# 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

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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	)	
v.	)	From Guilford 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48
THEODORE MEAD KIMBLE	)	
*****	V.	
	INDE	From Guilford 97 CrS 23656, 39581; 98 CrS 23486; 99 CrS 23241-48  **********  EX   1 2 4 7 8 16 16 16 17 neing 21 22 23 37 His Pleas 27 41 37 38 54 54 76 78 82
Arrest Warrants Indictments Waiver of Venue in Cases 99 CrS 2 Bills of Information Appearance of Counsel Transcript of Proceedings Exhibits Statement Concerning Defendant's Transcript of Pleas Order Transferring Venue and Cor Statement Concerning Defendant's Defendant's Pro Se Motion to Wit Order Denying Defendant's Motion Prior Record Level Worksheet Findings of Aggravating and Mitig Judgments and Commitments Defendant's Attorneys' Motion to Notice of Appeal Order Allowing Attorneys to With Appellate Entries Appointment of the Appellate Defendants of Error Certificate of Service Stipulation and Settlement of Record	23241-48s Representation attinuing Senten s Confinement. The Senten son to Withdraw gating Factors Withdraws Withdraws Withdraws fenders fenders	

#### NORTH CAROLINA COURT OF APPEALS

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STATE OF NORTH CAROLINA	)				
<b>V.</b>	) ) )	From Guilford 97 CrS 23656, 39581; 98 CrS 23486;			
THEODORE MEAD KIMBLE	)	99 CrS 23241-48			
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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.

#### Race Complainant (Name, Address Or Department, Phone No.) Name Of Defendant's Employer Social Security No. Name, Address & Telephone No. Of Defendant Offense Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) Witnesses (Names, Addresses, Phone Numbers) Date Of Service Date Issued AOC-CR-100 THEODORE MEAD KIMBLE 6318 LIBERTY 240-47-9619 JULIAN, N.C. SELF EMPLOYED. N.C. GUILFORD COUNTY SHERIFF'S DEPT DET. J.D. CHURCH 951009027 SA H.G. THE STATE OF NORTH CAROLINA VS. Z WARRANT FOR ARREST FIRST DEGREE MURDER STATE BUREAU OF INVESTIGATION Sex PENDERGRASS 3 ROAD LYLES BLD. MATERIAL Date Of Birth 12-08-69 27283 Offense In Violation Of G.S. Drivers License No. & State Date Of Offense 7546920 OCTOBER 9, N47185L Age 1995 27 N.C and in the county named above the defendant named above unlawfully, willfully and feloniously did I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below: Apistic Con information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above. This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon OF KIMBLE.. Assistant CSC MALICE AFORETHOUGHT Sudge Clerk Of Superior Court Deputy CSC KILL Location Of Court AND MURDER District Court Division PATRICIA Court Time

03958

ATE OF NORTH CAROLINA

In The General Court Of Justice

GALE

Rev. 3/95 (Structured Sentencing)

Over)

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v. 12/95 (Structure C-CR-217AS

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In	STATE OF Note the General Couraguerior Couraguilford Couraguilford Couraguilford Couraguer Coura	t Division	NA FILE	Film No.		
	STATE VERSUS		97799 - 7 P	); 15: 00		
fendant				<b>)</b> (1, 1, 10, 10).	,	
lendant	THEODORE MEAD	KTUBLE	3Y_ NJ	INDICT	MENT	
ite of Offense )-9-95		nse in Violation of G.S. 14-17			REE MURDER	
mt . !	mana for the State	e upon their oath j	oresent that on	or about October 9,	1995 and in Guilfo	rd
ounty, the d	lefendant, Thead ler Patricia Gail I	ore Mead Kimble u	ınlawfully, will	fully and feloniously	did of malice aforet	hought
		·	Ņ			
					e.	
				Signature of Prosecutor		
		WIT	NESSES	Signature of Prosecutor		
<b>)</b> 【 Det. J.	D. Church G			Signature of Protecutor		
	D. Church G	A.C.S.D.		Signature of Prosecutor		
		A.C.S.D.		Signature of Prosecutor		
Det. D	.L.DeBerry (	G.C.S.D. [	NESSES			fter
Det. D	.L.DeBerry ( witnesses marketimony, this bill	ed "X" were sworn was found to be:	NESSES  by the unders	igned Foreman of the Bill of Indictment.	e Grand Jury and a	ıfter
Det. D  The hearing tele attest the c	.L.DeBerry ( witnesses marketimony, this bill	ed "X" were sworn was found to be: twelve or more granvelve or more granvelve or more gran	by the unders	igned Foreman of th	e Grand Jury and a	ıfter

<b>ペル</b>		
STATE OF NORTH CAROLIN In the General Court of Justic		97CRS 23656
Superior Court Division GUILFORD COUNTY STATE OF NORTH CAROLINA	. O Secretary	Film No.  INDICTMENT
v. THEODORE MEADE KIMBLE	11	CONSPIRACY TO MURDER
Date of Offense October 9, 1995	# V J	Offense in Violation of G.S. 14-58 and the Common Law
THE JURORS FOR THE STATE Cabout October 9, 1995, the Defendant,	F NORTH CARO Theodore Mead the dwelling hou	PIED DWELLING  LINA, upon their oath present and find that on or Kimble did unlawfully, willfully, maliciously and se inhabited by Patricia Kimble, located at 2104
Brandon Station Court, Pleasant Garden,	in Guillord Count  COUNT I  CONSPIRA	IĻ
that on or about October 9, 1995, the feloniously that conspire, combine, confe	Defendant, Theo derate and agree lore Mead Kimble	CAROLINA, upon their oath do present and find odore Mead Kimble did unlawfully, willfully, and with Ronnie Lee Kimble to commit the felony of did agree with Ronnie Lee Kimble to murder, kill 4-17, and the common law of the State of North
		Signature of Prosecutor
	WITNESS	SES
J. D. Church Guilford County Sheriff's Departm 95-1009-0027	ent	
The witnesses marked "X" were sworn by testimony, this bill was found to be:	the undersigned	Foreman of the Grand Jury and after hearing
1 /	e grand jurors, ar grand jurors in th	nd I the undersigned Foreman of the Grand Jury, is Bill of Indictment.
Date		Signature of Grand Jury Foreman
NOV 0 3 1997		Michael Smith

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STATE OF NORTH CA In the General Court of Superior Court Division	of Justice	98CRS 23486
GUILFORD COUNTY STATE OF NORTH CAROLI v. THEODORE MEAD KIMBL	na 1998 JUL -6	Film No.  INDICTMENT FIRST DEGREE ARSON
Date of Offense October 9, 1995	BY	Offense in Violation of G.S. 14-58 and the Common Law
0.000	FIRST DEC	GREE ARSON
about October 9, 1995, the Dere Teloniously burn or cause to be b Brandon Station Court, Pleasant ( was in the dwelling.	ourned a the dwelli Garden, in Guilford	Mead Kimble did unlawfully, willfully, maliciously and ing house inhabited by Patricia Kimble, located at 2104 County NC. At the time of the burning Patricia Kimble
		•···
		Signature of Prosecutor
	WIT	nesses
J. D. Church Guilford County Sheriff's 1 95-1009-0027	Department	
The witnesses marked "X" were s testimony, this bill was found to	worn by the unders be:	signed Foreman of the Grand Jury and after hearing
	e or more grand iui	rors, and I the undersigned Foreman of the Grand Jury, rs in this Bill of Indictment.
Date		Signature of Grand Jury Foreman
JUL 0 6 1998		0/ 0 5 6

# STATE OF NORTH CAROLINA COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION
99CRS 2324

through 99CRS J3248

STATE OF NORTH CAROLINA

v.

AT 350 M.

CLERK OF SUPERIOR COURT

GUILFORD COUNTY

T 73

WAIVER OF VENUE

Theolore Karll

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 18th 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		File No.	99CRS 23241
Superior Court Division  GUILFORD COUNTY  STATE OF NORTH CAROLINA  v.  THEODORE MEAD KIMBLE	FIL  JAN 28	ED	BILL OF INFORMATION Solicitation to Commit First Degree Murder
Date of Offense On or about November 4, 1998	BY CLERK OF SUPER	IDR COURT	Offense in Violation of G.S. 14-2.6 & Common Law
	COUNT I		
I, the undersigned prosecutor, November 4, 1998, the Defendant oniously solicit William Wayne St solicit William Wayne Stewart to william Uniously solicit William Wayne Stewart to william Uniously solicit William Wayne Stewart to william Uniously 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 arties.	ewart to com illfully, delibe i.Stat. 14-17. defendant, w 14-2.6 and	nmit first rately an Said m hich was the Com	degree murder, in that he did d with premeditation, kill Rose aurder was to occur in Guilford set for January 25, 1999. This mon Law of the State of North
	Prosecu	tor	
I, the below signed defendant, waive the case may be tried upon the above infor	<b>WAIVE</b> the finding and mation.	<b>R</b> I the returr	n of a Bill of Indictment and agree that
	Date	1	28/99
	Signat	ure of the I	don Unil
	Signat	ure of Atto	gneys for the Defendant
	7	t) Hun	

File No. 99CRS 23242 STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division BIJALFORD XOUNTRILM No. **GUILFORD COUNTY** STATE OF NORTH CAROLINA ED BILL OF INFORMATION Solicitation to Commit THEODORE MEAD KIMBLE 1999 First Degree Murder Offense in Violation of G.S. Date of Offense RIOR COURT 14-2.6 & Common Law On or about November 4, 1998 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 solicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Patrick Roy Pardee, 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. nevs for the Defendant

99CRS\_23243 · File No. STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division Film No. GUILFORD COUNTY CUILFORD COUNTY STATE OF NORTH CAROLINA BILL OF INFORMATION FIL Solicitation to Commit THEODORE MEAD KIMBLE First Degree Murder JAN 23 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 icit 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 ⊬arties.

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

File No. 99CRS 23248 STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division BUILFORD COUNTY Film No. **GUILFORD COUNTY** STATE OF NORTH CAROLINA BILL OF INFORMATION Solicitation to Commit THEODORE MEAD KIMBLE JAN EB 1ED First Degree Murder Offense in Violation of G.S. Date of Offense CLERK OF SUPERIOR COURT 14-2.6 & Common Law On or about November 4, 1998 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 icit William Wayne Stewart to willfully, deliberately and with premeditation, kill David Shane Dudley, 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 marties. 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.

#### File No. 99CRS\_23245 STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division **GUILFORD COUNTY** 'Film No. BUILFORD ODUNTY STATE OF NORTH CAROLINA FITT **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 CLERK OF SUP

#### 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 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 barties.

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		File l	99CRS_23246
GUILFORD COUNTY STATE OF NORTH CAROLINA v. THEODORE MEAD KIMBLE	GUILFORD GOL FILE JAN 23 19		BILL OF INFORMATION Solicitation to Commit First Degree Murder
Date of Offense On or about November 4, 1998	AT 350 U CLUCK U. CLERK OF SUPERIOR	Pm.	Offense in Violation of G.S. 14-2.6 & Common Law
	COUNT I		<b>-</b>

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 solicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Cara R. Dudley, 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.

Signature of the Defendant.

Signature of Attorneys for the Defendant

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Signature of Attorneys for the Defendant

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File No. STATE OF NORTH CAROLINA 23247 In the General Court of Justice Superior Court Division GUILFORD COUNTY Kilm No. BUILFORD COUNTY STATE OF NORTH CAROLINA FILT **BILL OF INFORMATION** THEODORE MEAD KIMBLE Solicitation to Commit JAN 28 H First Degree Murder Date of Offense Offense in Violation of G S On or about November 4, 1998 CLERK OF SUPERIOR 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 solicit William Wayne Stewart to willfully, deliberately and with premeditation, kill Linda Thompson 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.

Signature of the Defendant.

Signature of Attorneys for the Defendant

Mattheway

### File No. STATE OF NORTH CAROLINA In the General Court of Justice Superior Court Division Film No. GUILFORD COUNTY BUILTOND COOL ACT 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, seloniously 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.

neys 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	Pages	Court Reporter
Ī	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.

	STATE OF NORTH CA	AR INA	BUILFORD COUNTY	File No.	970	CRS39581
	GUILFORD	County	FILED	In The Genera	l Cour	t Of Justice
L	STATE VE	•		District X Sup	berior	Court Division
1	Name Of Defendant		2			
	THEODORE MEADE KIMBLE	1	AT 350 WELLER M.	RANSCRIPT OF P	LEA	
-	12-08-1969 29	Completed 12	CLERK OF SUPERIOR COUNTE			G.S. 15A-1022
	The defendant, having offered a pmakes the following answers to t			ing first duly sworn,		Answers
	1. Are you able to hear and und	•			(1)	alx
	2. Do you understand that you lused against you?	have the right to rer	nain silent and that any statem		(2)	lun
	3. At what grade level can your	read and write?			(3)	12.4h
	4. (a) Are you now under the in		drugs, narcotics, medicines, pil		, -,	100
	Intoxicants?		<b></b> ,, ,	· · · · · · · · · · · · · · · · · · ·	(4a) .	no
	(b) When was the last time y	ou used or consum	ed any such substance?		(4b)	CA Me du CI
	<ol><li>Have the charges been expla charges, and do you understa</li></ol>				(5)	yes
	6. (a) Have you and your lawye	r discussed the pos	sible defenses, if any, to the ch		(6a) _	yes
	(b) Are you satisfied with you	ur lawyer's legal sei	vices?		(6b) -	ys
	7. (a) Do you understand that y	**	plead not guilty and be tried be the right to confront and to c		(7a) _	ys
	witnesses against you?			•	(7b) _	- izla
	(c) Do you understand that b relating to a trial by jury?		give up these and your other co		(7c)	1111
	8. Do you understand that, if yo		of the United States of America	a your pleafe) of quilty	· · -	
I	or no contest may result in d	eportation, the excl	usion from admission to this co	ountry, or the denial of		
	naturalization under federal la	aw?			(8) _	
-	(if applicable) Do you understallicensing privileges as defined	•		matically forfeit any		
		•	994) of the maximum sentence	of imprisonment		
	imposed at the time of	f conviction if: (1) y	ou are offered a suspended ser	ntence on condition		
	•	•	probation, or (2) your probation hat you failed to make reasona			
	with the conditions of	probation.	1		(9a)	
1			after October 1, 1994) of the per or suspended, or (2) (for offens			
1	•		nce on condition you accept pr			
	probation. G.S. 15A-1	1331A(b).		·	(9b)	ym
	10. Do you understand that you a		(ne-contest) to the charges she			yes
	sheet, which carry the total p		12		(10) _	YES
	11. Do you now personally plead	(guilty) (Accontest	τ(		(11)	1005 Offenses
	12. (a) (if applicable) Are you in fa		alon of an anatost value will b		(12a)	1995 Offenses
	guilty whether or not you		ur plea of no contest you will I	pe treated as peing	(12b)	N/A
	(c) <i>(if applicable)</i> (Alford Plea) (1) Do you now consider		t interest to plead quilty?			1998 Offenses
	(2) Do you understand th	at upon your "Alfor	d Plea" you will be treated as b	eina quilty whether or		
	not you admit that yo	ou are in fact guilty?			(12c2)	110
	13. Have you agreed to plead as					
	Courts have approved plea no of incurring my disapproval?	egotiating, and if the	ere is such, you may advise me		(13)	ULS
	or incurring my disapprovair				1107 .	
	AOC-CR-300, Rev. 10/97	•	(Over)			′
			1-7011			

• 1997 Administrative Office of the Courts

14. (if applicable) The prosecutor and your lawyer have informed the Court that these are all the terms a conditions of your plea: (See attachment for additional plea arrangements, including voluntary dismissals.)	ind Answers
The State of North Carolina agrees to accept a plea to Second Degree Murder in 97CRS39581. Cou	nt 1 of 97CRS23656
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, a	
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 Defen	
ashes of Patricia Blakley Kimble to the Blakley family. The State agrees to dismiss any Breaking an	
indictments against Theodore Meade Kimble which are presently pending in Guilford County.	
The parties stipulate that the Defendant is a level II offender, and that under the Structured Sente	encing Act the maximum
sentence he can receive for each B-2 felony is 254 months, for each Class C felony 159 months, and	
108 months.	
(a) Is this correct as being your full plea arrangement?	(14a)
(b) Do you now personally accept this arrangement?	(14b)
15. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises	5
or threatened you in any way to cause you to enter this plea against your wishes?	(15) <u>NO</u>
16. Do you enter this plea of your own free will, fully understanding what you are doing?	(16)
17. Do you have any questions about what has just been said to you or about anything else	
connected with your case?	$(17)  \underline{MO},$
I have read or have heard all of these questions and understand them. The answers shown are the one	es I gave in open court and
they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in or	der to have the Court
accept my plea in this case. The conditions of the plea as stated above, if any, are accurate.	
SWORN AND SUBSCRIBED TO BEFORE ME 1/28/99	
Date   Signature Of Defendant	
Name Of Defendent (Type Or Print)	
DEDeputy CSC   Assistant CSC   Clerk Of Superior Court   Theo dore Merch Court	le
CERTIFICATION BY LAWYER FOR DEFENDANT	
As lawyer for the defendant named above, I hereby certify that the conditions stated above, if any, when the conditions stated above, if any, when the conditions are the conditions are the conditions.	on which the defendant's
blea was entered are correct and they are agreed to by the defendant and myself. I further certify that	t I have fully explained to
the defendant the nature and elements of the charge(s) to which the defendant is pleading.  Name Of Lawyer For Defendant (Type Or Print)  Signature of Lawyer For Defendant	<del>/ </del>
Date Name Of Lawyer For Defendant (Type Or Print) Signatura of Lawyer For Defendant (Type Or Print)  1 28 99 H. W. Zimmer Man, The	whi.
CERTIFICATION BY PROSECUTOR	V. /
As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, a	ire the terms agreed to by
the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charget	in this case.
Date 1 28 9 Name Of Prosecutor (Type Or Print) Signature Of Prosecutor	
PLEA ADJUDICATION	
Upon consideration of the record proper, evidence presented, answers of defendant, and statements of	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.	endant and is made freely.
3. That the defendant is competent to stand trial and that the plea is the informed choice of the def voluntarily and understandingly.	oridant are in many
The defendant's plea is hereby accepted by the Court and is ordered recorded.    Date   Name Of Presiding Judge   Signature of Presiding Judge   Year   Yea	20 1/2/
1/28/99 PCACE I CHOP SUPERIOR	11.111 c   Ray 1-
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• 1997 Administrative Office of the Court	
New Control of the Co	

