

Patrick Pardee "Proof of Perjury"

Transcript Testimony

(Summary)

Patrick Pardee said Ted Kimble was a friend. Patrick would often drop by Lyles Building Material, where Ted worked, to visit. Approximately mid, late January '97, around 7:30pm., Ted asked Patrick to help him and Robert Nicholes go pick up some excess building materials, purchased at a job site. Patrick went along and helped, unaware the property was stolen (TTP. 1112.12-25/1113.1).

Patrick started helping Law Enforcement the day after Ted's arrest (TTP. 1119.18-25), which was the day of his own arrest (April 2nd). Patrick told of the various homes and businesses in which were broken into. Patrick did NOT tell the police at that time of any knowledge he had of Ted's involvement in the murder of Patricia Kimble (TTP. 1120.1-25).

Patrick went on to claim, approximately mid, late January '97, while either loading or unloading some lumber, Ted said the police were closing in on him for the death of his wife. Patrick asked Ted if he did it. Ted said no, his brother Ronnie did it (TTP. 1121.1-20).

Patrick never spent any time in jail (TTP. 1135.13-15). Patrick told investigators that Robert Nicholes would bring Ted stolen material, and he would buy them (TTP. 1137.17-25). Ted resold the material through Lyles. Patrick noticed this happening on a regular basis around Christmas of '96, or shortly thereafter. The first time Patrick went to help load the stolen lumber, he was told Rob Nicholes had bought the building materials from a friend (TTP. 1138.1-25). This took place in the vicinity of Westridge and Bryan Boulevard (TTP. 1139.1-25).

The theft took place in a new, upscale subdivision. The items stolen were some type of boards, 2x8's, or 2x6's, or 2x4's (TTP.1140.1-16).

When first arrested on April 2nd, Patrick told officers of his involvement in the theft ring, but failed to say anything about Patricia Kimble's death. It wasn't until April 7th that Patrick said anything about Patricia to Law Enforcement (TTP.1148.2-25). Patrick rode around approximately five or six times with police to point out construction sites in which building materials were stolen, yet never said anything about Patricia's death (TTP.1149.1-25). Despite knowing Ted had been arrested (TTP.1150.1-3).

Patrick Pardee was arrested on April 2, 1997 (Tuesday). It wasn't until Friday that Patrick said anything about Patricia Kimble's death, and the supposed confession by Ted Kimble (TTP.1148.13-21). Since Patrick stated he had rode around with police 5 to 6 times, and pointed out where the stolen building material came from, prior to reporting the information of Patricia's death, it stands to reason Patrick was referring to "Friday", April 12th (TTP.1149.7-25). This means Patrick went 10 days without saying anything. Regardless, Prior to Patrick's statement he had lunch at Chili's restaurant on High Point Rd. in Greensboro, N.C., at which a woman named Melanie Oxendine works. Patrick told Melanie he didn't know anything about Patricia Kimble's death, that the D.A. was threatening him to lie. Melanie Oxendine's Transcript Testimony is enclosed and follows.

Although Patrick Pardee committed perjury on the subject of

Patricia Kimbles death and the supposed confession by Ted Kimble, he was truthful about most of the things he said about the B & E's, but not all. Furthermore Patrick's testimony, and statements to investigators proves Robert Nicholes committed perjury during his testimony.

Patrick incriminated Robert Nicholes as the leader of the theft ring, when he pointed out how Rob was bringing Ted stolen building material on a regular basis. Patrick said he noticed this taking place shortly after Christmas '96 (late Dec.) The first time out for Patrick, he admits being told Rob Nicholes had bought lumber from a friend. (TTP. 1138.1-25). This contradicts everything Robert Nicholes testified to. Rob said he never sold building materials to Ted Kimble prior to the first theft of "Doors and Windows", he was involved in (TTP. 1093.17-24). This took place during January '97 according to the criminal indictment, which follows as an Exhibit (see Robert Nicholes File).

EXHIBIT (A) AGAINST PATRICK PARDEE
(STATE'S WITNESS)

