BUT I ALSO HAVE BEEN SENTENCED TO LIFE IN PRISON. THIS IS A SIGNIFICANT ADJUSTMENT FOR A MAN WHO HAS NEVER BEEN INTO TROUBLE, THINKS HIGHLY OF FAMILY VALUES, RESPECTS THE LAW, SERVED HIS COUNTRY, AND HAS A DEEPLY RELIGIOUS BACKGROUND. MY ATTORNEY(S) HAVE BEEN NON-CHALANT ABOUT THE COMPLEXITY OF MY CASE, AND HAVE IMPLIED TO MY FAMILY THAT I SHOULD BE CONTENT WITH THE SENTENCE(S) I AM CURRENTLY SERVING. THIS IS TOTALLY UNACCEPTABLE TO ME, AND I AM UNABLE TO SIT BACK AND WATCH MY ATTORNEY(S) NULLIFY MY OPPORTUNITY FOR POST-CONVICTION RELIEF.

AGAIN, ANY ASSISTANCE RENDERED TO ANSWER MY QUESTIONS AND CONCERNS WOULD BE DEEPLY APPRECIATED.

RESPECTFULLY,

Ronnie L. Kinble
RONNIE L. KINBLE
0628799
ODEM CORR. INST.
ROUTE 1 BOX 36
JACKSON, NC 27845