Name Of Defendant

	<u> </u>	Count	PLEAS	Date Of				Maximum
Plea*	File Number	No.(s)	Offense(s)	Offense	G.S. No.	F/M	CL	Punishmen
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_23248	1	SOLICITATION: First Degree Murder	11-04-1998	CL. & 14-2.6	F	С	261
			DUN FORD COUNTY					
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			JAN 28 1999					
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	Guilty No Contest	TOTAL	MAXIMUM PUNISHMENT 3177	mos.	.1		1	1

MANDATORY MINIMUM FINES & SENTENCES (if any)

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

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
		CERTIFICATION BY PROSECUTOR

#### File No. 97CRS39581;23656;98CRS23486;99CRS23241-48 STATE OF NORTH CAR. \_INA In The General Court Of Justice ☐ District ⊠ Superior Court Division GUILFORD County STATE VERSUS 1999 FEB - I FILL JUDGMENT/ORDER OR Jame Of Defendant THEODORE MEAD KIMBLE **COTHER DISPOSITION** Social Security No: Date Of Birth 240-47-9619 MALE 12-08-1969 WHITE Atterney Por Defendant Def. Waived Attorney For State Def. Found Appointed Retained ZIMMERMAN/CRUMPLER Attorney Not Indigent RICHARD PANOSH NOTE: (For use in recording Misdemeanor 2nd degree murder; consp to commit 1st degree murder; 1st degree arson; conviction levels under S.S.A.J PRIOR CONVICTIONS: **VERDICT** No./Level\_\_\_ | (0)\_\_\_ | | (1-4)\_\_\_ | | | (5+) 1 2 3 Guilty/Responsible MISD, CLASS: Guilty/Responsible No Contest 1 2 3 Guilty/Responsible MISD. CLASS: Guilty/Responsible No Contest Not Guilty/Not Responsible Not Guilty/Not Responsible The defendant is present in court represented by attorneys H.W. Zimmerman, Jr., Fred Crumpler and David Freedman through whom a plea of guilty is entered in the above entitled charges. Present for the State of North Carolina is Assistant District Attorney Richard Panosh through whom the evidence is heard. Motion to Quash Subpoena Duces Tecum to Paula Christian made by the defendant. State has no objections. MOTION ALLOWED. Motion to have waiver of venue to transfer 8 counts of solicitation to commit murder transferred from Montgomery County to Guilford County made by the State. No objections. Defendant consents. MOTION ALLOWED. Motion to continue sentencing made by the State. No objections. MOTION ALLOWED. IT IS THEREFORE ORDERED THE SENTENCING HEARING WILL BE CONTINUED FROM DAY TO DAY, TERM TO TERM UNTIL A SEL Signature Of Presiding Judge Name Of Presiding Judge (Type Or Print) Data PETER M. MCHUGH 01-28-1999 APPEAL ENTRIES ☐ The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. ☐ The current pretrial release order is modified as follows: The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350. Signature Of Presiding Judge Name Of Presiding Judge (Type Or Print) Date AOC-CR-305, Rev.7/95

#### 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.

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Clerk of Supreme Court

GUILFORD COUNTY, C.S.C.

I Therefore M. Limbe 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 earlier plea. I'm Not Guilty and here by with-draw my earlier plea arelier plea of Guilty.

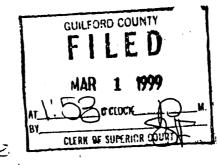
Thank you, Therewas W. L. Il. 2-24-99

2/26/99
cc: Richard Panosh

H.W. Zimmerman

Crumpler

Freedman



Superior Court Judge CLERN DE SUMERIOR COURTS

I Theodore M Kimble would like to with draw my guilty-Ples on All recounts and changes. I Request to go before a juny and piend my case. I was pressured into my earlier pleas. I'm Not Builty and here by with-dani my earlier pleas of

When you read the Plea Agreement, you asked it I had been threated in anyway to force me to take the agreement? The avision is yes! the Zumenn stood by my side, under his breath saying, Play if cost." I fold him yes before hand and he was Afraid I'd fell you. I ASK, How CAN I SAY "No" when I'm being told if I don't, I'll be killed should I go to trint.

I believe your opinion needs to want fill the evidence is hered. I dissprace of you saying "Good Job to my lawyers. It soulds no it you had read the NEWSPAPERS and formed your own gruious. I hope a byist affitude isn't show during the trial or touchtism to the WA. I rejust a gag order be placed on the D.A. He has done nothing but borin

with the public and potential junious. Firther

1 2 1 1 1 2 3 3

Do to the DA'S DRESS conferences I'd like my trial moved to Winston Sitem in Farsyth

I've not made my decision known to my attorneys At this point, but Am presently doing so. I Assure you, I willn't Allow somewhe to push me Around Again. My mind is made up.

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

PS. what is justice when A D.A tells AN opposing witness, "Tak life is At A took in the Road, one goes to prison the other to probation. Don't show At the Kindle trint."

3/1/99 cc: Panosh Zimmerman/Crumpler

Po Exx 786 Thurice Kimble

To Gulford County Coret House Superior Covet Judge Priter Me Hugh Therewsbares Mc 217:

on the document.

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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,

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 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 hearing, and the Court has had the opportunity to determine what weight and credibility to assign to the

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 quilty 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 quilty 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 guilt 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 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. 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 guilty plea. Upon a review of the record, it is clear to 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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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 jury had not been convened or summonsed to hear the issues in the capital proceeding against the defendant. In fact, although the term of January 25th had been tentatively scheduled for the commencement of the trial, that date had been continued upon the motion of the 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

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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

STATE OF NO	RTH C	AR' IN	IA								97CR	S39581	
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NOTE: This Worksheet is pro defendant's prior record on the number of prior convictions in 15A-1340.14(d). Class 1 miss by vehicle [G.S. 20-141.4(a2)]	e reverse side each offense demeanor offe	of this form or att class and enter the nses under Chap	tach a cop hose total: oter 20 are	by of the defendant s in the chart in sec o not assigned any i	's prior tion l points	r record po below. Fo for determ	ursuani or multi nining <sub>l</sub>	it to G.S. iple prior prior reco	15A-1340.1 convictions ord level for	14(f). If ser at one ses felony sen	ntencing for ssion of cou tencing e <u>xc</u>	ra felony, co irt, see G.S.	ount the
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## STATE OF NORTH CAROLINA 97CRS39581 In The General Court Of Justice Guilford County **Superior Court Division** STATE VERSUS FELONY JUDGMENT Name Of Defendant FINDINGS OF AGGRAVATING Theodore Mead Kimble AND MITIGATING FACTORS Offense (STRUCTURED SENTENCING) Second degree murder When consolidating offenses for judgment, findings of aggravating factors and mitigating factors should be made only for the most serious offense. Separate findings of aggravating factors and mitigating factors should be made for each offense that is not consolidated. The state of the s AGGRAVATING FACTORS **连条的标码。在1946年,1955年**1945年,1944年,1945年,194 The Defendant: 1. a. induced others to participate in the commission of the offense. b. occupied a position of leadership or dominance of other participants in the commission of the offense. The defendant joined with more than one other person in committing the offense and was not charged with committing a 2. 2.a. The offense was committed for the benefit of, or at the direction of, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy. The offense was committed for the purpose of: b. effecting an escape from custody. a. avoiding or preventing a lawful arrest. The defendant was: 4. b. paid to commit the offense. a. hired to commit the offense. The offense was committed to: **5**. a. disrupt the lawful exercise of a governmental function or the enforcement of laws. b. hinder the lawful exercise of a governmental function or the enforcement of laws. The offense was committed against or proximately caused serious injury to a present or former law enforcement officer, **□** 6. 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. The offense was especially heinous, atrocious or cruel. The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person. The defendant held public office at the time of the offense and the offense related to the conduct of the office. 9. The defendant: 10. $\square$ a. was armed with a deadly weapon at the time of the crime. $\square$ b. used a deadly weapon at the time of the crime. The victim was: □ 11. d. physically infirm. e. handicapped. c. mentally infirm. b. very old. a. very young. The defendant committed the offense while on pretrial release on another charge. 12. The defendant involved a person under the age of 16 in the commission of the crime. 13. The offense involved: **□**14. a. an attempted taking of property of great monetary value. b. the actual taking of property of great monetary value. d. an unusually large quantity of contraband. c. damage causing great monetary loss. The defendant took advantage of a position of trust or confidence to commit the offense. **715.** The offense involved the sale or delivery of a controlled substance to a minor. ີ 16. The offense was committed against a victim because of the victim's race, color, religion, nationality, or country of origin **17.** The defendant does not support the defendant's family. 18. 🔲 18.a. The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B, C, D or E felony if committed by an adult. The victim of this offense suffered serious injury that is permanent and debilitating. **19.** Additional written findings of factors in aggravation: XX 20. 1. The defendant acted with premeditation and deliberation in committing this offense. 2. The defendant acted for pecuniary gain in committing the offense. The Court makes no findings of any aggravating factors.

STATE OF NORTH CARL	.INA	98CRS 23486
Guilford	_ County	In The General Court Of Justice Superior Court Division
STATE VERSUS Theodore Mead Kimble	s 1992 M12 - 5 111	FELONY JUDGMENT FINDINGS OF AGGRAVATING AND MITIGATING FACTORS
ffense First degree arson	114	(STRUCTURED SENTENCING) G.S. 15A-1340.16
When consolidating offenses for jud	lament, findings of aggravating	factors and mitigating factors should be made only for the most serious stors should be made for each offense that is not consolidated.
<b>素素性的</b> 具型的可能 \$47.5%的自己,但是不是一个不是一个一个是是一个一个	AGGRAVATING	
<ul> <li>b. occupied a position of legal conspiration.</li> <li>2. The defendant joined with moconspiracy.</li> <li>2.a. The offense was committed for promote, further, or assist in a conspiration.</li> </ul>	ore than one other person in o	her participants in the commission of the offense. committing the offense and was not charged with committing a rection of, any criminal street gang, with the specific intent to members, and the defendant was not charged with
committing a conspiracy.  3. The offense was committed f  a. avoiding or preventing a  The defendant was:	or the purpose of: lawful arrest.	b. effecting an escape from custody.
a. hired to commit the offe		b. paid to commit the offense.
5. The offense was committed t	se of a governmental function	n or the enforcement of laws.
6. The offense was committed a employee of the Department of judge, clerk or assistant or de engaged in the performance of	against or proximately caused of Correction, jailer, fireman, puty clerk of court, magistra of that person's official duties	n or the enforcement of laws. If serious injury to a present or former law enforcement officer, emergency medical technician, ambulance attendant, justice or te, prosecutor, juror, or witness against the defendant, while is or because of the exercise of that person's official duties.
7. The offense was especially he as a state of the defendant knowingly creating the hazardous.	einous, atrocious or cruel. ated a great risk of death to t to the lives of more than on	more than one person by means of a weapon or device which
9. The defendant held public offi	ice at the time of the offense	and the offense related to the conduct of the office.
11. The victim was:	very old.	crime.  b. used a deadly weapon at the time of the crime.  ly infirm.  e. handicapped.
12. The defendant committed the	e offense while on pretrial rel son under the age of 16 in th	ne commission of the crime.
a. an attempted taking of c. damage causing great r 15. The defendant took advantag 16. The offense involved the sale 17. The offense was committed a	monetary loss. The of a position of trust or controlled stage against a victim because of the stage of the st	he victim's race, color, religion, haddhairy, or country or origin.
18.a. The defendant has previously	been adjudicated delinquen	for an offense that would be a Class A, B, C, D or E felony if
19. The victim of this offense sur X 20. Additional written findings of This offense was committed Patricia Gail Kimble and f	factors in aggravation: I for the purpose of	avoiding detection in the murder of

417	15 152	. N. I.	Py 4	av i til yari	. 41.	The state of his		M	ITIGATIN	NG FA	CTORS	· ·		production (			Same and games	
		1.	The d	lefendant c	ommitte	d the o	ffense	under:										
		2.	□ a. □ b. □ d. The c □ a. □ b. The c □ a. □ b.	duress who coercion was a pass played a radefendant was a radefe	nich was which was on which was suffendition to fense. condition to see the se	insuffice as insuffice was in the in the ering from that was offense, at the effect of	cient to ficient to sufficient to sufficient to the common a: s insufficient to the common accordance to	constitute constitute constitute constitute comminission constitute comminission constitute constit	stitute a de tute a defe constitute a ssion of the of the offe to constitute to constitute commissio	efense but a defendense.  The offerense defendense defense def	but signif t significa se but sig nse. efense but defense b	icantly reduced in the significantly the significantly the significant signifi	educed uced th y reduce antly re cantly	the define defended the deduced the reduced the duced th	endant's culdefendant  he defend  the defend  ne defend	culpabi lpabilit t's culp dant's ndant':	ility. y. pability. culpability	
		5		culpabilit limited m culpabilit defendant l	ental ca y for the	pacity a offens	it the ti	ime of	the comm	ission (	of the offe	ense sign	ificant	ly reduc	ed the de	fendar	nt's	
	لــا	ο.	□ a.	substanti	al restitu	ition to		tim.										
		6.	Thea.	, full restite victim was was a vol	more th luntary p	nan 16 y participa	years o ant in th	ne defe	ndant's co	onduct.	<b>3</b> .							
1		7		consente defendant:		defenda	ant's co	onduct.										
			☐ a. ☐ b.	aided in t testified t The defer	he appre truthfully	y on b <mark>e</mark> ł	half of 1	the stat	te in anoth	ner pros	secution o	of a felon	ıy.					
	Ш		∏b.	The relati	onship b	etweer	the de	efendar	t and the	victim	was othe	rwise ex	tenuati	ing.				
		9	Па	defendant: . could not . exercised	reasona	ably fore	esee th	at the o	defendant ilv harm o	's cond or fear t	uct would	d cause d ersons.	or threa	aten seri	ous bodil	y harm	or fear.	
	П	10	Tt	defendant:	rosconsl	alv belie	wed th	at the d	lefendant'	's cond	uct was I	egal.	_					
		11	. The	defendant . at an ear	voluntar ly stage	ily ackr of the o	nowled: crimina	ged wro I proce	ongdoing i ss.	in conn	ection wi	th the of						
	XX	113	. The	defendant defendant defendant defendant	has bee	or and I	has reli	able su	pervision	availab	ie.				ty in which	the de	efendant live	s.
		1 a r		1 (	h	antad re	nenone	ihility f	or the defi	endant'	's crimina	i conduc	τ.		treatmen	t progr	am or an	
	L		alco	defendant defendant shol treatm defendant	ent prog	ram sut	seque	nt to ar	rest and p	n or nas orior to	trial.	Tully Con	ipietec	a didg	(realine)	r prog.	<b>2.</b> , <b>3.</b> .	
	XX	ก็าย	Tho	defendant	has a si	ipport s	vstem	in the	communit	iy.		a ad						
	3537	110	The	defendant defendant defendant	has a n	ositive (	volame	ment h	istory or I	s gainti	ole treatm	oyea. nent plan	is ava	ilable.				
		]20 ]21	. Add	litional writ	ten find	ings of	factors	in miti	gation:									
		] 1	The Co	ourt makes	no findi	ngs of a	ny mit	igating	factors.									
									RMINATI					ina honri	ing finds	that ti	ne annrava	tin
	ar	nd r	nitigat	after consi ting factors	marked	, if any	, were	proven	by a prep	onaera	ince or in	e eviderii	ce and	that the	•	that th	ic uggiuru	••••
		<u>Q</u> X 1	actors	s in aggrava s in mitigat	ation out	tweigh t	the fac	tors in	mitigation paravation	n and th n and th	iat an agg iat a mitig	gravated gated ser	senter ntence	is justif	ied.			
	Dat	te	05-9		Name C	reigh th Of Presidir ER M.	ng Judge	Type O	r Print)		Signature 0	er M		Hicen				
	-	OC.	CB-60	5, Side Two ninistrative (	, Rev. 11 Office of 1	/97 the Ci	,	Material	opposite unma	rked squar	es is to be dis	regarded as s	urplusage		\			

STATE OF NORTH CAL LINA	99CRS 23241
Guilford County	In The General Court Of Justice Superior Court Division
STATE VERSUS (200 110 -5) (10 15)  • Of Defendant Theodore Mead Kimble Offense Solicitation: first degree murder:::	FELONY JUDGMENT FINDINGS OF AGGRAVATING AND MITIGATING FACTORS (STRUCTURED SENTENCING) G.S. 15A-1340.16
NOTE: When consolidating offenses for judgment, findings of aggravating factors and offense. Separate findings of aggravating factors and mitigating factors should	d be made for each offense that is not consolidated.
AGGRAVATING FACTOR	
<ol> <li>The Defendant:         <ul> <li>a. induced others to participate in the commission of the offense</li> <li>b. occupied a position of leadership or dominance of other partici</li> </ul> </li> <li>The defendant joined with more than one other person in committing conspiracy.</li> <li>2.a. The offense was committed for the benefit of, or at the direction of promote, further, or assist in any criminal conduct by gang members</li> </ol>	the offense and was not charged with committing a any criminal street gang, with the specific intent to
committing a conspiracy.  3. The offense was committed for the purpose of:  a. avoiding or preventing a lawful arrest.  b. effections of the defendant was:	ng an escape from custody.
<ul> <li>The offense was committed to:</li> <li>a. disrupt the lawful exercise of a governmental function or the expose</li> <li>b. hinder the lawful exercise of a governmental function or the expose</li> </ul>	enforcement of laws. Inforcement of laws. Injury to a present or former law enforcement officer,
<ul> <li>6. The offense was committed against of proximately educate sense of employee of the Department of Correction, jailer, fireman, emergence judge, clerk or assistant or deputy clerk of court, magistrate, prosect engaged in the performance of that person's official duties or becauted.</li> <li>7. The offense was especially heinous, atrocious or cruel.</li> <li>8. The defendant knowingly created a great risk of death to more than would normally be hazardous to the lives of more than one person.</li> <li>9. The defendant held public office at the time of the offense and the country of the defendant:</li> <li>a. was armed with a deadly weapon at the time of the crime.</li> </ul>	sy medical technician, ambulance attendant, justice of sutor, juror, or witness against the defendant, while se of the exercise of that person's official duties.  Tone person by means of a weapon or device which offense related to the conduct of the office.
11. The victim was:  a. very young.  b. very old.  c. mentally infirm.  12. The defendant committed the offense while on pretrial release on an an attempted taking of property of great monetary value.	d. physically infirm. e. handicapped.  nother charge.  ssion of the crime.  b. the actual taking of property of great monetary value.
c. damage causing great monetary loss.  15. The defendant took advantage of a position of trust or confidence to the offense involved the sale or delivery of a controlled substance to the offense was committed against a victim because of the victim 18. The defendant does not support the defendant's family.  18.a. The defendant has previously been adjudicated delinquent for an of committed by an adult.  19. The victim of this offense suffered serious injury that is permanent Additional written findings of factors in aggravation:	to a minor.  's race, color, religion, nationality, or country of origin.  fense that would be a Class A, B, C, D or E felony if

☐ The Court makes no findings of any aggravating factors.

