

OPENING STATEMENT

For most of us the events of October 9, 1995 have been largely forgotten but during the course of this trial we are going to go back and learn a great deal about what happened on that fateful day.

October 9, 1995 was a Monday. A minor holiday in these parts, Columbus Day. Patricia Kimble got out of bed after her husband had gone to the office and arrived at her office some time around 9:40 a.m. Because her boss was not in the office that day, Patricia apparently planned a leisurely day. She spent the morning out of the office recertifying low income tenants. By the time she went home she had been at her job less than five hours that day. Patricia's coworker, Nancy Young, was at the office and they talked about Patricia's activities that day. Patricia took a long lunch break with her husband Ted and came back to the office appearing quite happy. She indicated to Ms. Young that she would be leaving early that afternoon to continue cutting the grass around her house and that she was going to attend some kind of church gathering that evening.

At 3:30 p.m. Patricia did leave but at 3:45 she was observed driving her car away from the direction of her residence. Around 4:00 Ms. Young tried to call Patricia at her residence in order to tell her some documents had been faxed to her boss but Patricia didn't answer the phone. Perhaps we will find out in this trial why Patricia would be in the house at 4:00 rather than out of the house on the riding mower.

Patricia never attended the church gathering and around 8:30 fire fighters were called to her residence. Later her charred body was found in the wreckage of her house. Near her body was a kitchen knife that she may have had in her hand at the moment she

died. In the master bathroom was the remains of a little puppy dog that Patricia had acquired a few days before. She must have been heading to the master bathroom to check on the dog when someone shot her in the left side of the head. Or she was about to open the door of the bathroom to check on the little puppy and someone shot her in the master bedroom and moved her body to the hall. We just don't know.

The master bedroom was a shambles, as if the murderer was searching for something. Could it have been love letters or photographs? We just don't know.

In the kitchen of Patricia's house a number of interesting personal papers were found, many in her handwriting, including an outline for a Will that she planned to have drawn up that showed the disposition of her and Ted's property in the event that both died at the same time. The outline for the Will contained the figures of \$200,000 and \$50,000. These are sums of cash that Patricia and Ted would receive from insurance in the event of their joint death.

By all accounts Patricia was an industrious young woman and she was very concerned about money. It is unclear whether Patricia and Ted were happy during the weeks and months before October 9, 1995. Patricia's relatives and friends will testify that in many ways she was unhappy and concerned about Ted's life style. On the other hand, Patricia's deeds speak eloquently of how she felt during the weeks and months before her death:

She and Ted were avid weekend travelers and had gone on many weekend trips together.

She and Ted had established a line of credit based on the equity in her house with Nations Bank and had borrowed some \$18,000 against it in order to buy a two week time share in

Williamsburg, Virginia. If this was the behavior of spend thrifts, then both were because both Patricia and Ted signed the documents.

Patricia and Ted had purchased a motorboat and Patricia had told more than one of her good friends that she enjoyed the boat and she even included the boat in her plan for the Will and knew who she wanted to give it to.

Shortly before her death Patricia and Ted had scheduled a Christian retreat with other married couples.

Patricia's coworker, Nancy Young, who saw her every day will testify that she was downright embarrassed by the open displays of affection, including excessive kissing and hugging, that Patricia and Ted engaged in in front of everyone.

Where Patricia was after 3:45 p.m. on October 9, 1995 is anybody's guess. Was she alive at 4:00 when Nancy Young called her house? No one knows. Was she alive at 6:20 p.m. when certain witnesses would say that there was a suspicious pattern of traffic turning into the little cul-de-sac outside Patricia's house? No one knows.

RONNIE KIMBLE

Of Ronnie Kimble's activities on October 9, we also know a great deal. Ronnie drove in with a friend of his from Camp Lejeune the Friday before as he normally did on almost every weekend. Ronnie was a Marine Corporal in his third year in a four year tour of duty and finishing up in the Chaplain's office at Camp Lejeune. Most of his friends in the military were attached to the Chaplain's division.

Ronnie and his wife Kim owned a mobile home a few hundred yards from Kim's parents' house in Julian just outside Greensboro. They were purchasing the mobile home and had rented a lot for it. Most weekends Ronnie worked in the yard clearing stumps and small trees trying to establish something that resembled a lawn.

