### State of North Carolina General Court of Justice Eighteenth Prosecutorial District

Horace M. Kimel, Jr. District Attorney (910) 574-4313

Thursday, July 30, 1998

P.O. Box 10769 Greensboro, NC 27404-0769

Mr. John B. Hatfield Attorney at Law Hatfield and Hatfield 219 West Washington St. Greensboro, NC 27401

Mr. W. David Lloyd Attorney at Law Suite 301 101 South Elm St. Greensboro, NC 27401 Mr. John Bryson Attorney at Law Wyatt Early Harris & Wheller, L.L.P. Suite 400 1912 Eastchester Drive High Point, NC 27265

Mr. Robert McClellan Attorney at Law Ivey, McClellan, Gatton & Talcott, L.L.P. P.O. Box 3324 Greensboro, NC 27402-3324

RE: Theodore Mead Kimble, and Ronnie Lee Kimble

#### Gentlemen:

Attached please find a copy of the order that I will submit to Judge Beale. If you have any questions or requests for corrections please notify me by the end of the day.

I have a transcript of the court reporter's notes in regard to the order if you need the notes to refresh your memory.

Sincerely,

Richard E. Panosh,

## STATE OF NORTH CAROLINA COUNTY OF GUILFORD

# IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

		97CRS39580
STATE OF NORTH CAROLINA	)	97CRS39581
	)	
V.	)	
	)	ORDER
THEODORE MEAD KIMBLE	)	GRANTING
RONNIE LEE KIMBLE,	)	RECIPROCAL DISCOVERY
DEFENDANTS	· )	

THESE MATTERS COMING ON TO BE HEARD, on and being heard before the undersigned Superior Court Judge, upon the motion of the State of North Carolina for reciprocal discovery. The motion was heard on May 18, 1998, during a regular session of Superior Court assigned to handle criminal matters.

Present in court are the defendants and their counsel. Representing Ronnie Lee Kimble are John B. Hatfield, Jr., and W. David Lloyd. Representing Theodore Mead Kimble are Robert McClellan and John Bryson. Representing the state is Richard E. Panosh, Assistant District Attorney. The court reviewed the motions, the files in each case and allowed counsel an opportunity to be heard.

During his statements to the court, John B. Hatfield, Jr. presented the court with an oral motion that the State provide copies to the defendant of the reports of their expert witnesses which included the experts opinion.

The court also considered other pretrial motions filed by the defendants.

After considering the information in the motion, the Superior Court files and the legal precedent submitted by counsel the Court makes the following findings of fact:

- 1. That the defendants Theodore Mead Kimble and Ronnie Lee Kimble are charged with murder in the first degree.
- 2. That the trial of these cases has been set for August 3, 1998.
- 3. That the other pending motions, including a motion to join these cases for the State of North Carolina, motions to sever for each defendant, and motions in limine are the type of motions that should be reserved to the trial court.
- 4. That the defendants, Theodore Mead Kimble and Ronnie Lee Kimble, have requested discovery from the State.
- 5. That the State of North Carolina has complied with the request and voluntary provided each defendant with discovery.
- 6. That the state, having provided discovery under 15A-903 (d) and (e), is entitled to reciprocal discovery under 15A-905(a) and (b).

#### Based upon these findings of fact the Court hereby Orders:

1. That each defendant permit the State to inspect and copy or photograph any books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects, or copies or portions thereof which are within the possession, custody, or control of the defendant and which the defendant intends to introduce in evidence at the trial.

- 2. That each defendant to permit the State to inspect and copy or photograph results from reports of physical or mental examination or tests, measurements, or experiments made in connection with this case or copies thereof within the possession and control of the defendant which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness who the defendant intends to call at the trial, if the said results of reports relate to his testimony.
- 3. Further, discovery in regard to all documents and tangible objects and in the course of examinations or tests which are now in existence, the Court orders each reciprocal discovery to be completed not later than June 15, 1998.
- 4. In regards to any witness who either defendant intends to call who has already conducted or will be conducting any tests, mental examinations, measurements or experiments shall prepare a report and the same shall be delivered to the State by July 1, 1998, unless a motion is made by defendant and a Superior Court Judge finds good cause for delay past July 1, 1998.
- 5. The provisions of this order encompass not only the guilt-innocence phase, but also the sentencing phase if a sentencing phase is conducted by the trial court.
- 6. That the pending motions to join, sever, motions in limine and other pre-trial motions which are appropriate for the trial court are deferred to the trial court. Counsel shall confer and select a date for the hearing of said motions.

In regards to Mr. Hatfield's oral motion that the State provide copies of the reports of the State's experts, to the defendant, Ronnie Lee Kimble, the Court is finds:

- 1. Richard E. Panosh has informed the Court, as an officer of the Court, that he has provided the defendants with the copies of the reports and examinations or tests and measurements, et cetera, which have been conducted in this case.
- 2. That the defense counsel believes that such reports are insufficient.

### The Court, in its discretion, enters the following Order:

- 1. Not later than June 15. 1998, the State shall provide to the defendant, a copy of or permit the defendants to inspect and copy the results or reports of any physical or mental examination or tests, measurements, or experiments made in connection with this case, which have been conducted and have not previously been provided to the defendant.
- 2. That in the event of any further test or experiment to be conducted by the State, the results and reports of the same shall be provided to the defendants as required by law under 15A-903(e), not later than July 1, 1998, unless the State makes a motion and shows good cause to a Superior Court Judge why delay should be allowed past July 1, 1998.

Done in open court, this the 18th day of May, 1998.<sup>2</sup>

Michael E. Beale Superior Court Judge Presiding

At a later date, Mr. John B. Hatfield, Jr. requested and the Court granted an extension to July 22, 1998.

granted an extension to July 22, 1998.

By consent of the parties, the court instructed the Assistant District Attorney to prepare this order which was signed out of session and out of county.

### FAX COVER SHEET

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DATE: 7-30-98	
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FROM: (NAME: Richard Panosh	
(YOUR DEPARTMENT NAME: DA'S OFFICE	
(YOUR PHONE #: 336-574-4313	_ <del>_</del>