	19 4 19 M		the application of the state of	MITIGATING F	ACTORS	上,这是自己的人。1994年在1995年的1995年的1996年第二月後的 <b>時</b> 報。
٢	□ 1.	The defend	lant committed the offense	under:		
	<b>.</b>	a. dure b. coer	ss which was insufficient t cion which was insufficien at which was insufficient to	o constitute a defense to constitute a defense to constitute a defense to constitute a defense to	e but significantly r out significantly red	duced the defendant's culpability. reduced the defendant's culpability. luced the defendant's culpability. lly reduced the defendant's culpability.
	<b>2</b> .	The defend		ingian of the off	ence	
	□ 3.	☐ b. play	a passive participant in the ed a minor role in the common dant was suffering from a:	nission of the offense.	ense.	
		a. men	ta! condition that was insu	fficient to constitute a	defense but signific	cantly reduced the defendant's culpability
		for t	the offense.			ficantly reduced the defendant's
	□ 4	The defen	dent'e:	e de la compansa de l	.h. offenso signific	antly reduced the defendant's
			1 His Charales allegan			antly reduced the defendant's nlficantly reduced the defendant's
		culp	pability for the offense.			
	□ 5	. The defen	dant has made:			
			stantial restitution to the v restitution to the victim.	ictim.		
	□ 6		was more than 16 years	of age and:		
		🗌 a. was	a voluntary participant in	the defendant's conduc	t,	
			sented to the defendant's	conduct.		
١	□ 7	7. The defer	idant: ed in the apprehension of a	nother felon		
		a. alde	ified truthfully on behalf of	the state in another pr	osecution of a felo	ny.
	□ 8	R Da The	defendant acted under str	ong provocation.		
		b. The	relationship between the o	defendant and the victin	n was otherwise e	xtenuating.
	<u> </u>	The defer	ndant:	hat the defendant's cor	nduct would cause	or threaten serious bodily harm or fear.
		□ a. cou	rcised caution to avoid ser	ious bodily harm or fear	to other persons.	
	□10	The defer	dant reasonably believed t	hat the defendant's cor	nduct was legal.	
		1. The defer	ndant voluntarily acknowle	dged wrongdoing in cor	nnection with the o	ffense to a law enforcement officer:
		= .	an early stage of the crimin			
	111	2. The defer	ndant is a minor and has re	liable supervision availa	able.	n in the community in which the defendant lives.
	114	4. The defe	ndant has been honorably of	discharged from the Un	ited States Armed	Services.
	│	5. The defe	ndant has accepted respon	sibility for\the defendar urrently involved in or h	as successfully co	mpleted a drug treatment program or an
		o. The dete alcohol ti	reatment program subsequ	ent to arrest and prior t	o trial.	
	<sub> </sub>	7. The defe	ndant supports the defend	ant's family.		
	XX1	8. The defe	ndant has a support syster	n in the community.	afully employed.	
	XX1	9. The defe	ndant has a positive emplo ndant has a good treatmer	ryment history of is gain at prognosis and a work	able treatment pla	n is available.
		1. Addition	al written findings of factor	rs in mitigation:		
			-			•
		The Court n	nakes no findings of any m			
				DETERMINATION	(NOTE: Check only o	ne)
	and	mitigating f	actors marked, if any, wer	e proven by a preponde	rance of the evider	sentencing hearing, finds that the aggravating nce and that the
	7777		ggravation outweigh the fa nitigation outweigh the fac	ictors in mitigation and tors in aggravation and	that an aggravated hat a mitigated se	d sentence is justified. entence is justified.
	Date 03-	05-99	Name Of Presiding Judg PETER M. MCHU	ge (Type Or Print) JGH	Signature Of Fresidin	) Mc Wes
	AOC • 19	C-CR-605, Sid 197 Administr	e Two, Rev. 11/97 ative Office of the ts	Material opposite unmarked squ	กตาคง เจ. เค. กด การเฉลิยเกอก ขอ	/

STAT	E OF NORTH CAR	LINA		No. 99CRS 23242	
G	uilford	County		In The General Co Superior Cou	
Offense	odore Mead Kimble	20	20.00 20.00 30.00	FELONY JUDGME FINDINGS OF AGGRA AND MITIGATING FA (STRUCTURED SENTE	VATING CTORS NCING)
NOTE: V	icitation first degree When consolidating offenses for judg	gment, findings of aggrava	_		· · · · · · · · · · · · · · · · · · ·
	ffense. Separate findings of aggrav		ING FACTORS	·	S not consolidated.
1.	The Defendant:	AGGRAVATI	ING PACIONS	ground and grant appropriate and	em (autor) (usopo), a long talika sistem (namg
2.	a. induced others to partici b. occupied a position of le The defendant joined with mor conspiracy.	adership or dominance e than one other persor	of other particip	the offense and was not ch	arged with committing a
2.a.	The offense was committed for promote, further, or assist in a committing a conspiracy.	ny criminal conduct by	ne direction of, a gang members,	any criminal street gang, wi and the defendant was not	charged with
3.	The offense was committed for a avoiding or preventing a late defendant was:	awful arrest.		g an escape from custody.	
<b>XX</b> 5.	<ul><li>☐ a. hired to commit the offer</li><li>The offense was committed to</li><li>☐ a. disrupt the lawful exercis</li></ul>	):		commit the offense.	
<u> </u>	x b. hinder the lawful exercise. The offense was committed agemployee of the Department o judge, clerk or assistant or dependaged in the performance of	e of a governmental fur gainst or proximately ca f Correction, jailer, firen outy clerk of court, mag	nction or the enfo nused serious inji nan, emergency istrate, prosecut	orcement of laws. ury to a present or former l medical technician, ambula or, juror, or witness agains	ance attendant, justice or t the defendant, while
7. 8.	The offense was especially he The defendant knowingly creat would normally be hazardous t The defendant held public office	inous, atrocious or crue ted a great risk of death o the lives of more thai	l. n to more than o n one person.	ne person by means of a w	eapon or device which
☐ 10. ☐ 11.	The defendant:  a. was armed with a deadly The victim was:	weapon at the time of	the crime.		
☐ 12. ☐ 13. ☐ 14.	The defendant committed the The defendant involved a personant personant involved:	offense while on pretrice on under the age of 16	in the commissi	on of the crime.	
	a. an attempted taking of particles are an attempted taking of particles. It is a causing great makes and an attempted taking of particles are attempted taking of particles.	onetary loss. of a position of trust o	d. r confidence to	an unusually large quantit commit the offense.	y of great monetary value. y of contraband.
☐ 16. ☐ 17. ☐ 18. ☐ 18.a.	The offense involved the sale of the offense was committed at the defendant does not support the defendant has previously because the sale of the sale	gainst a victim because rt the defendant's famil	of the victim's	race, color, religion, nation	
☐ 19. ☐ 20.	committed by an adult. The victim of this offense suff Additional written findings of f	ered serious injury that actors in aggravation:	is permanent ar	nd debilitating.	

☐ The Court makes no findings of any aggravating factors.

A CARAMINET SHEET OF THE SECOND	MITIGATING FACTO	RS	D / KNEW 21142 1978 (1974)	A type Carried
1. The defendant committed the offer	nse under:			
a duress which was insufficien	nt to constitute a defense but sig	jnificantly redu	uced the defendant's culpabil	lity.
b. coercion which was insuffic	ent to constitute a defense but s	significantly re	duced the defendant's culpa	bility.
c. threat which was insufficien	it to constitute a defense but sign	nificantly redu	iced the defendant's culpabili	ity. Inability
d. compulsion which was insuf	ficient to constitute a defense bi	ut significantiy	y reduced the defendant's co	ipability.
<ul><li>2. The defendant:</li><li>a. was a passive participant in</li></ul>	the commission of the offense			
b. played a minor role in the co				
3. The defendant was suffering from				
	nsufficient to constitute a defens	e but significa	antly reduced the defendant's	s culpability
b. physical condition that was culpability for the offense.	insufficient to constitute a defer	nse but signific	cantly reduced the defendant	t's
4. The defendant's: a. age, or immaturity, at the ti	me of the commission of the off	ense significa	ntly reduced the defendant's	<b>;</b>
culpability for the offense.  b. limited mental capacity at the culpability for the offense.	he time of the commission of the	e offense signi	ificantly reduced the defende	ant's
5. The defendant has made:				
a. substantial restitution to the	e victim.			
b. full restitution to the victim				
6. The victim was more than 16 year	rs of age and:			
a. was a voluntary participant				
b. consented to the defendant	s conduct.			
7. The defendant:	f another felon.			
b. testified truthfully on behalf	of the state in another prosecut	tion of a felon	y	
☐ 8 ☐ a The defendant acted under	strong provocation.			
b. The relationship between th	e defendant and the victim was	otherwise ext	tenuating.	
9. The defendant:	e that the defendant's conduct y	would cause o	or threaten serious bodily har	m or fear.
b. exercised caution to avoid s	serious bodily harm or fear to oth	her persons.		
10. The defendant reasonably believe	d that the defendant's conduct v	was legal.	f	officer:
11. The defendant voluntarily acknow	vledged wrongdoing in connection	on with the off	rense to a law emorcement c	)  ICE .
a. at an early stage of the crin	ninai process.			
b. prior to arrest.	of good character or has had a g	ood reputation i	in the community in which the c	defendant live
13. The defendant is a minor and has	reliable supervision available.	tatas Armad S	Services	
14. The defendant has been honorables 15. The defendant has accepted response.	ly discharged from the United St consibility/for the defendant's cri	iminal conduct	t.	
16. The defendant has accepted resp 16. The defendant has entered and is	currently involved in or has suc	cessfully com	npleted a drug treatment prog	gram or an
alcohol treatment program subse	quent to arrest and prior to trial.			
17. The defendant supports the defe	ndant's family.			
XX 8. The defendant has a support sys	tem in the community.	amployed		
XM 9. The defendant has a positive em	ployment history or is gainfully to	eatment plan	is available.	
20. The defendant has a good treath	tors in mitigation:			
Z1. Additional tritters in any	<u>-</u>		*	
☐ The Court makes no findings of any	mitigating factors.			
The Court makes the internal of any	DETERMINATION (NOTE:	Check only on	e)	
The Court, after considering the evidence and mitigating factors marked, if any, w	e and arguments presented at the	he trial and se	entencing hearing, finds that	the aggrava
factors in aggravation outweigh the				
factors in aggravation outweigh the f	actors in aggravation and that a	mitigated ser	ntence is justified.	
Mama Of Prociding	ludge (Type Or Print) Signa	Ne Of Fresiding	Judge 1/	
03-05-99 PETER M. MCI	HUGH	Delery	X/11/2//Leg	
AOC-CR-605, Side Two, Rev. 11/97	Material opposite unmarked squares is to	be disregarded as su	urplusage.	
© 1997 Administrative Office of the ( ts		,	•	

STATE OF NORTH CARL	ıNA	gar agus santa dh'airean agus santanainte fhilir (dh' 1977)	•	99CRS 23243
Guilford	County	[2]	- " 	In The General Court Of Justice Superior Court Division
STATE VERSUS		1979 11.11	5 7 3 73	FELONY JUDGMENT
Name Of Defendant Theodore Mead Kimble		!! ::	$100^{0.00}$	FINDINGS OF AGGRAVATING AND MITIGATING FACTORS
Solicitation first degree	murder	:::::::::::::::::::(	Way.	(STRUCTURED SENTENCING) G.S. 15A-1340.16
NOTE: When consolidating offenses for judg offense. Separate findings of aggrav	ating factors	s and mitigating	factors should be	tigating factors should be made only for the most serious e made for each offense that is not consolidated.
<b>情报时时以及</b> 在特别解析中的性态,并且不会感觉自己。1994年,1994年,	A	GGRAVATIN	G FACTORS	
□ 1. The Defendant:         □ a. induced others to partici           □ b. occupied a position of le           □ 2. The defendant joined with more conspiracy.           □ 2.a. The offense was committed for promote, further, or assist in a committing a conspiracy.           □ 3. The offense was committed form a. avoiding or preventing a least offense was committed form a. a hired to commit the offerse.           □ 3. The offense was committed to least offense was committed to least offense.           □ 3. disrupt the lawful exercise.           □ 3. disrupt the lawful exercise.           □ 4. The offense was committed to least offense.           □ 5. The offense was committed as employee of the Department of judge, clerk or assistant or dependent the least of least offense.           □ 6. The offense was especially he engaged in the performance of least offense.           □ 7. The offense was especially he would normally be hazardous to least offense.           □ 9. The defendant held public office.           □ 10. The defendant:         □ a. was armed with a deadly.           □ 11. The defendant committed the least office.         □ a. an attempted taking of personal least office.           □ 12. The defendant took advantage.         □ c. damage causing great mersonal least office.           □ 15. The defendant took advantage.         □ 16. The offense involved the sale.           □ 17. The defendant does not support.           □ 18. The defendant does not support. <td>re than one or the benefiny criminal or the purpolawful arrestance.  The of a gove gainst or professions, atrosted a great to the lives or at the tirk weapon a very old.  The or delivery gainst a vice of a gositi or delivery gainst a vice of the defendent adjudition of the defenden</td> <td>dominance of other person of the person of the conduct by go as of: st.  ernmental functions of the court, magis official ductions or cruel, risk of death of more than the of the official ductions or cruel, risk of death of more than the official ductions or cruel, risk of death of more than the official ductions or cruel, risk of death of more than the official ductions or cruel, risk of death of more than the official ductions of the official deage of 16 in the cause of a controllection of the condent's family icated delinquists injury that is</td> <td>to ther participan committing the direction of, and ang members, and be effecting be effection or the enfortion or the enforties or because to more than or one person.  The crime.   The tally infirm.  The commission of the commission of the commission of the commission of the confidence to of the victim's referred to the confidence to the c</td> <td>rement of laws.  In y 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.  The person by means of a weapon or device which ense related to the conduct of the office.  The defendant weapon at the time of the crime.  The defendant weapon at the time of the crime.  The charge.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The annusually large quantity of contraband.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The actual taking of property of contraband.  The actual taking of property of contraband.</td>	re than one or the benefiny criminal or the purpolawful arrestance.  The of a gove gainst or professions, atrosted a great to the lives or at the tirk weapon a very old.  The or delivery gainst a vice of a gositi or delivery gainst a vice of the defendent adjudition of the defenden	dominance of other person of the person of the conduct by go as of: st.  ernmental functions of the court, magis official ductions or cruel, risk of death of more than the of the official ductions or cruel, risk of death of more than the official ductions or cruel, risk of death of more than the official ductions or cruel, risk of death of more than the official ductions or cruel, risk of death of more than the official ductions of the official deage of 16 in the cause of a controllection of the condent's family icated delinquists injury that is	to ther participan committing the direction of, and ang members, and be effecting be effection or the enfortion or the enforties or because to more than or one person.  The crime.   The tally infirm.  The commission of the commission of the commission of the commission of the confidence to of the victim's referred to the confidence to the c	rement of laws.  In y 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.  The person by means of a weapon or device which ense related to the conduct of the office.  The defendant weapon at the time of the crime.  The defendant weapon at the time of the crime.  The charge.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The annusually large quantity of contraband.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The actual taking of property of great monetary value.  The actual taking of property of contraband.  The actual taking of property of contraband.
☐ The Court makes no findings of any	aggravatin	g factors.		