On the morning of October 9 Ronnie got up early and drove his Camero to Brandon Station Court where Ted and Patricia lived to meet Ted and borrow a large box truck from Ted in order to haul some house trailer underpinning that Ronnie intended to buy that day. Patricia did not get out of bed and Ted left in his vehicle and Ronnie followed driving the box truck heading for Ted's business on West Lee Street in Greensboro. When they got to the business it was too early for Ronnie to go to Atlantic Mobile Homes, a mobile home supply business in order to buy the underpinning. Ronnie wasted a little time around Ted's business until time for Atlantic Mobile Homes to open, whereupon he drove over and bought the underpinning which he and one of the salesmen loaded into the box truck. Around 10:00 a.m. or a little thereafter Ronnie drove back to Ted's business on West Lee Street where he hung around until about 12:45 p.m. He called Kim at

work to see if she wanted to meet him for lunch but she was busy. Ronnie then drove to a Sprinkle station where he filled the box truck with gas and then headed back to his and Kim's mobile home in Julian where he unloaded the underpinning from the box truck.

At about 1:15 p.m. Ronnie drove the empty box truck back to Ted and Patricia's house at Brandon Station Court and parked the truck and drove away in Kim's teal green Camero. He got back to his and Kim's house about 1:45 p.m.

At 1:45 p.m. Patricia was still at lunch with Ted.

Ronnie fixed a sandwich at his mobile home and began planning to work on the underpinning when he realized that he needed a fine-tooth saw blade to cut the underpinning. He called Ted's business and found out he could get the blade and drove back to Ted's business, which is called Lyle's, about 3:00 and got there about 3:25 p.m. While at Lyle's he talked to one of the employees, James Ogburn, and waited on one of the customers, Billy Smith.

Shortly after 4:00 p.m. Ronnie left Lyle's and drove home where he arrived around 4:40. Minutes after Ronnie got there, at approximately 4:50, his father-in-law, James Stump, arrived and talked to Ronnie for approximately 45 minutes. Shortly after James Stump left to go home, which was a matter of driving a few hundred yards, Kim, Ronnie's wife, got home from her job. Not long after Kim got home, Ronnie and Kim got in their car and drove over to the Stump house where Judy Stump was in the kitchen and James Stump was watching the evening news. Ronnie and Kim and James and Judy Stump talked and watched T.V. for approximately an hour and then Kim and Ronnie left and went to a nearby Winn-Dixie food store where Kim wrote a check for the purchase of some fish. After they bought the food Kim and Ronnie went home and ate the food and went to bed. While in bed they were contacted by telephone and realized that there was a fire at

Patricia's house and went over there where many family members and friends were gathered and later learned the terrible truth of what happened to Patricia.

THE AFTERMATH

Just a few days after Patricia died law enforcement officers began to receive anonymous and crime stoppers tips from people who knew Patricia and suspected that Ted must have been responsible for her death. Ted's negotiations with an insurance agent and his efforts to obtain a life insurance policy on Patricia's life generated suspicion even though no policy was ever put upon her life and Ted Kimble never received any life insurance money as a result of Patricia's death.

About six or seven months after Patricia died, Detective Jim Church began to follow some of the leads that other officers had gathered in the immediate aftermath of her death. Detective Church met a woman who told him that she thought she had seen a person who looked like Ronnie Kimble driving into Brandon Station Court around 6:20 p.m. on October 9. Detective Church then turned his sights on Ronnie Kimble because he had quite simply been unable to figure out who might have killed Patricia even though he felt he knew Ted was the one who wanted her out of the way.

The investigation of Ronnie Kimble was based largely on this inconclusive sighting and the woman, who may or may not testify in this trial, triggered an intensive investigation of Ronnie Kimble among his colleagues in the Marine Corps. Marine Corps investigators, the SBI and Guilford County Sheriff's Deputies began to question friends and associates of Ronnie Kimble telling them he was a prime suspect, telling them he had a motive and basically ruining his reputation among the people he lived with in the Marine Corps.

