Stand

NORTH CAROLINA

1998 JAN 22 PM 1: 56

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO. 97CRS-39580

GUILFORD COUNTY

GUILFORD COUNTY, C.S.C.

STATE OF NORTH CAROLINA

VS.

MOTION FOR A BILL PARTICULARS

RONNIE LEE KIMBLE,
DEFENDANT.

NOW COMES the Defendant, above named, by and through counsel, and moves the Court pursuant to the Fifth and Fourteenth Amendments to the Constitution of the United States, Article I, Sections 19 and 23 of the Constitution of North Carolina and G.S. 15A-925 for a Bill of Particulars which will provide the Defendant with the following items of factual information which are not recited in the pleadings:

- 1. Whether the state intends to rely on an acting in concert, aiding or abetting or conspiracy theory between the defendant and others as part of its proof of the defendant's guilt or punishment. Any and all facts the state would intend to rely upon to establish such a theory.
- 2. Precisely what conduct by the defendant the State will rely upon to prove that the defendant was responsible for the killing of the deceased in this case.
- 3. Whether or not the defendant was the "shooter" in this case.
- 4. Whether the state intends to introduce out-of-court statements by codefendants or conspirators to establish the defendant's responsibility. What those statements are.
- 5. With respect to the defendant, whether the state intends to rely on felony murder, premeditated or deliberated murder, or some other theory to establish the defendant's guilt and punishment for first degree murder. The facts which would establish such a theory.
- 6. Which aggravating factors the state intends to rely upon.

As grounds for the foregoing items to which a Bill of Particulars is sought, the Defendant shows the Court that the Defendant is entitled, under G.S. 15A-925, to the factual information omitted from the indictment which is necessary to adequately prepare his defense; that the Defendant needs the

foregoing factual information in order to adequately prepare his defense.

Without the above-requested information, the Defendant will be unable to adequately prepare his defense, since he will be unable to know to what allegations or theories he will be required to respond.

WHEREFORE, the Defendant respectfully requests that the Court enter an Order requiring the State to file a Bill Particulars specifying the information requested in the paragraphs above, so that the Defendant and his counsel can adequately prepare for and conduct a defense to the offenses alleged against the Defendant; and to grant such other and further relief as to the Court seems just and proper.

RESPECTFULLY SUBMITTED, this the 22day of

W. DAVID LLOYD

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