 · • 4 4 1 1 1 1	<b>"国际"的"大大"的"</b>	an gill said in nashiri da Tan dan nashiri da	MITIGATING F	ACTORS	。 [1] 《《[4] 《[4] 《[4] 《[4] 《[4] 《[4] 《[4] 《[	A Francisco
 <u> </u>	a. duress which	ch was insufficient to	onstitute a defense constitute a defens	se but significantly	educed the defendant's culpability. reduced the defendant's culpability.	
<u> </u>	d. compulsion v	vhich was insufficient	to constitute a def	ense but significar	duced the defendant's culpability. htly reduced the defendant's culpabil	ity.
☐ 3.	b. played a min	e participant in the co or role in the commiss suffering from a:	sion of the offense.			
	for the offen	se.			icantly reduced the defendant's culp ificantly reduced the defendant's	ability
_ 4.	culpability fo	r the offense.				
	culpability for b. limited ment culpability for	or the offense. al capacity at the tim or the offense.			cantly reduced the defendant's gnificantly reduced the defendant's	
<u> </u>	The defendant has  a. substantial r  b. full restitution	estitution to the victir	n.			
☐ 6.	The victim was mo	ore than 16 years of a tary participant in the	defendant's condu	ct.		
7	The defendant:	the defendant's con apprehension of anotl				
<u> </u>	b. testified trut	hfully on behalf of the nt acted under strong ship between the defe	e state in another p i provocation.		·	
<u> </u>	The defendant:	asonably foresee that	the defendant's co	nduct would caus	e or threaten serious bodily harm or	fear.
□10 □11		nution to avoid serious sonably believed that untarily acknowledge	the defendant's co	nduct was legal.	offense to a law enforcement office	ır:
	a. at an early s	tage of the criminal p	orocess.		on in the community in which the defend	
∐13 □14	The defendant is	a minor and has reliat s been honorably disc	ole supervision avail Tharged from the Ur	able. nited States Armed	d Services.	
□ 16	<ol> <li>The defendant hat alcohol treatment</li> </ol>	program subsequent	ently involved in or larger to arrest and prior	has successfully c	ompleted a drug treatment program	or an
XX 18	3. The defendant ha	pports the defendant's a support system in s a positive employm	i the community. ent history or is ga	nfully employed.		
□ 2C	). The defendant ha	s a good treatment p a findings of factors in	rognosis and a wor	kable treatment pl	an is avallable.	
ו 🗆 ו	The Court makes no	findings of any mitig				
			ETERMINATION			. 1
and r	nitigating factors m	arked, if any, were pr	oven by a prepond	erance of the evid	sentencing hearing, finds that the a ence and that the	ggravatin
	actors in mitigation	n outweigh the factors outweigh the factors lame Of Presiding Judge (1)	in aggravation and	that an aggravate that a mitigated :	ed sentence is justified. sentence is justified. ing Judge	
i .	)5-99	PETER M. MCHU		Som	Mc les	
9 199	CR-605, Side Two, Ro 37 Administrative Office				•	

STATE OF NORTH CAL. LINA	99CRS 23244
Guilford County	In The General Court Of Justice Superior Court Division
STATE VERSUS  Name Of Defendant Theodore Mead Kimble  Offense	FELONY JUDGMENT FINDINGS OF AGGRAVATING AND MITIGATING FACTORS (STRUCTURED SENTENCING)
Solicitation first degree murder	G.S. 15A-1340.16
NOTE: When consolidating offenses for judgment, findings of aggravating tactors and mit offense. Separate findings of aggravating factors and mitigating factors should be	tigating factors should be made only for the most serious e made for each offense that is not consolidated.
AGGRAVATING FACTORS	on the the second second the second to be second to be
<ul> <li>1. The Defendant: <ul> <li>a. induced others to participate in the commission of the offense.</li> <li>b. occupied a position of leadership or dominance of other participar</li> </ul> </li> <li>2. The defendant joined with more than one other person in committing the conspiracy.</li> <li>2.a. The offense was committed for the benefit of, or at the direction of, and the committee of the person of</li></ul>	ne offense and was not charged with committing a ny criminal street gang, with the specific intent to
4. The defendant was:	nd the defendant was not charged with an escape from custody.
The offense was committed to:  \[ \overline{\text{X}} \]  a. disrupt the lawful exercise of a governmental function or the enform the lawful exercise of a governmental function or the enform the lawful exercise.	orcement of laws.
<ul> <li>G. The offense was committed against or proximately caused serious injure employee of the Department of Correction, jailer, fireman, emergency in judge, clerk or assistant or deputy clerk of court, magistrate, prosecuto engaged in the performance of that person's official duties or because of the offense was especially heinous, atrocious or cruel.</li> <li>The offense was especially heinous, atrocious or cruel.</li> <li>The defendant knowingly created a great risk of death to more than on would normally be hazardous to the lives of more than one person.</li> <li>The defendant held public office at the time of the offense and the offense in a. was armed with a deadly weapon at the time of the crime. □ b</li> <li>The victim was: □ a. very young. □ b. very old. □ c. mentally infirm.</li> <li>The defendant committed the offense while on pretrial release on another interesting of property of great monetary value. □ b.</li> <li>The offense involved: □ a. as attempted taking of property of great monetary value. □ b.</li> </ul>	ry to a present or former law enforcement officer, medical technician, ambulance attendant, justice or, juror, or witness against the defendant, while of the exercise of that person's official duties.  The person by means of a weapon or device which ense related to the conduct of the office.  The used a deadly weapon at the time of the crime.  The charge of the crime.  The actual taking of property of great monetary value, an unusually large quantity of contraband, ommit the offense.  The minor of the crime of the crime of the crime of the crime of the crime.
☐ The Court makes no findings of any aggravating factors.	·

7 (1 y, 1 / 1)	是可能与特殊性的主義的。这		MITIGATING	FACTORS		。《新班》。如今《华·特·西斯·美林》。他的图183。
	The defendant con	nmitted the offe	nse under:			
۱ س. ۱۰	Do durage which	h was insufficial	nt to constitute a defens	e but significantly	reduced the defen	dant's culpability.
	h coercion wh	ich was insuffic	ient to constitute a defe	nse but significant	ily reduced the det	endant's culpability.
	C threat which	n was insufficier	nt to constitute a defens	e but significantly	reduced the deten	ant's cuipability.
	d compulsion	which was insuf	fficient to constitute a d	efense but signific	antly reduced the	defendant's culpability.
	. The defendant:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		-		
1 -	∏ a was a nassi	ve participant in	the commission of the	offense.		
	h played a mir	nor role in the co	ommission of the offens	э.		
□ з	. The defendant wa	s suffering from	a:			
	□ a mental cond	dition that was in	nsufficient to constitute	a defense but sigr	nificantly reduced t	he defendant's culpability
	for the offer	nse.				
	b. physical cor	ndition that was	insufficient to constitut	e a defense but si	gnificantly reduced	the defendant's
	culpability f	for the offense.				
4				fil ff nimm	ificantly radiused th	ne defendant's
	a. age, or imm	laturity, at the ti	ime of the commission o	t the offense sign	ilicality reduced to	ie derendant o
	culpability f	for the offense.	he time of the commiss	on of the offense	significantly reduc	ed the defendant's
	b. limited men	ital capacity at t	ne time of the commiss	Off of the offende	oig/iiii	
		for the offense.				
🗌 5	. The defendant ha	s made:				
	a. substantial	restitution to th	e victim.			
	b. full restituti	ion to the victim	li af ann andi			
	6. The victim was m	nore than 16 year	in the defendant's cond	uct.		
		to the defendant				
1		to the determant	( 5 Conduct.			
1 4	7. The defendant:	e apprehension o	f another felon.			
	a. aided in the	thfully on behal	f of the state in another	prosecution of a f	elony.	
	The defend	lant acted under	strong provocation.			
	b. The relation	iship between th	ne defendant and the vic	tim was otherwis	e extenuating.	
						ious bodily harm or fear.
	a. could not re	easonably forese	ee that the defendant's	conduct would cat	ne	ious bodily harm or fear.
	b. exercised c	aution to avoid	serious bodily harm or f	ear to other bersor	113.	
1	<ol><li>The defendant res</li></ol>	asonably believe	ed that the defendant's owledged wrongdoing in o	conduct was legal	se offense to a law	enforcement officer:
1	1. The defendant vo	oluntarily acknow stage of the cri	wiedged wrongdoing in t	Confection with the		
[X] 1	2 The defendant ha	as been a persor	n of good character or ha	s had a good reputa	ation in the communi	ty in which the defendant lives.
1 1	2 The defendant is	a minor and has	s reliable supervision av-	aliable.		
1	4. The defendant his	as been honorab	oly discharged from the t	United States Aim	ed Services.	
			ibility for the detent	iant s chiminal cui	IUUCL.	treatment program or an
	6. The defendant his	as entered and is	s currently involved in o	r has successibly	completed a drug	treatment program or an
	alcohol treatmen	it program subse	equent to arrest and price	r to trial.		
	7. The defendant su	upports the defe	endant's family.			
X 1	8. The defendant h	as a support sys	stem in the community.	ainfully employed		
[절1	9. The defendant h	as a positive en	nployment history or is g ment prognosis and a w	orkable treatment	plan is available.	
	20. The defendant in 21. Additional writte	as a good freat	ctors in mitigation:			
	21. Additional writte	, i i i i i i i i i i i i i i i i i i i				
	The Court makes no	o findings of any	y mitigating factors.			
			DETERMINATION	I (NOTE: Check on	ily one)	: finds that the aggravatir
The	Court, after conside	ering the eviden	ce and arguments prese	nted at the trial ar	nd sentencing hear	ing, finds that the aggravatir e
and	mitigating factors n	narked, if any, v	vere proven by a prepor	iderance of the ev	idence and that th	
ציא		tere endouglab the	o factore in mitigation a	nd that an aggrave	ated sentence is ju	stified.
	factors in aggravati	n outweigh the	factors in aggravation a	ng mara muyyare	a scritciloc la jacti	fied.
	idetora in minigation	Name Of Presiding	Judge (Type Or Print)	Signature Of Fre	siding XUXYEA	
Date 03	-05-99	PETER M.	MCHUGH	y our		lug
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STAT	OF NORTH CA	_ Ի⊃LINA	•	99CRS 23246
and a second	Guilford	County	771 <u>1</u>	In The General Court Of Justice Superior Court Division
	STATE VER ndant odore Mead Kimble icitation first de			FELONY JUDGMENT FINDINGS OF AGGRAVATING AND MITIGATING FACTORS (STRUCTURED SENTENCING)
NOTE: W	hen consolidating offenses fo	or judgment, findings of ag	gravating factors and i	G.S. 15A-1340.1
			ATING FACTORS	be made for each offense that is not consolidated.
	The Defendant:	medical AGGRAV	ATING PACTORS	
☐ 1. ☐ 2. ☐ 2.a.	a. induced others to p b. occupied a position The defendant joined with conspiracy.	n more than one other potential ted for the benefit of, or tin any criminal conduc	nce of other participerson in committing	pants in the commission of the offense. The offense and was not charged with committing any criminal street gang, with the specific intent to and the defendant was not charged with
□ 3.	The offense was commit	ted for the purpose of:	<u> </u>	· · · · · · · · · · · · · · · · · · ·
	a. avoiding or preventi The defendant was:	ng a lawful arrest.	∐\b. effectin	g an escape from custody.
4.	a. hired to commit the		b. paid to	commit the offense.
[∑] 5.	The offense was commit Ka. disrupt the lawful ex KXb. hinder the lawful ex	xercise of a government	al function or the en	nforcement of laws.
6.	employee of the Departm judge, clerk or assistant of engaged in the performant. The offense was especial. The defendant knowingly would normally be hazard. The defendant held public the defendant:  a. was armed with a control of the victim was:  a. very young.  The defendant committed the defendant involved at the offense involved:  a. an attempted takin.  c. damage causing grow the offense involved the offense involved the the offense was commit.	tent of Correction, jailer, or deputy clerk of court, once of that person's officilly heinous, atrocious or created a great risk of clous to the lives of more coffice at the time of the deadly weapon at the age of a position of the sale or delivery of a content of the defendant's outly been adjudicated deadly weapon at the defendant's outly been adjudicated deadly weapon at the defendant's outly been adjudicated deadly weapon at the suffered serious injury	fireman, emergence magistrate, prosect cial duties or because cruel.  death to more than the offense and the offense and the offense and the offense and the offense of the crime.  c. mentally infirm.  retrial release on any fine the commission of	ense that would be a Class A, B, C, D or E felony is
☐ The	Court makes no findings o	of any aggravating facto	rs.	·

Marie Constituting of the Constitution of the	or from the	MITIGATING FA	CTORS	19.17。"伊斯克斯 医红斑点	the figure of the model of the figure of the
	interdates offense und	or:			1
a. duress which v	was insufficient to con n was insufficient to co	nstitute a defense bu constitute a defense	significantly red	uced the defendant'	s culpability.
d. compulsion wh	vas insufficient to cor hich was insufficient t	to constitute a defen	se but significant	ly reduced the defer	idant's culpability.
2. The defendant:	participant in the cor	nmission of the offe	nse.		
a. was a passive	r role in the commissi	on of the offense.			
	aufforing from a	'			efendant's culnability
					efendant's culpability
for the offens  b. physical condiculpability for	ition that was insuffic	cient to constitute a	defense but signi	ficantly reduced the	defendant's
	turity, at the time of t	La assemblacion of th	e offense signific	antly reduced the de	efendant's
a. age, or immat culpability for	turity, at the time of the the office of the offense. It is to the time of time of the time of time of the time of the time of the time of time of time of time of time of tim	of the commission	of the offense sig	nificantly reduced th	ne defendant's
culpability for	the offense.				
5. The defendant has	made:				
a. substantial re	estitution to the victin	٦.			
☐ 6 The victim was mo	re than 16 years of a	ge and:			
a. was a volunta	ary participant in the	defendant's conduct			
	the defendant's cond	duct.			
7. The defendant:	apprehension of anoth	ner felon.			
b. testified truth	hfully on behalf of the	e state in another pro	secution of a feld	ony.	
	nt noted under strong	provocation.			
b. The relations  9. The defendant:	hip between the defe	ndant and the victin	Was Other Wilde		1 - dille berne or foor
a could not rea	asonably foresee that	the defendant's con	duct would cause	e or threaten serious	bodily nattit of feat.
b. exercised car	ution to avoid serious	bodily harm or tear	to other persons. duct was legal.	•	
10. The defendant reas	sonably believed that untarily acknowledge	d wrongdoing in con	nection with the	offense to a law enf	orcement officer:
a. at an early s	tage of the criminal p	rocess.			
b. prior to arres  XX 12. The defendant has  13. The defendant is a	been a person of go	de supervision avada	Die.		which the defendant lives
114 The defendant has	s been honorably disc	harged from the Uni	ted States Affiled	Services.	
15. The defendant has					atment program or an
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	s entered and is curre program subsequent	to arrest and prior to	trial.		
☐ 17 The defendant sur	pports the defendant'	s family.			
The defendant has	s a support system in	the community.	fully employed.		
19. The defendant has 20. The defendant has	s a positive employiti s a good treatment p	rognosis and a work	able treatment pla	an is available.	
21. Additional written	findings of factors in	n mitigation:			
					. *
	the diament any mitig	ating factors			
☐ The Court makes no	tingings of any mug	ETERMINATION (	NOTE: Check only	onel	
The Court, after consider and mitigating factors ma	ina tha avidanca and	arguments presente	d at the trial and	sentencing hearing,	finds that the aggravati
		re in mitigation and	that-an aggravate	ed sentence is justifi	ed.
factors in aggravation	outweigh the factors	in aggravation and	inal a mingaled	seriterice is justinion	
Oute N	lame Of Presiding Judge (1 PETER M. MCHUG	Type Or Printl	Signature of Fresid	Mc W	
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## · No. STATE OF NORTH CALLINA 99CRS 23247 In The General Court Of Justice Guilford County Superior Court Division STATE VERSUS \*\*: FELONY JUDGMENT Name Of Defendant FINDINGS OF AGGRAVATING Theodore Mead Kimble AND MITIGATING FACTORS (STRUCTURED SENTENCING) Offense Solicitation first degree murder G.S. 15A-1340.16 When consolidating offenses for judgment, findings of aggravating factors and mitigating factors should be made only for the most serious offense. Separate findings of aggravating factors and mitigating factors should be made for each offense that is not consolidated. **维护体型运输。程序创造,其类型,工作由** AGGRAVATING FACTORS The Defendant: □ 1. a. induced others to participate in the commission of the offense. b. occupied a position of leadership or dominance of other participants in the commission of the offense. The defendant joined with more than one other person in committing the offense and was not charged with committing a 2. 2.a. The offense was committed for the benefit of, or at the direction of, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy. The offense was committed for the purpose of: □ з. b. effecting an escape from custody. a. avoiding or preventing a lawful arrest. The defendant was: b. paid to commit the offense. a. hired to commit the offense. The offense was committed to: XX 5. $[\underline{X}]$ a. disrupt the lawful exercise of a governmental function or the enforcement of laws. [X] b. hinder the lawful exercise of a governmental function or the enforcement of laws. 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 6. 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. The offense was especially heinous, atrocious or cruel. The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which 7. 8. would normally be hazardous to the lives of more than one person. The defendant held public office at the time of the offense and the offense related to the conduct of the office. 9. a. was armed with a deadly weapon at the time of the crime. b. used a deadly weapon at the time of the crime. □ 10. The victim was: **□**11. d. physically infirm. e. handicapped. c. mentally infirm. b. very old. a. very young. The defendant committed the offense while on pretrial release on another charge. The defendant involved a person under the age of 16 in the commission of the crime. **12.** ີ 13. a. an attempted taking of property of great monetary value. b. the actual taking of property of great monetary value. The offense involved: **□**14. d. an unusually large quantity of contraband. c. damage causing great monetary loss. The defendant took advantage of a position of trust or confidence to commit the offense. The offense involved the sale or delivery of a controlled substance to a minor. ີ 15. The offense was committed against a victim because of the victim's race, color, religion, nationality, or country of origin. ີ 16. **∏17.** The defendant does not support the defendant's family. $\prod$ 18.a. The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B, C, D or E felony if committed by an adult. The victim of this offense suffered serious injury that is permanent and debilitating. ] 19. Additional written findings of factors in aggravation: 20.

The Court makes no findings of any aggravating factors.

		MITIGATING FACTORS
	<u></u>	1. The defendant committed the offense under:
		<ul> <li>a. duress which was insufficient to constitute a defense but significantly reduced the defendant's culpability.</li> <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> <li>d. compulsion which was insufficient to constitute a defense but significantly reduced the defendant's culpability.</li> </ul>
٦	7	2. The defendant:
ן   	 	<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> 3. The defendant was suffering from a:
		a. mental condition that was insufficient to constitute a defense but significantly reduced the defendant's culpability
		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.
		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.
	П	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>
		—
	لــا	b. The relationship between the defendant and the victim was otherwise extendating.
		9. The defendant:  a. could not reasonably foresee that the defendant's conduct would cause or threaten serious bodily harm or fear.
		he exercised caution to avoid serious bodily narm of feat 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:
	L	11. The defendant voluntarily acknowledged with grants in the defendant voluntarily acknowledged with the defe
		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.
	_	The state of the state of the reliable supervision designed.
	L	14. The defendant has been honorably discharged from the ordinary conduct
	L	14. The defendant has been higher the defendant's criminal conduct.  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.
	Г	717. The defendant supports the defendant's family.
		18. The defendant has a support system in the community.
	L.	120. The defendant has a good treatment prognosis and a Workable treatment.
	Ĺ	21. Additional written findings of factors in mitigation:
		The Court makes no findings of any mitigating factors.  DETERMINATION (NOTE: Check only one)
		description of presented at the trial and sentencing hearing, finds that the aggravation
	T a	mitigating factors marked, if any, were proven by a proportional and a second s
	X	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.
	D	Name Of Presiding Judge (Type Or Print) PETER M. MCHUGH
	1	Metarial opposite unmarked squares is to be disregarded as surplusage.