It was common knowledge among Ronnie Kimble's associates at Camp Lejeune that Guilford County Sheriff's Deputies and Marine Corps investigators believed Ronnie was involved in Patricia's murder and one of Ronnie's acquaintances at Camp Lejeune, Mitch Whidden, heard all of these rumors and indeed tended to believe that Ronnie Kimble was somehow involved in his sister-in-law's death.

Some 15 months after Patricia died, Ronnie Kimble's superior officer instructed him to go to Portsmouth, Virginia to have a sleep disorder that Ronnie had been complaining of evaluated. Ronnie was given a leave and permission to have his wife accompany him so he did not have to spend too much time driving alone, given the problems created by his sleep disorder. Kim and Ronnie set off in January, 1997 to drive to Portsmouth for Ronnie to take the tests.

Ronnie's father, the Reverend Ron Kimble, took his ministerial training at Liberty Bible Institute in Lynchburg, Virginia. This is part of Liberty University which was founded by the Reverend Dr. Jerry Falwell. Indeed, Dr. Falwell consecrated Ron Kimble's church on Monnet Road. Ronnie Kimble grew up knowing that one of his career options might also be in the ministry and if that is what he chose to do, he too could attend Liberty Bible Institute.

Because the Marine Corps had given Ronnie Kimble a long weekend in Virginia, Kim and Ronnie decided to drive to Lynchburg to check out the Bible Institute. Remembering that Mitch Whidden was attending Liberty Bible Institute, Ronnie called a phone number that Mitch had given him and eventually located Mitch in Lynchburg. As a result of that contact, Ronnie and Kim were invited to stay with Mitch and his wife on January 24 and 25 of 1997. They arrived late on the 24th because the weather was bad and they were given a place to sleep in Mitch's apartment. The

next day Mitch took Ronnie to some classes and Ronnie and Kim then entertained themselves by visiting the campus and visiting with Dr. Falwell.

In the evening, the Whiddens and their children and the Kimbles sat around Mitch's apartment when Judy Stump called and informed Kim and Ronnie that Detective Church had contacted her with more questions about Ronnie's activities and Ronnie's role, if any, in the murder of Patricia. This call from Detective Church was very upsetting to Judy Stump and Kim and Ronnie and Mitch and his wife knew it. Later Mitch and Ronnie had a private conversation and Mitch drew the conclusion that Ronnie had some involvement in Patricia's death that was bothering him and that Ronnie had a bunch of money that he needed to get rid of which Mitch later called blood money.

We may never know precisely what Ronnie said to Mitch Whidden because they disagree about it now but whatever was said, Mitch formed the unshakeable belief that Ronnie is involved and evidently reported this to Detective Church and that is why you are here today.

The State of North Carolina contends that Ronnie Kimble entered into a conspiracy with Ted Kimble to murder Patricia Kimble and you will hear from witnesses, each one acknowledged criminals and law breakers, who will tell you that Ted admitted to them that he was responsible for Patricia's death and that Ronnie did it for him. It will be your job to determine the credibility of these witnesses. But you will realize when you hear them testify that none of them heard any communications between Ted and Ronnie concerning the murder or anything else. Indeed, there will hardly be a single item of evidence that Ted and Ronnie ever communicated about anything that had to do with this case.

Ladies and Gentlemen, as you know, in the great court cases that we have all become familiar with through T.V. and other media, DNA, fingerprints and sophisticated computer enhancements of photographs and tape recordings are some of the amazing technological devices that are commonly used today. But I do not believe you will be hearing much about science in this case because there is no science. The prosecution does not agree that Patricia Kimble had a knife in her hand when she was killed but there is no scientific evidence pro or con. The prosecution thinks that Ronnie Kimble set the house on fire but there is no scientific evidence to support that. Indeed, there is no scientific evidence as to how the fire was ignited or when and even though it is impossible to determine scientifically when Patricia died, they are going to try to convince you beyond a reasonable doubt that Ronnie Kimble did it. They don't know when and they don't know why, they just think he did it.

We ask you to carefully consider the evidence in this case and withhold judgment until all evidence has been put in and the judge has instructed you on the law and then we pray that you carefully consider the evidence and do the right thing.