

Dear Mr. Connell,

Please be patient with me for I am not an attorney, and am somewhat unsure of myself at times. I would like to "Thank You" for the quick response to my last letter, I received the information I had requested.

I'm writing directly to you for a couple different reasons. Enclosed is two copies of a "Petition for Writ of Certiorari." Please stamp file date each copy and return the second copy to me for my records. The larger of the two obviously goes to the Court. I didn't see it necessary to enclose all the exhibits with my returning copy.

In November (03) I filed 4 different Motions and each time I made the same request, that the extra copy I enclosed be stamped and returned. The Court has already Ruled on the 4 Motions, but I still haven't gotten my stamped copies back. Would you please check to see what has become of the extra copies I enclosed with each Motion?

The reason I'm sending this Motion directly to you is because of what happened on the last 4 Motions I filed in the Appellate Court. I'd like to make you aware of what happened. Mr. Connell, I believe the Attorney General's office called up there and had all my Motions placed before the same Judge. A Judge of their choice, who would be favorable to them. Around the end of October and beginning of November I filed 1 Motion in Superior Court, and 4 Motions in the Appellate Court.

I mailed each of my Motions separately and a few days apart to keep them from all going before the same Judge. On Nov. 21, 03 (Friday) I received (3) "Response Briefs" from the State. All (3) of the "Response Briefs" were in the same envelope, and the state spoke as if they knew all my Appellate Motions were before the same Judge. The state also spoke of the Superior Court Judge reviewing my M.A.R. by name. I got the impression the State was calling these Judges and talking with them on a first name basis. I worked hard through the weekend and by Monday morning I had prepared (3) Response Brief of my own to answer the State's Motions. I had then notarized and taken to the Mailroom. Tuesday morning while my motions were going out the Court's Order was coming in. Then on Wednesday the Superior Court's Order came in. All Motions were denied or dismissed. Let me say it again, Friday (11/21) I get the State's Brief. On Monday (11/24) at 3:35 all 4 of the Appellate Motions were dismissed is denied. Tuesday (11/25) the Superior Court denied my M.A.R. I guess you get the picture. "I feel cheated." I feel the Attorney General's office is pulling strings and it isn't fair.

Mr. Connell I'm innocent. I'm the victim of Prosecutor Misconduct, and Counsel who coerced me into pleading Guilty to something I did NOT do. I even tried to withdrawl my Plea (Prior) to being sentenced, but Counsel ABAWON me and I was forced to represent myself. I'm not writing to cry on you, I'm simply writing to ask for a FAIR chance.

I hate to say I can't prove my innocence at the moment,

but I can prove I was ILLEGALLY-Sentenced. The "CLERK of Superior Court" marked the wrong box on the "Finding of Aggravated and Mitigating Factors." This ERROR of the Court caused me to be sentence in the Aggravated Range on 8 of my 11 sentences. That's 8 illegal sentences. In each of these cases there were 3 Mitigating and only 1 Aggravating Factor. I've got several other strong issues of Material Fact, but the one I've stated is clearly obvious. No-one can argue that I'm wrong because I've shown the Proof in my motion. The Superior Court just chose to look the other way and not address the issue.

Please Mr Connell make sure my Certiorari Motion goes before Judges who will up-hold the law, Judges who will take the time to actually read the Motion. I'll be HAPPY if they just read and address pages 19, 20, and 21. I've listed 4 ways my sentence is Illegal and I know the State has No grounds to stand on against me. So please Mr Connell, See that the Attorney General's Office doesn't call up there and have my motion placed before a personal friend (Judge) of theirs. A lot of prayer and hard work has gone into this Motion, and I don't want the same thing to happen as last time. I truly appreciate your time and patience, and I'm sorry to bother you. It's difficult being in prison for something I did NOT do.

Sincerely,

Theodore M. Kimble ^{12/14/03}