

**STATE OF NORTH CAROLINA
 COUNTY OF GUILFORD**

**IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION**

98CRS52651; 52; 53

STATE OF NORTH CAROLINA)
)
)
)
)
)
)
JEFFREY OLIVER ROBERTS,)
)
)
)
)
)
)
DEFENDANT)

**AGREEMENT
 and N.C.Gen.Stat. 15A-1054
 Disclosure**

The Parties to this criminal action hereby stipulate and agree to the following facts:

1. That the defendant is charged with breaking and entry larceny and possession of burglar tools in Guilford County.
2. That the defendant is charged with breaking and entry larceny and possession of stolen property tools in Alamance County.
3. That the defendant has offered and agreed to testify in regard to the death of Patricia Kimble and to the involvement of Theodore Kimble and/or Ronnie Kimble.
4. That the defendant has information to offer in these cases, and that said information directly points to the guilt of Theodore Kimble, and/or Ronnie Kimble.

Based upon the foregoing facts, the State of North Carolina hereby agrees that in the event that the defendant, Jeffrey Oliver Roberts agrees to cooperate with officers of the Guilford County Sheriff's Department and testifies if called upon, in a truthful manner, consistent with his previous statements to the Guilford County Sheriff's Department, the State of North Carolina will recommend that the pending cases in Guilford County and Alamance County be consolidated and that he receive a probationary sentence. That as a condition of said probationary sentence the defendant will be required to serve an active period of incarceration, not to exceed 6 months and shall be required to pay restitution in each case.

In return, the defendant, agrees Jeffrey Oliver Roberts:

1. That he will voluntarily appear and testify in any trial related to the death of Patricia Kimble..
2. That said testimony shall be truthful, complete and not inconsistent with the prior statements of the defendant to the Guilford County Sheriff's Department.

The defendant, Jeffrey Oliver Roberts understands that if he fails to cooperate as set forth in this agreement the State of North Carolina shall have the option of moving to set aside this plea agreement, and prosecute the defendant to the fullest extent allowed by the law. That the defendant consents and agrees that the State of North Carolina shall have the right to move to set aside his plea agreement and sentence in the event that the defendant willfully fails to comply with this agreement.

Further the Defendant, Jeffrey Oliver Roberts, agrees to take a polygraph or participate in other law enforcement activities designed to corroborate his testimony.

The defendant, Jeffrey Oliver Roberts, understands that he must be totally truthful in his cooperation with the State of North Carolina, and that if the defendant lies or intentionally omits or misstates the facts as set forth in his previous statements, or if he refuses to testify or intentionally submits false testimony, the State of North Carolina will not be bound by this agreement and that the

State of North Carolina will use the defendant's statements to prosecute him to the fullest extent of the law.

The Defendant understands that this agreement is limited to the property crimes presently pending in the Superior Court of Guilford and Alamance County, and that if in the course of the investigation it is determined that he has participated as a principle or an accessory in any crime against a person, this agreement does not protect the Defendant from prosecution for that crime against a person.

Further this agreement only binds the District Attorney's Office of Guilford County as it pertains to cases in Guilford County and those transfered from Alamance County and is not intended to bind or affect or hinder the decision of any other prosecutorial agency, state or federal.

This the _____ day of June, 1998.

Richard E. Panosh
Assistant District Attorney

Jeffrey Oliver Roberts
The defendant

J. Douglas Henderson,
Attorney for the defendant