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STATE OF	NOR	TH CA. JLINA			le No.	97CRS	39581		
Guilford		County(1) lelony offense(s), and (2) misde	reensboro	Seat of Cour	rt		General Court		е
NOTE: [This form is to be consolidated for ju	usea tor dgment v	ith any falony offense(s). Use AO	C-CR-301 on DWA	<u>: 13                                   </u>			·		· 
Name Of Defendant Theodore Me		STATE VERSUS	1999 IMR -5	Fil 12: 114			D COMMITMEN NISHMENT DNY	T	
Roce White		Sex Male	12/08/69/	Arddiney For.D	,		SENTENCING)	1301, 15A-13	340.13
Attorney For State Richard Par	osh		Def. Found Def: Waive Not Indigent Attorney	Zimmerma		er	Дарро	inted 🖾 Re	tained
The defendant	XXple	d guilty to: 🗌 was for	ınd guilty by a jury	of: pled no	contest to	:			
File No.(s)	011	O	ffense Description		Offen	se Date	G.S. No.	F/M	CL
97CRS 39581		Second degree m	urder		10-	09-95	14-17	F	B
·									
		·		\					
			• •						
The Court:	ned, pu	rsuant to G.S. 15A-1340	14, the prior record p	points of the def	endant to be			II   III   IV	v
The Court:  1. makes no under G.S  (d) for a 2. makes the 3. imposes the 4. finds the court of 5. adjudges the 7. finds no E 8. finds the a 9. finds the a 19.	writter . 15A- an adju Findin he pris defend the defend actraore above defend g cons , and	in penalty, violent habitum findings because the part of 1340.17(c). (b) for dication as a violent harmonic for any finding and conterm pursuant to a part has provided substruction and the provided substruction of the part	orison term imposed a Class A felony. bitual felon. G.S. 1 Mitigating Factors solea arrangement as antial assistance pure al felon pursuant to a 1 misdemeanor to is a reportable conviction and orders the alternation of counsel and d, and Orders the alternation of counsel and for a maximum term	d is: (a) with (c) for enhance	hin the presenced firear (e) for drive attached under Articl 90-95(h)(5 G.S. Chaptay G.S. 90 a minor. 208.20.	ug traffic AOC-CR e 58 of (5). er 14. 0-95(e)(3) G.S. 14	cking offenses605. G.S. Chapter 15A (drugs); G.S208.6. The defendant judgment and the custody of:	14-3(c) (rac	ce, etc
Class A Felor		Life Imprisonment W. Parole	Warran	(see attached of and Certifica	Death ates)	I	iff pursuant to G.S	i. 15A-135	2(b).
☐ Violent Habitu	ıal Fel	ife Imprisonment Withou on: Life Imprisonment V	Vithout Parole						
The defendant s	hall be	J	days spent in conf						
The sentence	impo	sed above shall begin a sed above shall begin a number, date, county and	t the expiration of t	the sentence in	mposed in t	erendant the case	referenced belov	yated to s /:	-сі ve.

(check all that apply)			<b>,</b>	1	e fine of \$
1. The defendant	shall pay the costs.		2. The defend	iant shall pay	a fine of \$
	ā.		351(h). 🗌 4. Psychiatric	and/or psyc	hological counseling.
5. Work Release.	condition of post releas	e supervision, if app	licable, or from work relea	se earnings,	if applicable, of the items
and amounts	set out below.	·			
Fines	Costs	Restitution*	Reimbursement For Atto	rney Fee & Othe	Total Amount Due
					·
*Name(s), address	(es), amount(s) & soc	cial security number	er(s) of aggrieved party	(ies) to rece	give restitution.
1401110(0)/ 022					
			÷		
					•
The Court further	recommenus:				
			7		
		1,61 °			
The Court does not	recommend:	lees supervision of	work release. 2. V	Vork release.	
1. Restitution a	s a condition of post rel	lease supervision of	OUNCEL FOR DEEEND	ANT	
	AW	ARD OF FEE TO C	OUNSEL FOR DEFEND	includina e	xpenses, was awarded the
A hearing was he	eld in open court in the pinted counsel or assign	presence of the dete led nublic defender.	engant at which time a rec	.,	xpenses, was awarded the
defendant's appo			TOTAL TAITOU	: :	
	0	RDER OF COMMIT	MENT/APPEAL ENTRI	itment to the	sheriff or other qualified
It is ORDERED th	nat the Clerk deliver two	o certified copies of	this Judgment and Comm	he custody o	of the agency named on the ons of release pending appeal.
officer and that	the officer cause the de	or until the defendan	it shall have complied with	the condition	ons of release pending appeal. vision. Appeal entries and any
The defendant of	ives notice of appeal fro	om the luaginein or	the oupono. Govern	Appellate Div	vision. Appeal entries and any
conditions of po	st conviction release are	e set forth on form A	AOC-CR-350.		
		SIGNATU	RE OF JUDGE	<u> </u>	
Date	Name Of Presiding Judg	ge (Type Or Print)	Signature Of Pres	MMC D	had
03-05-99	PETER M. MC		THE APPENDING	1111-11	de
	B 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ORDER OF COMM  Date Withdrawal Of App	ITMENT AFTER APPEA	Date Appellate	Opinion Certified
Date Appeal Dismissed		Date Witholawar Or App			
		It is SUBTUER	ORDERED that the sherif	f arrest the	defendant, if necessary, and all two certified copies of this
					al two certified copies of this
Judgment and Com	mitment as authority for	or the commitment a	and detention of the defen	dant.	
Dote	Signature Of Clerk				Deputy CSC Assistant CS  Clerk of Superior Court
		OFF	TITIOATION		Greek or depositor detail
The state of the season of the	Military of the Military of the state of the	CER	TIFICATION		lete copy of the original whic
I certify that this Ju	udgment and Commitme	ent with the attachn	nent marked below is a tr	ue and comp	lete copy of the original whic
on file in this case.	Anneal F	Intries (AOC-CR-350	)).		
	🔀 Felony J	udgment Findings O	f Aggravating And Mitiga	ing racions	-317)
	☐ Judicial	Findings As To Forfe	eiture Of Licensing Privileg	jes (AUC-U)	3177.
1	∐ Commiti	ment Information Sta	Signature And Seal	$ \overline{} $	1
Date .	0 22-94	7	Jan Jan	\ \mathreal \land	JCKW)
5 0 111 10 11 5	alivered to Sheriff			· · · · · · · · · · · · · · · · · · ·	
Date Certified Copies D	3/5/00		Debuty CSC L	Assistant CS	Superior Clerk of Court
	1471 -				
ACC:CR-601, Side Two	, Rev. 4/98		ie to be disconstitud as su	18.	

STATE OF NORT				rne No.	97CR	S 23656		
Guilford  NOTE: (This form is to be used for (1	County	eensboro	Seat of Court	i		General Court Of , perior Court Divisi		е
consolidated for judgment with	TATE VERSUS	1999 [1:3 - 5				O COMMITMENT NISHMENT DNY	4-1-0-1	
Race White	Sex Male	ров 12-08-69	100	`	TURED	SENTENCING) G.S. 15A-130	I, 15A-13	340.13
Attorney For State Richard Panosh		Def. Found Def. Waived Not Indigent Attorney	Autorney For Defe Zimmerman/		er	Appointed	XXXRe	tained
The defendant XX pled	guilty to: was	found guilty by a jury o	of: pled no co	ontest to:			<b>.</b>	
File No.(s) Off		Offense Description		Offense	Date	G.S. No.	F/M	CL.
98CRS 23656	Conspiracy:	First Degree M	urder	10-09	9-95	C.L. & 14-2.4	F	В-
			N.					
The Court:  1. makes no written under G.S. 15A-1;  (d) for an adjud  2. makes the Finding  3. imposes the prison  4. finds the defendant  5. adjudges the defe  6. finds enhanced put  7. finds no Extraordi	findings because the 340.17(c). (b) for ication as a violent is of Aggravating are notern pursuant to not has provided substant to be an habitanishment from a Clinary Mitigation.	or a Class A felony.	is: XX (a) within (c) for enhance 4-7.12. (d) (et forth on the a to sentence uncomment to G.S. 90 Article 2A of G. a Class I felony (iction involving a	the presuced firearm (e) for drug attached A der Article 0-95(h)(5) S. Chapte G.S. 90-	traffic OC-CR- 58 of C r 14. 95(e)(3)	king offenses. 605. 6.S. Chapter 15A. (drugs); G.S. 14-3	<i>071</i> ,7	
The Court, having considering freely, voluntarily, and u			I -tatamant of de	ofandant !	finds th	at the defendant's p judgment and the d	olea wa efenda	is int be
for a minimum term of:  163  Class A Felony:	months  Life Imprisonment Parole	 Without ☐ Death (		nonths eath	⊠n.c.	iff pursuant to G.S. 1	5A-135	2(b).
☐ Class B1 Felony: Lif	n: <i>Life Imprisonmer</i>	nt Without Parole						
The defendant shall be	given credit for -0	days spent in conf	finement prior to	the date of	this Jud	dgment as a result of t	his cha	rge(s)
The sentence impose  The sentence impose  (NOTE: List the case n 97CRS39581 Crin	ad above shall beni	n at the expiration of a n at the expiration of t and court in which prior s Division Guilf	ne sentence imp	osea in in	e case	leteteticed pelow.	ea to s	erve.

(check all that apply)	shall pay the costs.		2. The de	fendant shall pay a	fine of \$
il - Court recommend	•	suant to G.S. 15A-	1351(h).		
5. Work Release. 6. Payment as a c	condition of post releas		oplicable, or from work re		
and amounts s	et out below.	Restitution*	Reimbursement For	Attorney Fee & Other	Total Amount Due
ines					<u></u>
'Name(s), address(	es), amount(s) & so	cial security num	ber(s) of aggrieved pa	irty(ies) to receiv	e restitution:
			•		
	•				
The Court further re	ecommends:				
The Court does not re	ecommend: a condition of post re	lease supervision o	r work release. 2	. Work release.	
	0.107	ADD OF EEE TO	COUNSEL FOR DEFE	NDANT	
A hearing was hel defendant's appoi	d in open court in the nted counsel or assign	presence of the de led public defender	fendant at which time a	fee, including exp	enses, was awarded the
	0	RDER OF COMM	ITMENT/APPEAL ENT	RIES	
officer and that the reverse to serve to	e officer cause the de	or until the defenda or the judgment o	the Superior Court to t	with the conditions	heriff or other qualified he agency named on the s of release pending appe on. Appeal entries and e
Conditions of post			URF OF JUDGE		
Date	Name Of Presiding Judg	ge (Type Or Print)	(  Signature Of	Presiding Judge	n l
03-05-99	PETER M. MCH		MITMENT AFTER APP		
Date Appeal Dismissed		Date Withdrawal Of A	ppeal Filed	Date Appellate Opi	nion Certified
	•				
			R ORDERED that the sh in this Judgment and fu and detention of the de		endant, if necessary, and wo certified copies of th
	Signature Of Clark	of the commitment	und determine		Deputy CSC Assistant
Date					Clerk of Superior Court
resign after the second and	and the second s	CE	RTIFICATION		of the original wh
I certify that this Jud	dgment and Commitm	ent with the attach	ment marked below is a	a true and complet	e copy of the original wh
on file in this case.	☐ Folony I	Entries (AOC-CR-3)	Of Aggravating And Mit	igating Factors (A	OC-CR-605).
	☐ Judicial	Findings As To For	feiture Of Licensing Priv	vileges (AOC-CR-3	17).
	Commit	ment Information S	statement (DC-600).		<del>\</del> \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Date	323-1	Î	Signature And Seal	Me h	1000
Date Certified Copies Del	ivesel To Sheriff		Deputy CSC	Assistant CSC	Superior Clerk of Coul

Ababranarib ad at at annu.

no.

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

STATE OF I	NORTH		NA		98CRS23	3486			
Guilford			reensboro	Seat of Court			Court Of .		3
NOTE: (This form is to be	used for (1) fe	lony offense(s), and (2) ny felony offense(s). Us	misdemeanor offense(s), which are e AOC-CR-301 on DWI	и в 4 г. и		•	ourt Divisi	on	
Name Of Detendant Theodore Mea	ST	ATE VERSUS	1999 <u>- M.A</u>	5 711 12: 41 <b>0</b> 	UDGMENT AN ACTIVE PI				
Race White		Sex Male	12/08/69	Attorney For Defer	(STRUCTURE		CING) 3.S. 15A-130	1, 15A-13	40.13
Attorney For State Richard Pano	sh		Def. Found Def. Waived Not Indigent Attorney	Zimmerman/C			Appointed	d XX Res	tained
The defendant	g belq∡	uilty to: was	found guilty by a jury o	of: pled no co	ontest to:	· [		1	
File No.(s)	Off		Offense Description		Offense Date	G.S	. No.	F/M	CL.
98CRS 23486	I	First degree	e arson		10-09-95	C.L. &	14-58	F'	D
			٠٠ نوي						
he Court:  1. makes no under G.S.  (d) for a second	written fir. 15A-134 an adjudic Findings the prison defendant the defendant arranged pun arraordina above des defendant	ndings because to 10.17(c). (b) ation as a violent of Aggravating atterm pursuant to has provided surfant to be an half ishment from a Cory Mitigation.	he prison term imposed for a Class A felony. [ t habitual felon. G.S. 1 and Mitigating Factors s a plea arrangement as betantial assistance pur bitual felon pursuant to class 1 misdemeanor to a sexually violent preda guments of counsel and ered, and Orders the ab	is: (a) within (c) for enhance 4-7.12. (d) (et forth on the ato sentence und suant to G.S. 90 Article 2A of G.3 a Class I felony (c)	the presumptive direarm penale) for drug traff ttached AOC-C ler Article 58 of 0-95(h)(5).  S. Chapter 14.  G.S. 90-95(e)(a minor. G.S. 18.20.	icking offer R-605. G.S. Chap  (drugs); [ 4-208.6.	nses.  oter 15A.  G.S. 14-3	B(c) (rac	e, etc.
for a minimum te	erm of:		for a maximum term		1	custody o	f:		
Class A Felor		months ife Imprisonmentarole	t Without Death (	m see attached De t and Certificates	ath She	•	nt to G.S. 1!	5A-135	2(b).
☐ Class B1 Feld☐ Violent Habitu	onγ: <i>Life i</i> ual Felon:	mprisonment Wi Life Imprisonme	nt Without Parole						
The defendant s	hall be giv	en credit for	O- days spent in conf						
山本 The sentence	e imposed	above shall beg	in at the expiration of a in at the expiration of t and court in which prior s	he sentence imp	osed in the case	nt is preser e reference	ntly obligated below:	ed to s	erve.
97CRS2365	6 Crimi	nal Superio	r Division Guilfo	ord County G	Greensboro (	03-05-99	1		

Material opposite unmarked squares is to be disregarded as surplusage.

