

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA)	
)	<u>From Guilford County</u>
v.)	Nos. 97 CRS 39580; 23654;
)	98 CRS 23485
RONNIE LEE KIMBLE)	

MOTION FOR EXTENSION OF TIME
 TO FILE THE BRIEF FOR THE STATE

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

NOW COMES the State of North Carolina, by and through undersigned counsel, and respectfully moves the Court pursuant to Rule 27(c) of the Rules of Appellate Procedure for entry of an order granting a forty (40) day extension of time, to and including January 7, 2000, within which to file the brief for the State in the above-captioned case.

In support of this motion the State shows the following:

1. The defendant was convicted of first degree murder, conspiracy to commit murder, and first degree arson. He was sentenced to life imprisonment without parole for the first degree murder charge. In addition, he was sentenced to 55-75 months for the arson charge, to run at the expiration of the life sentence, and 135 to 171 months on the conspiracy charge to run at the

expiration of the arson sentence. The defendant filed his brief with the Court on October 26, 1999. The defendant has brought forward five assignments of error concerning evidence and examination in a case where the transcript exceeds 2600 pages.

2. The undersigned attorney has been assigned to prepare the State's brief which is now due on November 28, 1999.

3. Counsel for the State needs the requested extension in order to have adequate time to prepare the State's responsive brief in this case. In November undersigned counsel first had to prepare for and argue on November 9, 1999, a matter against the Environmental Protection Agency in the United States Court of Appeals for the District of Columbia Circuit. The undersigned counsel is lead counsel in *BellSouth Telecom v. NC Utilities Comm.*, 99-1845, which is presently before the United States Court of Appeals, Fourth Circuit. The NC Utilities' reply brief in this matter is due on or before December 6, 1999. In addition, the undersigned has primary responsibility for legal aspects of both phases of the tobacco settlement for North Carolina, the Master Settlement Agreement (commonly called Phase 1) and the National Tobacco Growers Settlement Trust (commonly called Phase 2, with regard to which a motion to intervene was filed a week and a half

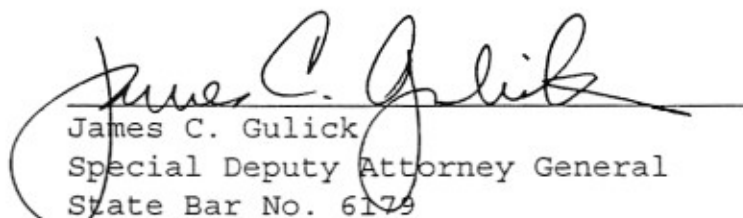
ago. Finally, undersigned counsel is planning to spend some holiday time with his family during Christmas¹.

4. The undersigned has contacted defendant's appellate counsel and he does not oppose the requested extension of time.

WHEREFORE, the State requests that the Court grant a forty (40) day extension of time, to and including January 7, 2000, for the State to file its brief.

This the 22nd day of November, 1999.

MICHAEL F. EASLEY
Attorney General



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Special Deputy Attorney General
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¹ Hence the request for a forty rather than thirty day extension, under which the State's brief would be due on December 28, 1999.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing in the above-captioned action upon all parties by depositing a copy of the same in the United States mail, first-class postage prepaid, addressed as follows:

W. David Lloyd
Attorney at Law
101 South Elm Street, Suite 310
Greensboro, NC 27401

This the 22nd day of November, 1999.


James C. Gulick
Special Deputy Attorney General

No. COA99-981

North Carolina Court of Appeals

STATE OF NORTH CAROLINA

v

RONNIE LEE KIMBLE

From Guilford (97-CRS-39580, 97-CRS-23654, 98-CRS-23485)

OFFICE OF CLERK OF NORTH CAROLINA COURT OF APPEALS

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FILED

ORDER

The following order was entered:

The motion filed in this cause on the 22nd day of November 1999 and designated "Motion For Extension of Time to File the Brief for the State" is allowed. State's brief shall be filed on or before 7 January 2000.

By order of the Court this the 22nd day of November 1999.

Witness my hand and official seal this the 22nd day of November 1999.



John H. Connell
Clerk of North Carolina Court of Appeals

cc:
Mr. James C. Gulick
Mr. W. David Lloyd
Mr. John W. Hatfield, Jr.