AOC-CR-601, Rev. 4/98

shook all that apply!	·			
check all that apply) ] 1. The defendant s	hall pay the costs.		2. The defendant shall p	pay a fine of \$
	_	uant to G.S. 15A-1351(f	n).	ychological counseling.
6. Payment as a co	ondition of post release	supervision, if applicable	e, or from work release earning	s, it applicable, of the items
and amounts se			Reimbursement For Attorney Fee & C	
es	Costs	Restitution*	Reimbursement For Attorney For a c	
		1 1itu numbaria)	of aggrieved party(ies) to re	ceive restitution:
Name(s), address(e	s), amount(s) & soci	ial security number(s)	of aggination party (1915)	
			•	
	•			
ne Court further re	commends:			
		÷.		
				•
he Court does not red	commend:		release 2. Work releas	e.
1. Restitution as a	a condition of post rele	ase supervision or work	Teledate.	
		TO OF FEE TO COLIN	CELEOR DEFENDANT	evances was awarded the
A hearing was held	I in open court in the p	resence of the defendar	t at which time a fee, including	expenses, was awarded the
defendant's appoin	ted confise of assigne	a public dolollari		
	OR	DER OF COMMITMEN	NT/APPEAL ENTRIES	l self or other qualified
X It is ORDERED that	the Clerk deliver two	certified copies of this	Judgment and Commitment to	of the agency named on the
officer and that the	e officer cause the den	endant to be delivered .		itions of release pending appe
				Division. Appeal entries and a
The detendant give	conviction release are	set forth on form AOC-	CR-350.	
Conditions of per-		SIGNATURE (	OF JUDGE	
)ate	Name Of Presiding Judge	e (Type Or Print)	Signature Of Presiding Judge	desol
03-05-99	PETER M. MCHI		Jeen MY	
03-03-33	0	RDER OF COMMITM	ENT AFTER APPEAL  Date Appella	te Opinion Certified
ate Appeal Dismissed	1	Date Withdrawal Of Appeal Fil	2555 77	.,
			STATE About the chariff arrest th	e defendant, if necessary, and
It is ORDERED that th	is Judgment be execu	ted. It is FURTHER ORI	DERED that the sheriff arrest th Judgment and furnish that offi etention of the defendant.	cial two certified copies of thi
ecommit the defenda	ant to the custody of the itment as authority for	the commitment and d	etention of the defendant.	
	Signature Of Clerk			Deputy CSC Assistant
Date				Clerk of Superior Court
. Haran i kanada kapada makasa ka Tab	egy of a contract type to a first	CERTIFIC	CATION	
Leastifu that this lud	ament and Commitme	nt with the attachment	marked below is a true and cor	nplete copy of the original wil
on file in this case.				
Off the the same	FT - 1	.demont Findings Of Ag	gravating And Mitigating Facto	rs (AUC-CH-608).
	☐ Judicial F	indings As To Forfeiture	e Of Licensing Privileges (AUC-	Cn-3171.
	☐ Commitm	nent Information Statem	ent (DC-600).	·
Date .	3239	9	Signature And Seal	JA CKON
Date Certified Copies Deli	wardd To/Sheriff		Deputy CSC Assistant	CSC Superior Clerk of Cour
	19144			
AMC-CR-601 Side Two.	7 7 Rev. 4/98	and the second second second	s is to be distroureded as	

STATE OF	NOR	TH CARULI			99CR	s 23241			
Guilford  NOTE: /This form is to be	used for	County	Greensboro misdemeanor offense(s), which ar	Seat of Court	In		neral Court Of for Court Divis		е
ne Of Defendant Theodore Me		STATE VERSUS	1999 Taut -	2 51 2: 04 J		T AND CO E PUNISI FELONY		·	
Race White		Sex Male	12-08-69(			TURED SEN	ITENCING) G.S. 15A-130	01, 15A-1	340.13
Attorney For State Richard Pan	osh		Def. Found Def. Waive Not Indigent Attorney				Appointe	d XXRe	tained
The defendant	pled XX	guilty to: was	found guilty by a jury	of: pled no co	ontest to:				
File No.(s)	Off		Offense Description		Offense	Date	G.S. No.	F/M	CL.
99CRS 23241		Solicitation	: First degree n	nurder	11-04-	-98 C.1	L. & 14-2.6	F	С
				,					
enhanced  he Court:  1. makes no under G.S  (d) for a second seco	written . 15A- an adju Findin he prise defende the def anced p extraore above of defend	findings because to 1340.17(c). (b) dication as a violent gs of Aggravating at the first pursuant to the first has provided such that to be an halounishment from a Collinary Mitigation. It designated offenses ant is classified as idered evidence, and the first pursuant in the first pursuant is classified as idered evidence, and the first pursuant is classified as idered evidence, and the first pursuant is classified as idered evidence, and the first pursuant is classified as idered evidence, and the first pursuant is classified as idered evidence, and the first pursuant is classified as idered evidence, and the first pursuant is classified as idered evidence, and the first pursuant is classified as identificant in the first pursuant in th	he prison term imposed for a Class A felony. It habitual felon, or drug trained for a Class A felony. It habitual felon. G.S. and Mitigating Factors of a plea arrangement as betantial assistance publicual felon pursuant to class 1 misdemeanor to a sexually violent prediguments of counsel and orders the affor a maximum term.	d is: (a) within (c) for enhance (14-7.12. (c) for enhance (14-7.12. (c) for enhance (15-12. (c) for e	the presum ped firearm ped firearm ped firearm pattached AO der Article 50-95(h)(5). S. Chapter G.S. 90-9 a minor. G. 8.20. efendant, fire consolidate	trafficking C-CR-605 8 of G.S. 14. 5(e)(3) (dru	offenses. Chapter 15A. gs); G.S. 14-3	3(c) (rac	ee, etc
Class A Felo	ny:	] Life Imprisonmen Parole	t Without 🗌 Death Warrai	(see attached De nt and Certificate	eath	7	ursuant to G.S. 1	5A-135	2(b).
☐ Violent Habit	ual Feld	ife Imprisonment Wi on: Life Imprisonme	ent Without Parole						
The sentenc	e impo e impo	sed above shall beg sed above shall beg number, date, county	on days spent in congin at the expiration of the expiration of and court in which prior ior Division Gui	all sentences whi the sentence imp sentence imposed.	ich the defe cosed in the .)	endant is p case refe	resently obligat renced below:	this cha	rge(s). erve.

Material opposite unmarked squares is to be disregarded as surplusage.

AOC-CR-601, Rev. 4/98

check all that apply)  7 1. The defendant i	shall pay the costs.		2. The defen	dant shall pay a fi	ne of \$
L - Court recommend	e• '		1351/b) 🗍 4 Devebiotri	a and/or neveholo	rical counseling
	se Treatment Unit pur	suant to G.S. 15A-	1351(h). 🗌 4. Psychiatri	c and/or psycholog	gical counsoling.
5. Work Release.	ondition of nost releas	se supervision, if ap	plicable, or from work relea	ase earnings, if ap	plicable, of the items
and amounts s		o out of the later, in the			
and amounts so	Costs	Restitution*	Reimbursement For Atte	orney Fee & Other	Total Amount Due
				·!'\	roctitution:
Name(s), address(e	es), amount(s) & so	cial security numb	per(s) of aggrieved party	(les) to receive	estitution.
			•		
					•
				·	
	aommende:				
he Court further re	Commenus:				
			4		
he Court does not re	ecommend:				
1. Restitution as	a condition of post rel	lease supervision or	work release. $\square$ 2. V	Vork release.	
	AVAL	ADD OF FEE TO	COLINSEL FOR DEFEND	ANT	
□ A bearing was hel	d in open court in the	presence of the def	endant at which time a fee	e, including expen	ses, was awarded the
defendant's appoi	nted counsel or assign	ned public defender.			
			TMENT/APPEAL ENTRI	ES	
¥			table Judgment and Comm	itment to the she	riff or other qualified
reverse to serve t	he sentence imposed (	or until the defenda	nt shall have complied with	h the conditions o	release penuing appea Anneal entries and ar
The defendant give	notice of appeal fro	om the juagment of	the Superior Court to the	Appellate Division	. , , , , , , , , , , , , , , , , , , ,
conditions of post	conviction release are	e set forth on form	ACC-CH-000.		
			URE OF JUDGE	siding Judge	
Date	Name Of Presiding Judg		Signature Of Pres	- Wille I beg	
03-05-99	PETER M. MC	HUGH	ALTRAFALT ACTED ADDE	and the second	
		Date Withdrawal Of Ap	NITMENT AFTER APPEA	Date Appellate Opinio	n Certified
Date Appeal Dismissed		Dott Williams			
		ı	1		I at if accessory and
		LAND IA IN ELIDITLIE	R ORDERED that the sheri	ff arrest the defer	dant, if necessary, and
It is ORDERED that the	his Judgment be executed to the custody of	uted. It is FURTHE the official named i	R ORDERED that the sheri n this Judgment and furnis	ff arrest the defer sh that official tw	certified copies of this
It is ORDERED that the recommit the defend	his Judgment be exect ant to the custody of hitment as authority for	uted. It is FURTHE the official named i or the commitment	R ORDERED that the sheri n this Judgment and furnis and detention of the defer	ndant.	
recommit the defend Judgment and Comn	his Judgment be exect ant to the custody of nitment as authority for Signature Of Clerk	uted. It is FURTHE the official named i or the commitment	R ORDERED that the sheri n this Judgment and furnis and detention of the defer	ndant.	aputy CSC Assistant C
recommit the defend Judgment and Comn	ant to the custody of nitment as authority fo	or the commitment	and detention of the defer	ndant.	
recommit the defend Judgment and Comn Date	ant to the custody of nitment as authority fo	or the commitment	and detention of the defer	ndant.	oputy CSC Assistant Cerk of Superior Court
recommit the defend Judgment and Comn Date	ant to the custody of nitment as authority for Signature Of Clerk	cr the commitment  CEF ent with the attach	and detention of the defer	ndant.	oputy CSC Assistant Cerk of Superior Court
recommit the defend Judgment and Comn Date	Signature Of Clerk	cert with the attach	RTIFICATION ment marked below is a tr	ue and complete	oputy CSC Assistant C erk of Superior Court copy of the original whi
recommit the defend Judgment and Comm Date	ant to the custody of nitment as authority for Signature Of Clerk  dgment and Commitment Appeal E	cent with the attach	RTIFICATION ment marked below is a tr	ue and complete	eputy CSC Assistant Coerk of Superior Court  copy of the original white-
recommit the defend Judgment and Comm Date	Signature Of Clerk  dgment and Commitme  Appeal E  Judicial	cert with the attach Entries (AOC-CR-35 ludgment Findings (Findings As To Fortist Commitment)	and detention of the deference of the de	ue and complete	eputy CSC Assistant Coerk of Superior Court  copy of the original white-
recommit the defend Judgment and Comm  Date  I certify that this Jud	Signature Of Clerk  dgment and Commitme  Appeal E  Judicial	cert with the attach Entries (AOC-CR-35 ludgment Findings (Findings As To Fortist Commitment)	and detention of the deference of the de	ue and complete	eputy CSC Assistant Coerk of Superior Court  copy of the original white-
recommit the defend Judgment and Comm Date  I certify that this Jud	Signature Of Clerk  dgment and Commitme  Appeal E  Judicial	cert with the attach Entries (AOC-CR-35 ludgment Findings (Findings As To Fortist Commitment)	and detention of the deference of the de	ue and complete	eputy CSC Assistant Coerk of Superior Court  copy of the original whi
recommit the defend Judgment and Comn Date  I certify that this Jud on file in this case.	ant to the custody of nitment as authority for Signature Of Clerk  digment and Commitmed Appeal E. Telony J. Judicial Commitmed Commitme	cert with the attach Entries (AOC-CR-35 ludgment Findings (Findings As To Fortist Commitment)	and detention of the deference of the de	ue and complete	eputy CSC Assistant Coerk of Superior Court  copy of the original whi
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STATE OF Guilford	NOR					.a No.	CRS232	242			
NOTE: /This form is to be	used for a	County	Greensboro (2) misdemeanor offens Use AOC-CR-301cqq	se(s), which are	Seat of Court	٠			l Court Of Court Divis		эе
Name Of Defendant Theodore M	(	STATE VERSUS	1/1/	1	7-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1		TIVE P	ND COMM Unishme	MITMENT	-	
Race White		Sex Male	DOB. 12-	08-69		(STR		D SENTEN	CING) G.S. 15A-130	01, 15A-1	340.1
Attorney For State Richard Pa	nosh		Def. Found Not Indigent	Def. Waived Attorney	Attorney For Der Zimmerman/		er		Appointe	d XXR	etaine
The defendant	plec	guilty to: wa	as found guilty	by a jury o	f: pled no d	contest to	):				
File No.(s)	Off		Offense Des	cription		Offer	se Date	G.:	S. No.	F/M	Cı
99CRS 23242	23242 Solicitation:First degree murder					11-	04-98	C.L. 8	14-2.6	F	С
					N.						
enhanced f	rior rec	suant to G.S. 15A-1 cord level finding l penalty, violent h	because none is	s required f	or Class A felo	ony,		PRIOR RECORD L	II XKJAVA		□ <b>∨</b>
under G.S.  (d) for a  2. makes the  3. imposes th  4. finds the d  5. adjudges tl  6. finds enhal  7. finds no Ex  8. finds the a	15A-1 n adjud Finding e prisor efendar ne defe nced pu traordi bove de	findings because 340.17(c). (b) ication as a violer s of Aggravating n term pursuant t has provided so andant to be an haunishment from a mary Mitigation. esignated offensent is classified as	for a Class A for thabitual felor and Mitigating o a plea arrang ubstantial assis abitual felon pur Class 1 misden	felony. [n. G.S. 14] Factors settlement as to stance pursurs to Aneanor to a	(c) for enhance of the following sentence undustrice 2A of G. Class I felony tion involving at the control of t	ced fiream (e) for dru attached der Article 0-95(h)(5 S. Chapt G.S. 90 a minor.	m penaling traffice AOC-CR = 58 of (in).  er 14. 0-95(e)(3	ty (G.S. 1 cking offer l-605. G.S. Chap (drugs); [	5A-1340.1 nses. ter 15A.	6A).	
The Court, having freely, voluntarily imprisoned	consid	lered evidence, ar	rauments of co	unsel and s	tatement of de	efendant,	finds thated for	nat the de judgment	fendant's p and the de	lea wa efendar	s nt be
for a minimum te	108	months  Life Imprisonmer Parole					XXV.C.	riff pursuar	: at to G.S. 15	A-1352	2(b).
Class B1 Felo Violent Habitu	ny: <i>Life</i> al Felor	e Imprisonment W n: Life Imprisonme	rithout Parole ent Without Par	role	-		۰۰۰۰				
The sentence (NOTE: List the	impose impose case no	given credit fored above shall began above shall began amber, date, county iminal Super	gin at the expir gin at the expir y and court in wh	ation of all ation of the hich prior ser	sentences whi e sentence imp entence imposed.	ich the de osed in t /	efendan he case	t is preser reference	tly obligate d below:		

(check all that apply)	shall pay the costs.		2. The defend	lant shall pay a	fine of \$
The Court recommend 3. Substance Abu		oursuant to G.S. 15A	.1351(h). 🗌 4. Psychiatric	and/or psycho	logical counseling.
		ease supervision, if a	oplicable, or from work releas	se earnings, if a	applicable, of the items
and amounts so	et out below.	Restitution*	Reimbursement For Attor	rney Fee & Other	Total Amount Due
Name(s), address(e	es), amount(s) &	social security num	ber(s) of aggrieved party(	ies) to receive	e restitution:
he Court further re	ecommends:				
	:		N.		
The Court does not re	commend:			ork release.	
1. Restitution as	a condition of post	release supervision o	COUNSEL FOR DEFENDA	NT	
A hearing was heldefendant's appoin	d in onen court in th	ne presence of the de igned public defender	fendant at which time a fee,	, including expe	enses, was awarded the
		ORDER OF COMM	ITMENT/APPEAL ENTRIE	S	'tt
officer and that the reverse to serve the	le officer cause the he sentence impose tes notice of appeal	defendant to be deliv	f this Judgment and Commi- rered with these copies to the ant shall have complied with f the Superior Court to the A AOC-CR-350.	the conditions	of release pending appea
Conditions of part		SIGNAT	URE OF JUDGE   Signature Of President	ding Judge /	
Date 03-05-99	Name Of Presiding S PETER M. M		Seen	MYKe ) bear	
Date Appeal Dismissed		Date Withdrawal Of A	opcur rives	tate Appellate Opin	
			R ORDERED that the sheriff in this Judgment and furnisl and detention of the defend		
Judgment and Comm	Signature Of Clerk	Tor the community			Deputy CSC Assistant C Clerk of Superior Court
in the consequence of the Book	grate in the See Control	CE	RTIFICATION		
I certify that this Jud on file in this case.	∐ Appea ☑ Felon ☐ Judici	al Entries (AOC-CH-3)	Of Aggravating And Mitigat relature Of Licensing Privileg Statement (DC-600).	ing Factors (AC	)C-CR-605).
Date	Z 23	99	Signatura And Seal	EDVC	CKU
Date Certified Copies Deli	ivered Td Sheriff		Dondry CSC	Assistant CSC	Superior Clerk of Court

STATE OF	NORT	H CARO	_INA			i. No.	99CRS 23243					
Guilford		County	Green	sboro	_ Seat of Cour	rt	In Th	e General	Court Of	Justic	e	
NOTE: (This form is to be consolidated for ju	used for (1) dgment with	felony offense(s), and n any felony offense(s)	(2) misdemear I. Use AOC-CR	nor offense(s), which are ' -301 on DWI		,·•		Superior C				
	S	TATE VERSU	S	1779 10.3 -	111 25 57	JUDGMI	ENT AN	ID COMM	ITMENT			
<i>Name Of Defendant</i> Theodore M	ead Ki	.mble		* * * * * *	0.0	.O. AC		UNISHME	NT			
Race		Sex		DOB /				ONY				
White		Male		12-08-69			UCTURE	D SENTENC	SING) S.S. 15A-130	1, 15A-13	340.13	
Attorney For State Richard Pa	nosh			Found Def. Waived digent Attorney	Zimmermar		er		Appointe	d XX Re	taine	
The defendant	<mark>KX</mark> pled (	guilty to: 🔲 w	as found	guilty by a jury o	f: pled no	contest to	):	•				
File No.(s)	Off		Offen	se Description		Offer	se Date	G.S	. No.	F/M	CL	
99CRS 23243		Solicitati	on: Fir	rst degree m	urder	11-	04-98	C.L. &	14-2.6	F	C	
					Λ							
enhanced fi The Court:  1. makes no v 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	vritten fi 15A-13 n adjudio Findings e prison efendant ne defen nced pur etraordin bove des efendan	enalty, violent  ndings because 40.17(c). [] (because of Aggravating term pursuant thas provided of the pursuant thas provided of the pursuant dant to be an inshment from a ary Mitigation. signated offens t is classified a	habitual feather than the prison of the pris	arrangement as ful assistance pursulon pursuant to Amisdemeanor to a reportable convidity violent predate	is: (a) with (c) for enhand (c) for enhand (c) for enhand (c) forth on the contence under the G.S. (article 2A of C) Class I felometrion involving (c). G.S. 14-2	es.  nin the presenced firear  (e) for druct attached nder Article  90-95(h)(5)  G.S. Chapt y G.S. 90  g a minor.	m penalug traffi AOC-CF e 58 of i). er 14. 0-95(e)(3	Ity (G.S. 15 cking offer R-605. G.S. Chap (drugs); [ 1-208.6.	6A-1340.1 ises. ter 15A. ]G.S. 14-3	6A).	e, etc	
The Court, having freely, voluntarily imprisoned	conside , and un	ered evidence, a derstandingly e	arguments intered, ar	nd Orders the abo	ove offenses t	be consolic	lated fo	r judgment	and the de	efendar	nt be	
for a minimum ter  1 Class A Felon	08 y:	month	ns	maximum term 139  It Death (s		months Death	⊠N.C	custody of . DOC. riff pursuan		5A-1352	2(b).	
Class B1 Felo	ny: <i>Life</i>	Parole Imprisonment \ Life Imprisonn	Nithout Pa nent Witho	role	and Johnnoor		- Oth	er				
The defendant sh  The sentence The sentence (NOTE: List the	imposed	d above shall be	egin at the	ys spent in confire	sentences w	hich the d	efendan	t is presen	tly obligate			

(check all that app	ant shall pay the c	osts.	2. The defe	endant shall pay a	fine of \$
The Court recomm	ends: Abuse Treatment	Unit pursuant to G.S. 15A-	1351(h).	ric and/or psycho	ogical counseling.
5 Work Relea	se.				
6. Payment as	a condition of po	st release supervision, if ap	plicable, or from work rel	ease earnings, if a	pplicable, of the items
	ts set out below.				
nes	Costs	Restitution*	Reimbursement For A	ttorney Fee & Other	Total Amount Due
Name(s), addre	ss(es), amount(s	s) & social security numb	per(s) of aggrieved part	ty(ies) to receive	restitution:
he Court further	r recommends:				
110 00011 121					
	•		•		
The Court does no	ot recommenu:	post release supervision or	work release. 2.	Work release.	
I. Nestitation	as a contantion of	AWARD OF FEE TO (	COUNSEL FOR DEFEND	DANT	
□ A bessing was	held in onen cour	t in the presence of the def	endant at which time a fe	ee, including expe	nses, was awarded th
defendant's ap	pointed counsel o	r assigned public defender.			
			TMENT/APPEAL ENTR	IES	
VV		to the samified conies of	this Judgment and Comi	mitment to the sh	eriff or other qualified
		L . dafaadaat ta ba daliya	ared with these cooles to	the custous or th	c agonor mannoa on a
The defendant	gives notice of an	opeal from the judgment of	the Superior Court to the	Appellate Division	II. Appear citties and
conditions of p	ost conviction rel	ease are set forth on form		<del></del>	
		ding Judge (Type Or Print)	JRE OF JUDGE   Signature Of Pro	esiding Judge j	/
03-05-99	PETER N	M. MCHUGH	Snoa	W//// //	u
		ORDER OF COMM	ITMENT AFTER APPE	ÁL	
Date Appeal Dismissed		Date Withdrawal Of App		Date Appellate Opidi	on Certified
		1		1	
				l	
		e executed. It is FURTHEF	R ORDERED that the sher	l iff arrest the defe	ndant, if necessary, a
It is ORDERED that	at this Judgment b	pe executed. It is FURTHEF ody of the official named in	n tills Judgilletit and rain	isit that official tr	ndant, if necessary, a vo certified copies of t
It is ORDERED the	at this Judgment bendant to the cust	ody of the official named in nority for the commitment a	n tills Judgilletit and rain	ndant.	
It is ORDERED the recommit the defo Judgment and Co	at this Judgment b	ody of the official named in nority for the commitment a	n tills Judgilletit and rain	ndant.	Deputy CSC Assistan
It is ORDERED that recommit the defo Judgment and Co Date	at this Judgment bendant to the cust mmitment as auth	ody of the official named in nority for the commitment a	and detention of the defe	ndant.	
It is ORDERED that recommit the defo Judgment and Co Date	at this Judgment bendant to the cust mmitment as auth	ody of the official named in nority for the commitment a Clerk	and detention of the defe	ndant.	Deputy CSC Assistan
It is ORDERED the recommit the defound the Judgment and Co	at this Judgment bendant to the cust mmitment as auth Signature Of C	ody of the official named in nority for the commitment of Clerk  Clerk  CER  mmitment with the attachr	RTIFICATION ment marked below is a t	ndant.	Deputy CSC Assister
It is ORDERED the recommit the defound of the Judgment and Condition of the Items o	at this Judgment bendant to the cust mmitment as auth Signature Of Control Judgment and Control A	cdy of the official named in nority for the commitment of Clerk  Clerk  CER  mmitment with the attachroneal Entries (AOC-CR-35)	RTIFICATION  ment marked below is a t	rue and complete	Deputy CSC Assister Clerk of Superior Court  copy of the original v
It is ORDERED the recommit the defound of the Judgment and Condition of the Items o	at this Judgment bendant to the cust mmitment as auth Signature Of Control Judgment and Control A	clerk  CER  mmitment with the attachr  ppeal Entries (AOC-CR-350)  elony Judgment Findings C	RTIFICATION  ment marked below is a tool Of Aggravating And Mitigs	rue and complete	Deputy CSC Assister Clerk of Superior Court  copy of the original v  C-CR-605).
It is ORDERED the recommit the defound of the Judgment and Condition of the Items o	Signature Of C	clerk  CER  mmitment with the attachr  cppeal Entries (AOC-CR-350) elony Judgment Findings Cudicial Findings As To Forf	RTIFICATION  ment marked below is a tool  Of Aggravating And Mitigaleiture Of Licensing Privile	rue and complete	Deputy CSC Assistant Assistant Assistant Clerk of Superior Court Copy of the original v
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STATE OF	NOR'	TH CARCLINA	4		<b>Vo.</b> 99CRS 2324	14		
Guilford		<del></del> '	eensboro .	_ Seat of Court	In The	e General Court Of	Justice	э
OTE: (This form is to be consolidated for ju	used for () dgment wi	1) felony offense(s), and (2) misc th any felony offense(s). Use AC	demeanor offense(s), which are DC-CR-301 on DWI		S	uperior Court Divis	ion	
	S	STATE VERSUS	177 mg	-3 9	-	ID COMMITMENT		
Theodore M	ead K	imble		<b>.</b>	5 A	JNISHMENT .ONY		
Raca White		Sex Male	DOB 12-08-69 (	200	(STRUCTURE	D SENTENCING) G.S. 15A-130	1, 15A-13	40.13
Attorney For State Richard Pa	nosh		Def. Found Def. Waived Not Indigent Attorney	Attorney For Defe Zimmerman/		Appointe	d XX Ret	ained
The defendant	K7 pled	guilty to: was fo	und guilty by a jury of	:  pled no c	ontest to:			
File No.(s)	Off	. (	Offense Description		Offense Date	G.S. No.	F/M	CL.
99CRS 23244		Solicitation:	First degree mu	urder	11-04-98	C.L. & 14-2.6	F	С
				e A				
enhanced  ne Court:  1. makes no under G.S  (d) for a second seco	written . 15A-1 an adjuct Finding he priso defenda the defe anced p extraord above of	findings because the 340.17(c). (b) for dication as a violent habit on term pursuant to a ant has provided substendant to be an habit unishment from a Classinary Mitigation.	prison term imposed in a Class A felony.  abitual felon. G.S. 14  Mitigating Factors services arrangement as the cantial assistance pursuant to A services 1 misdemeanor to a services a reportable convices a reportable co	icking offenses  s: (a) within (c) for enhance -7.12. (b) t forth on the acceptant to G.S. 9 Article 2A of G. Class I felony ction involving or. G.S. 14-20	the presumptive ced firearm penal (e) for drug trafficattached AOC-Clear Article 58 of 0-95(h)(5).  S. Chapter 14.  G.S. 90-95(e)(3)  a minor. G.S. 1608.20.	icking offenses. R-605. G.S. Chapter 15A.  3) (drugs);  G.S. 14-34-208.6.	3(c) (rac	e, etc.
The Court, having freely, voluntarily imprisoned	ig consi γ, and ι	idered evidence, argur understandingly entere	ments of counsel and ed, and Orders the abo	statement of dove offenses be		, judgo und tite e	efendai	s nt be
for a minimum t			for a maximum term		in the	custody of:		
Class A Felo	108 ny: 🗆	months  Life Imprisonment V Parole	139 Vithout Death (s Warrant	ee attached De and Certificate	eath ∑She	C. DOC. eriff pursuant to G.S. 1 ner	5A-1352	2(b).
Class B1 Fel	ony: Li ual Felo	ife Imprisonment Withon: Life Imprisonment	Without Parole					
he defendant s	hall be	given credit for0-				udgment as a result of		
The sentence	e impos e impos	sed above shall begin sed above shall begin number, date, county an iminal Superior	at the expiration of the ad court in which prior se	ie sentence imp entence imposed	posed in the casi !.)	e referenced below.	ed to so	erve.

upmarked squares is to be disreparded as surplusage.

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check all that applyl	Lian pay the costs.		Z. The uctor	isatir stian pay a	fine of \$
		irsuant to G.S. 15A-	— 1351(h). 🗌 4, Psychiatr		
<b>.</b>					
] 6. Payment as a C	ondition of post relea	ase supervision, if ap	plicable, or from work rele	ase earnings, if a	pplicable, of the items
and amounts se					
es	Costs	Restitution*	Reimbursement For Att	torney Fee & Other	Total Amount Due
				viinal to raceive	restitution:
Name(s), address(e	es), amount(s) & s	ocial security num	ber(s) of aggrieved part	y(les) to receive	e restitution.
			•		
he Court further re	ecommenus:				
			X.		
	nondi				
The Court does not re  ☐ 1 Restitution as	a condition of post r	elease supervision o	r work release. 2.	Work release.	
	A 14	VADD OF FEE TO	COUNSEL FOR DEFEND	DANT	
A hearing was held	d in open court in th	e presence of the de gned public defender	fendant at which time a fe	ee, including expe	enses, was awarded the
deteridant s appoin			ITMENT/APPEAL ENTR	IES	
VV	L	14: 1	table Judgment and Comr	nitment to the sh	neriff or other qualified
It is ORDERED that	it the Clerk deliver to le officer cause the (	defendant to be deliv	ered with these copies to	the custody of the	ne agency named on the
reverse to serve t	he sentence imposed	d or until the defenda	ered with these copies to ant shall have complied wi f the Superior Court to the	th the conditions Appellate Division	on. Appeal entries and
The defendant giv	es notice of appear	are set forth on form	AOC-CR-350.		
conditions of post	Conviction releases	SIGNAT	URE OF JUDGE		
Date	Name Of Presiding Ju	idge (Type Or Print)	Signature Of Pro		
03-05-99	PETER M. MO	CHUGH	Deen	Much	
and the second s		ORDER OF COM	MITMENT AFTER APPE	AL Date Appellate Opin	nion Certified
Date Appeal Dismissed		Date Withdrawai Of A	рреат тисо		
		I to SURTH	R ORDERED that the shell in this Judgment and furn	riff arrest the def	endant, if necessary, an
It is ORDERED that the	his Judgment be exe lant to the custody C	of the official named	in this Judgment and furn and detention of the defe	ish that official t	wo certified copies of th
Judgment and Comn	nitment as authority	for the commitment	and detention of the defe	indant.	Deputy CSC Assistant
Date	Signature Of Clark				Clerk of Superior Court
- Compression acceptance for the compression	ghwego ja og samminger glikering krig, odde o	CE	RTIFICATION		
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	t-ment and Commit	ment with the attac	nment marked below is a	true and complet	e copy of the original w
I certify that this Jud on file in this case.		l Entripe IADC-CH-3	5()).		
Off file in this sees.	M =1	. Judament Findings	Of Apprayating And Mitig	ating Factors (A	OC-CR-605).
	☐ Judicia	al Findings As To Fo	rfeiture Of Licensing Privil	eges (AOC-CR-3	17).
	Comm	nitment Information	Statement (DC-600).		
Date	ブ つま C,	$\alpha$	Signature And Seal	· ) \ J. Y	cheh
6 0 0 0 0 0 0 0 0 0	S - Z - /		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		Committee Clark of Co.
Date Certified Copies Del	3/5/00		Deputy CSC	Assistant CSC	Superior Clerk of Cou
	-12/21 -				

STATE OF N	NOR	TH CARC_/	AIA			·	<b>6.</b> 99CR	s 23245			
Guilford		County	Greensboro		Seat of Cou	ırt	In The	General	Court Of	Justice	е
NOTE: (This form is to be consolidated for jud	used for (1 Igment wit	i) felony offense(s), and (2) in any felony offense(s). Us	misdemeenor offense e AOC-CR-301 on DV	(s), which are VI				•	ourt Divisi	on	
	S	TATE VERSUS		1909 (11)	-3 ". ".		MENT AN				
me Of Defendant Theodore Me	ead K	imble		• •		1.0.0. <b>A</b>	CTIVE PL FEL	INISHME ONY	.N. I		
Race White		Sex Male	DOB 12-0	8-69		(81	TRUCTURE	SENTEN	CING) G.S. 15A-130	1, 15A-13	340.13
Attorney For State Richard Par	nosh		Def. Found Not Indigent	Def. Waived Attorney	Adomey For Zimmerma		pler		Appointe	d XX Re	tained
The defendant	∰pled	guilty to: was	found guilty b	y a jury o	f: pled n	o contest	to:				·
File No.(s)	Off		Offense Desc	ription		Of	fense Date	G.S	S. No.	F/M	CL.
99CRS 23245		Solicitation	n: First de	egree m	urder	1	1-04-98	C.L. &	14-2.6	F	С
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			- <b>4</b> 1-4								
2. makes no penhanced f The Court:  1. makes no vender G.S.  (d) for a	orior rec irearm vritten 15A-1 n adjuc Finding	suant to G.S. 15A-13 cord level finding b penalty, violent ha findings because t 340.17(c).  (b) dication as a violen gs of Aggravating a	ecause none is bitual felon, or he prison term for a Class A f t habitual felorand Mitigating	imposed elony. [a. G.S. 14	for Class A ficking offen is: [X] (a) wir [C) for enh critical for the forth on the forth on the first section of the forth on the forth on the first section is the forth on the first section of the forth on the first section of the forth on the first section of the first section o	felony, nses.  thin the p nanced fire (e) for ne attache	resumptive earm penal drug traffi ed AOC-CF	e range of ty (G.S. 1 cking offe R-605.	sentences 5A-1340.1 nses.	authori	
4. finds the d 5. adjudges th 6. finds enhal 7. finds no Ex 8. finds the a	efenda he defe nced po ktraordi bove d	on term pursuant to nt has provided su endant to be an hab unishment from a C inary Mitigation. esignated offenses ant is classified as a	bstantial assis bitual felon pur Class 1 misdem s(s) is a reporta	tance pursions to Aneanor to a	suant to G.S Article 2A of Class I felo ction involvi	i. 90-95(h f G.S. Cha nny  G.S. ng a mino	n)(5). apter 14. . 90-95(e)(3	(drugs);		(c) (rac	e, etc.
The Court, having freely, voluntarily imprisoned	consider, and u	dered evidence, arg inderstandingly ent	guments of col ered, and Orde	unsel and ers the abo	statement o ove offenses	of defenda s be cons	int, finds the collidated fo	hat the de r judgmen	fendant's p t and the d	lea wa efendai	s nt be
for a minimum te		months	for a maxin		of:	months	in the	custody o	f:		
Class A Felon		Life Imprisonment Parole	Without		ee attached and Certific	Death	— ∰N.C □ She — □ Oth	riff pursua:	nt to G.S. 15	5A-1352	2(b).
		fe Imprisonment Wit n: Life Imprisonme		ole							
The defendant sh	all be g	given credit for -0	days sper	nt in confir	nement prior	r to the dat	te of this Ju	dgment as	a result of t	nis char	ge(s).
The sentence (NOTE: List the	impos case n	ed above shall begined above shall begined above shall begined umber, date, county minal Superior	in at the expira and court in wh	ation of th ich prior se	e sentence i Intence impos	imposed i sed.)	n the case	reference	d below:	ed to se	erve.

5. Work Relea	ise.	release supervision, if ap	nlicable or from work rel	ease earnings if a	policable, of the ite
	its set out below.	release supervision, if ap	pilicable, of front work for	cuse currings, ii e	ppiloubid, bit tile ill
and amoun	Costs	Restitution *	Reimbursement For A	ttorney Fee & Other	Total Amount Due
	()(-)	& social security numb	per(s) of apprieved part	v(ies) to receive	restitution:
*Name(s), addre	ess(es), amount(s)	& Social Security Humb	Jei (5) Of aggine ved part	, , (100)	
			•	•	
The Court further	er recommends:				
THE COURT TOTAL	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
			¥.		
The Court does no	ot recommend:				
1. Restitution	as a condition of po	ost release supervision or	work release.	Work release.	
		AWARD OF FEE TO C	OUNSEL FOR DEFEND	DANT	
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A hearing was defendant's ap	held in open court in opointed counsel or a	n the presence of the defeasigned public defender.	endant at which time a fe	ee, including expe	nses, was awarded
A hearing was defendant's ap	held in open court in openinted counsel or a	n the presence of the defeassigned public defender.	endant at which time a fe	ee, including expe	nses, was awarded
defendant's ap	ppointed counsel or a	n the presence of the defeassigned public defender.  ORDER OF COMMI	endant at which time a fo	ee, including expe	
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defendant's ap	that the Clerk delivent the officer cause to	on the presence of the defeassigned public defender.  ORDER OF COMMIT or two certified copies of the defendant to be delivered or until the defender.	TMENT/APPEAL ENTR  this Judgment and Compared with these copies to	IES  mitment to the shithe custody of the the conditions	eriff or other qualifi e agency named or of release pending
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						Vo.						
STATE OF	NORT	TH CARC	NA		••	,		RS 2324	6 .			
Guilford		County	Greensb	oro	Seat of Co	urt	In The	e General	Cou	rt Of J	lustice	e
NOTE: [This form is to be consolidated for ju	used for (1) dgment with	l felony offense(s), and (2) n any felony offense(s). U	misdemeanor of se AOC-CR-301	fense(s), which are on DWI	en e	<i>:</i>	S	uperior C	ourt	Divisio	on	
2101	S	TATE VERSUS		15.5	11 -5 71	HUDGM				NT		
Vama Of Defendant Theodore M	ead Ki	imble		,		AC 11. 0.8.0.		JNISHME .ONY	NT			
Race		Sex	00	,	$\frac{1}{2}$	1		D SENTEN	CING)			
White Attorney For State		Male		2-08-69	Attorney For	Defendant	·····		G.S. 15	A-1301	, 15A-13	40.13
Richard Pa	nosh		Def. Found  Not Indigen		1	an/Crump	ler		□ A	pointed	XX Ret	tained
The defendant	%¥pled	guilty to: 🔲 was	s found guil	ty by a jury o	f: pled r	io contest t	o:					
File No.(s)	Off		Offense (	Description		Offe	nse Date	G.S	. No.		F/M	CL.
		and administration of the tree to be an extraorded the constraint.										
99CRS 23246		Solicitatio	n: First	degree m	urder	11.	-04-98	C.L. &	14-	2.6	F	c
1 22000												
1 -												
	-				`.							
			41.00									
The Court:	11_							PRIOR			٦ш	<u> </u>
1. has determin							02	RECORD L	EVEL:	₩¥ 11 [	] IV	□v
		ord level finding b enalty, violent ha										
The Court:						4h:- 4h			aanta		uthori	-ad
1. makes no v under G.S.	vritten f 15A-13	indings because t 340.17(c). 🔲 (b)	the prison to for a Class	erm imposed A felony.	is: ∐_(a) wi ](c) for enh	tnin the pre nanced firea	sumptive rm penal	ty (G.S. 1	sente 5A-13	nces a 340.16	iutnon. SA).	zeu
(d) for a	n adjudi	cation as a violen	t habitual f	elon. G.S. 14	1-7.12.	(e) for di	ug traffi	cking offe				
2. makes the		of Aggravating a term pursuant to							ter 1	5A.		
4. finds the d	efendan	t has provided su	bstantial as	sistance purs	suant to G.S	s. 90-95(h)(	5).	·				
		idant to be an hal nishment from a C						) (drugs): [		14-36	c) Irace	a etc
		ary Mitigation.	, id33   111130	zemeanor to e		,,,,,	0-33(6)(3	/ (didgs/, [		. 14-51	o, (1000	,, 0.0
1		signated offenses					G.S. 14	-208.6.				
The Court, having		t is classified as					finds th	nat the def	enda	nt's ole	a was	s
freely, voluntarily imprisoned	, and un	derstandingly ent	ered, and C	orders the abo	ove offenses	s be consoli	dated for	judgment	and	the de	fendan	it be
for a minimum te	rm of:		for a ma	ximum term	of:		in the	custody of	:			
1	.08	months		1	L39	months	₩N.C.	DOC.				
Class A Felon		Life Imprisonment Parole	t Without		ee attached and Certific		She	iff pursuan	t to G	.S. 15A	<b>\</b> -1352	(b).
Class B1 Felo		Imprisonment Wi	thout Parole				- Othe	er				
		Life Imprisonme				•						
The defendant sh	all be gi	ven credit for $\frac{-0}{0}$	days s	pent in confir	nement prior	to the date	of this Ju	dgment as	a resu	lt of thi	s charg	је(s).
The sentence	imposed	d above shall begi	in at the ex								to se	rve.
		d above shall begi aber, date, county					ne case	reterence	o belo	w:		
99CRS 2324	5 Crim	inal Superio	r Divisi	on Guilfo	לחגירם האי	v Greens	ט טיגטע	3-05-99	•			
:						•						

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

STATE OF	NOR	TH CARL	NA		<b>№.</b> 99CRS	23247		
			Greensboro	Seat of Court		ne General Court Of Superior Court Divis		e
a Of Defendant Theodore M		oith any felony offense(s). USTATE VERSUS  (imble	DOB	J S J. J.J.	ACTIVE P	ND COMMITMENT PUNISHMENT LONY	·····	
White		Male	12-08-69	Cast		ED SENTENCING) G.S. 15A-130	01, 15A-10	340,13
Attorney For State  Richard Panosh  Def. Found  Def. Waived  Not Indigent  Attorney			1	torney For Defendant  mmerman/Crumpler Appointed XX Retained			tained	
The defendant	<sup>XX</sup> pled	d guilty to: 🗌 was	s found guilty by a jury o	f: pled no co	ntest to:			
File No.(s)	Off		Offense Description		Offense Date	G.S. No.	F/M	CL.
99CRS 23247		Solicitation	n: First degree m	urder	11-04-98	C.L. & 14-2.6	F	С
				N.				
2. makes no penhanced the Court:  1. makes no punder G.S.  (d) for a 2. makes the  3. imposes the  4. finds the courts	written 15A-1 In adjud Finding ne priso	findings because to 340.17(c). (b) dication as a violenge on term pursuant to that has provided su	340.14, the prior record poecause none is required abitual felon, or drug traffiche prison term imposed for a Class A felony. [thabitual felon. G.S. 14 and Mitigating Factors see a plea arrangement as bstantial assistance pure	for Class A felon ficking offenses.  is: (a) within t (c) for enhance (4-7.12. (e) tet forth on the attosentence under (suant to G.S. 90-	the presumptived firearm penals) for drug traffitached AOC-Cer Article 58 of 195(h)(5).	ve range of sentences alty (G.S. 15A-1340.1 ficking offenses. R-605.	authori	
6. finds enha 7. finds no E 8. finds the a 9. finds the	nced p xtraord ibove c lefenda	unishment from a C linary Mitigation. designated offenses ant is classified as	bitual felon pursuant to A Class 1 misdemeanor to a s(s) is a reportable convi- a sexually violent predat	Class I felony ction involving a or. G.S. 14-208	] G.S. 90-95(e) minor. G.S. 1 .20.	4-208.6.		
The Court, having freely, voluntarily imprisoned	g consi ν, and ι	dered evidence, are understandingly ent	guments of counsel and tered, and Orders the abo	statement of def ove offenses be	fendant, finds consolidated f	that the defendant's por judgment and the d	olea wa efendar	s nt be
for a minimum te		months	for a maximum term		nths	custody of:		
Class A Felor	ıy: 🗌	Life Imprisonmen Parole		ee attached Dea and Certificates	) H	eriff pursuant to G.S. 19	5A-1352	<u>?</u> (b).
Violent Habitu	ıal Felo	fe Imprisonment Wi on: Life Imprisonme	nt Without Parole					
The defendant s	nall be	given credit forC	) days spent in confi	nement prior to th	ne date of this	ludgment as a result of t	his char	ge(s).
The sentence	impos e case r	sed above shall beg number, date, county	in at the expiration of al in at the expiration of the and court in which prior so or Division Guilfo	e sentence impo entence imposed.)	sed in the cas	e referenced below:	ed to se	rve.

AOC-CR-601, Side Two, Rev

STATE OF I	NORTH	H CAROL.	NA				99CRS	23248			
GuilfordCountyGreensboro				Seat of Co	ourt			Court Of	Justic		
NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-301 on DWI								ourt Divis		, ,	
Vame Of Defendant Theodore M		ATE VERSUS		1.1.	. 3 27 10	. !!	GMENT AN ACTIVE PU				
Race White	S	Male		<i>ров</i> 12-08-69	000	) '	STRUCTURE	D SENTEN	CING) 3.S. 15A-130	1, 15A-1:	340.13
Richard Panosh  Def. Found Def. Walvet  Not Indigent Attorney				Zimmerm				Appointed			
The defendant	<b>™</b> pled gu	ilty to: 🗌 wa:	s found g	uilty by a jury o	of: pled	no conte	st to:				
File No.(s)	Off		Offens	e Description		C	Offense Date	G.S	. No.	F/M	CL
99CRS 23248	s	Solicitatio	n: Fir	st degree m	urder		11-04-98	C.L. &	14-2.6	F	
2. makes no penhanced fi The Court: 1. makes no vunder G.S. (d) for all 2. makes the 3. imposes th 4. finds the d 5. adjudges tl 6. finds enhall 7. finds no Ex	vritten find 15A-1340 n adjudica Findings of the prison to efendant had ne defendant need punis	d level finding be halty, violent had because to 0.17(c). [1] (b) tion as a violent f Aggravating a term pursuant to be an halt to be an halt to be an halt to Mitigation.	ecause nabitual fel che prisor for a Clas t habitua and Mitig o a plea a bstantial bitual felo Class 1 m	he prior record po one is required on, or drug traf in term imposed as A felony. [ Il felon. G.S. 14 ating Factors so arrangement as assistance purson pursuant to a disdemeanor to a	for Class A ficking offer is: (a) wing (c) for end 4-7.12. Let forth on to sentence suant to G.S. Article 2A of a Class I felocities and the content of the	felony, nses.  Ithin the nanced fi  (e) fo he attach under A.  90-95( f G.S. Chony G.S.	presumptive rearm penal r drug traffin ned AOC-CF rticle 58 of h)(5). napter 14. S. 90-95(e)(3	e range of sty (G.S. 15 cking offer 8-605. G.S. Chap	sentences a 5A-1340.16 nses. ter 15A.	authori	
	efendant i	s classified as	a sexuall	y violent predat	or. G.S. 14	208.20	•		endant's ni	ea wa	
freely, voluntarily imprisoned	, and unde	erstandingly en	tered, and	d Orders the ab	ove offense	s be con	solidated for	r judgment	and the de	fendar	nt be
for a minimum term of:  96 months  125 months  Class A Felony:  Life Imprisonment Without Parole  for a maximum term of:  125 months    Maximum term of:						2(b).					
Class B1 Felo Violent Habitu	ny: <i>Life Ir</i> al Felon: I	nprisonment Wi Life Imprisonme	ithout Par ent Withou	role ut Parole							
The defendant sh	all be give	en credit for(	)- day:	s spent in confi							
The sentence	imposed a imposed a case number	above shall beg above shall beg ber, date, county	in at the in at the and cour	expiration of al expiration of the tin which prior se	ne sentence entence impo	imposed <i>sed.)</i>	in the case	reference	d below:	d to se	erve.

_ c _ Da	elease.	release supervision if ar	policable, or from work rele	ease earnings, if applicable, of the
	ounts set out below.	Telease supervision, if up	spinousie, or morn morn ren	
ines	Costs	Restitution*	Reimbursement For At	tomey Fee & Other Total Amount
*Name(s), ad	ldress(es), amount(s)	& social security num	ber(s) of aggrieved part	y(ies) to receive restitution:
			•	
The Court fu	rther recommends:			
			3	
			•	
The Court doe	s not recommend:			
1. Restitu	tion as a condition of po	ost release supervision o	r work release 2.	Work release.
		AWARD OF FEE TO	COUNSEL FOR DEFEND	DANT
A hearing	was held in open court i	n the presence of the def	fendant at which time a fe	ee, including expenses, was awar
defendant'	s appointed counsel of a	assigned public defender.	•	
defendant'	s appointed counsel of a		ITMENT/APPEAL ENTR	
XXIII In OBDEI	DED that the Clerk deliv	ORDER OF COMM	ITMENT/APPEAL ENTR f this Judgment and Comr	IES nitment to the sheriff or other qu
It is ORDE	RED that the Clerk deliv	ORDER OF COMMI	ITMENT/APPEAL ENTR  f this Judgment and Comrered with these copies to	IES  nitment to the sheriff or other que the custody of the agency named
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NORTH CAROLINA

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THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

**GUILFORD COUNTY** 

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

D.,,

H.W. Zimmerman,

State Bar No. 4913

11 West Fourth Street

Winston-Salem, NC 27101

(336) 725-1304

1999 MAR 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 Kimble
THEODORE MEAD KIMBLE

MAR 15 1999 COPY to P. FANOISH

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 # <u>98 CRS 23486</u> 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;

NORTH CAROLINA	
<u>Wake</u> count	Y
and State, do hereby certify that THE	, a Notary Public in and for said County DDORE MEAD KIMBLE personally appeared before me ecution of the foregoing Notice of Appeal.
Witness my hand and notarial	seal, this 12 day of March, 1999.
Notary Public	Me of HOTARY THE
My Commission expires:	Expires 11-23-2003 PUBLIC COUNTY (INTERIOR COUNTY (INTERI

**NORTH CAROLINA** 

1999 11AR 12 FILE NOS. 97 CRS 23656, 97 CRS 39581, C.98 CRS 23486, 99 CRS 24241-48

**GUILFORD COUNTY** 

STATE OF NORTH CAROLINA

CERTIFICATE OF SERVICE

THEODORE MEAD KIMBLE

The undersigned hereby certifies that he is the defendant in this Action.

That on the 12 day of March, 1999, he served a copy of the attached NOTICE OF APPEAL by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Winston-Salem, North Carolina.

ADDRESSEE: Richard E. Panosh

My commission expires:

Assistant D.A.

**Guilford County Superior Court** 

P. O. Box 2378

Greensboro, NC 27402-2378

Theodore Mead Kimble
THEODORE MEAD KIMBLE

	FILED.	·
NORTH CAROLI	AT 4:50 CLOCK M	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;
- 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

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STATE OF NORTH C	CAR LINA		,	**************************************	97CRS 39581
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Codefendant(s) If Tried Jointly	Chill	700	Additional File		
N/A	BY_	(WW		66;98CRS 23486;99CRS 232 ress Of Defendant's Trial Counsel	241-48
Name And Address Of Trial Prosecutor			⊢H.W. ZIMN	MERMAN, JR. &	
RICHARD PANOSH			FRED CRU	MPLER OURTH ST	
P O BOX 10769 GREENSBORO NC 27404-0769	Telephone	e No.	WINSTON	SALEM NC 27101 /	Telephone No.
GREEN BOOK OF THE EAR OF THE O	(33)	6) 574-4313		( c	(336) 725-1304
Name And Address Of Court Reporter(s)			Name And Add	ress Of Defendant's Appellate Cour	nsel
DEBBIE WISE (1/28/99 gu	ilty plea)			pellate Defender (919) 560	
O BOX 3008	Telephone	e No.	ı	redith Drive, Suite 200, Durha	
GREENSBORO NC 27402		6) 574-4319	_ Alt	ernative Counsel to Appellate I	Defender ( 6, and ( 6, r 2)
PAM VAUGHN (3/4-5/99 m		draw &			
O BOX 3008 se REENSBORO NC 27402	entencing)		T (Abbena	te Counsel	
KEENSBOKO NE 27 102	Telephone				
Date(s) Of Trial And Other Hearings	····	6) 574-4342	_		Telephone No.
1/28/99 guilty plea;3/	4-5/99 motion	to withdr	aw plea &	sentencing	
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<ol> <li>The defendant has given</li> </ol>					
2. Defendant's trial counsel		ortunity to obj	ect to the jury	charge out of the hearing	or presence of the jury
☐ did so. ☐ did not d					70.1
3. The defendant shall serve if this is a capital case, af	a proposed record ter the court report	on appeal on ter(s) delivers	copies of the	thin 35 days, if this is a nor transcript to defendant's a	n-capital case, or 70 days
giving or filing notice of a				•	• •
4. The State shall serve its a				ve record on appeal on the vice upon it of the defenda	
5. Release of the defendant					
amount of \$	ar	nd compliance	with the follow	owing additional conditions	:
6. Unless indigent, the defer		t with the cou	ırt reporter(s)	for production of the trans	cript as provided in the
Rules of Appellate Proced  7. (NOTE: Check in all case)		t is indicent l	The defenda	nt is indigent and has reque	stad a transcript and the
	t is ORDERED that	the defendan	it is allowed t	o appeal as an indigent and	:
		shall pay the	costs of prod	ucing a transcript, and of re	eproducing the record and
the defendant's brief.		nd to parfact :	the defendant	's appeal. In the event the	annallata dafandar
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8. The Clerk shall mail a cop	y of these Entries	to the prosect	utor, all appel	late counsel, the defendant	(if unrepresented), and to
the court reporter(s).					
	Presiding Judge (Type O	r Print)	-	ture Of Presiding Judge	Additional and the second and the se
03-15-1999 PETER	M. MCHUGH		s/	Peter M. McHugh	
Original - File Copy - Court Reporter(s		ial Counsel Copy site unmarked squar		late Counsel (or defendant if unrepresen	ted) Copy - District Attorney
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(NOTE: To be completed <u>ONLY</u> when defendant is indigent.)	
To The Court Reporter(s) Named On The Reverse:	
'repare 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.)	
,	
certify that I delivered a copy of this Transcript Order to personally.  by mailing it to the reporter(s) at the address(es) show	
Date Clerk's Transcript Order Entered And Filed 03/15/99	Signature (Mustera & Law
Date Order Delivered To Court Reporter(s), If Different 03/31/99	Doput C3 Assistant CSC Clerk Of Superior Court
EXTENSION OF TIME TO PREPARE	TRANSCRIPT OR SERVE RECORD
Pursuant to Rules 7 and 27, N. C. Rules of Appellate Proc Court reporter, and for good cause shown, it is ORDER	• •
the time for preparation of the transcript is extended	d for 30 additional days.
the time permitted for service of the proposed recor	d on appeal is extended for 30 days.
	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 te Procedure.
Date Name Of Judge (Type Or Print)	Signature Of Judge
CERTIFICATION OF THE PROPERTY	CATION
I certify this Appellate Entries form is a true and complete	copy of the original on file in this case.
Date	Signature And Seal
	Deputy CSC Assistant CSC Clerk Of Superior Court

#### No. COAP99-520

## North Carolina Court of Appeals

STATE OF NORTH CAROLINA		From Guilford			
STATE OF HOREST CARGO CA	(97CRS3958	1, 98CRS23486 99CRS23241-4	, <u>9</u> 80	RS23656	i,
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	ORDER	ío≥i		$\Box$	
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The following order was entered:		EA :	ည်		

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

Durham, North Carolina 27701

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	)						
	)						
v.							
THEODORE MEAD KIMBLE							
************							
STIPULATION AND	SETTLEMENT OF RECORD ON APPEAL						
It is hereby stipulated and agreed by all parties to this appeal that the foregoing constitutes the agreed record on appeal.							
proceedings in the trial tribunal, c transcription of the pre-trial and tria	agreed that the complete stenographic transcript of the trial consisting of 301 pages bound in 3 volumes, is an accurate all proceedings and shall be a part of the record on appeal and trolina Court of Appeals when the record is filed.						
This the day of	, 1999.						
Danielle M. Carman	Richard E. Panosh						
Assistant Appellate Defender	Assistant District Attorney						
Office of the Appellate Defender	18th Judicial District						
123 West Main Street, Suite 600 Guilford County Superior Court							

Post Office Box 10769

ATTORNEY FOR STATE

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 )	
********	******
CERTIFICA	TE OF SETTLEMENT
Counsel for Defendant-Appellant c	vertifies as follows:
Defendant-Appellant heretofore se the State-Appellee on October 7, 1999; and	erved his Proposed Record on Appeal by sending it to
[] (1) The Record on App	eal has been settled by stipulation, or
the State-Appellee to serve upon the Defe	peal has been settled because the time has expired for endant-Appellant a notice of approval of the Proposed ents or alternative Proposed Record on Appeal pursuant dure.
	ant-Appellant's Proposed Record on Appeal constitutes ter of law. Rule 11(b), Rules of Appellate Procedure.
	been served this day upon Mr. Richard Panosh, the e 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