1 THE COURT: Any rebuttal evidence for the
2 defendant?

3 MR. HATFIELD: Yes, sir. One witness.
4 Melanie Oxendine, please.

5 THE COURT: Come around, please, ma'am.

6 MELANIE WILLIAMS OXENDINE, being first duly sworn, testified
7 as follows during DIRECT EXAMINATION by MR. HATFIELD:

8 Q Will you state your name, please.

9 A Melanie Williams Oxendine.

10 Q Where do you live, ma'am?

11 A 6401 Nazarene Church Road, Pleasant Garden.

12 Q Now, I see you have some papers up here. You didn't
13 bring those with you to testify, did you?

14 A No.

15 Q Would you just close those --

16 A Yeah.

17 Q -- and put them aside. Ms. Oxendine, where do you
18 work?

19 A Chili's restaurant.

20 Q How long have you worked there?

21 A Five years.

22 Q Do you know Ted Kimble?

23 A Yes, I do.

24 Q Do you know Patrick Pardee?

25 A Yes, I do.

1 Q Would you briefly tell the jury how it is that you know
2 Ted Kimble.

3 A I've known Ted Kimble for 14 years.

4 Q And in the early days of your acquaintanceship with
5 him, tell the jury what happened.

6 A When I was younger, do you mean?

7 Q Yes, ma'am.

8 MR. PANOSH: We'd object. It's not surrebuttal.

9 MR. HATFIELD: Just want to show the connection.

10 I'm getting right to Patrick Pardee. It's --

11 THE COURT: Overruled.

12 A We dated from, I was 12 to 15.

13 Q Nothing serious?

14 A No.

15 Q Just a childhood friendship?

16 A Yes.

17 Q What church are you a member of?

18 A Monnett Road Baptist Church.

19 Q Now, throughout the subsequent years, did you remain an
20 acquaintance of Ted Kimble's?

21 A Acquaintance, yes.

22 Q That's all?

23 A That's all.

24 Q Now, did there come a time that you became aware that
25 Ted Kimble had married a woman named Patricia? Did you know

1 anything about that marriage?

2 A I know they got married, yeah.

3 Q Did you know her?

4 A No.

5 Q Did you hear about the death of Ted's wife?

6 A Yeah.

7 Q And at any time after her death and prior to his arrest
8 in April of 1997, did Ted Kimble discuss anything with you
9 about his wife's death?

10 A No.

11 Q Shortly before he was arrested in April of 1997, did
12 you have some encounters with Ted Kimble?

13 A Yes.

14 Q Will you briefly tell the jury what that was.

15 A Him and Patrick Pardee come and saw me on December 24,
16 1996. They were out Christmas shopping. They wanted to buy
17 some gift certificates. That's when I met Patrick Pardee.

18 Q Now, you remember it was the 24th, because you sold
19 them gift certificates --

20 A It was Christmas Eve.

21 Q -- to give to their friends? And these were gift
22 certificates for your place of employment?

23 A Correct.

24 Q And that is Chili's?

25 A Correct.

1 Q Now, after that, did you get to know Patrick Pardee?

2 A Yes. He come in several times with business
3 acquaintances, and he come in with Ted Kimble a lot to eat.

4 Q Did you go out with Ted on a casual basis shortly
5 before he was arrested?

6 A Twice.

7 Q Okay. Tell the jury about that, please.

8 A Once we went with Patrick Pardee to the lake for the
9 day. We come back. And one time he took me to dinner with
10 my daughter.

11 Q Was there any romantic involvement?

12 A No, not -- no.

13 Q Now, after Ted was arrested in April of 1997, did you
14 speak to Patrick Pardee?

15 A Yes.

16 Q Tell the jury the circumstances of that, please.

17 A It was two days after Ted got arrested, he come into
18 Chili's. He was pale. He come up to the bar, and I said,
19 "How are you?" He said, "I'm not doing too good." He said,
20 "I feel like I've lost 10 pounds within a week." I said,
21 "Well, what's wrong?" And he said, "Well, I was in
22 Charlotte, and two investigators come and woke me up 3:00 or
23 3:30 in the middle of the night, to take me back to
24 Greensboro, because they wanted to investigate and ask me
25 questions." And he said, "They wanted to know everything I

1 knew about Ted and this homicide. I told them that I didn't
2 know anything, that if I knew anything, I would have not
3 have hung around him, I wouldn't have went to Gatlinburg
4 with him, I wouldn't have been his friend for the last year
5 and a half."

6 Q So in essence, Patrick Pardee told you that he knew
7 nothing of any involvement that Ted may have had in the
8 death of Patricia; is that right?

9 A Exactly.

10 Q Did he say anything more about that?

11 A He said that he had a career to get into, and that this
12 kind of stuff upset that, that he needed to go on. He said
13 -- what else did he say? That's about it.

14 Q Did he tell you anything about what he was being
15 investigated for?

16 A He was being investigated for the breaking and
17 entering.

18 Q Now, prior to his telling you that, had you had any
19 idea that he was involved in activity like that?

20 A No.

21 Q And what did you say to him about that?

22 A I said, "How could you do something so stupid like
23 that?"

24 Q Did he give you any explanation?

25 A He said -- he raised his hand and said, "I'm not saying

1 anything to incriminate myself."

2 MR. HATFIELD: Thank you.

3 No further questions.

4 CROSS-EXAMINATION by MR. PANOSH:

5 Q Now, in addition to dating Theodore Kimble those last
6 few weeks before he was arrested, did you have any further
7 contact?

8 A Now, do you mean?

9 Q Yes.

10 A I see him every week. I go with his parents to see him
11 every week.

12 Q So, since April of 1997, you've been visiting him on a
13 weekly basis; is that correct?

14 A Prior -- except for the two weeks after he was
15 arrested, yes.

16 Q And that's strictly friendship?

17 A Friendship only.

18 Q At the time that Patrick made these statements that
19 you've testified to, he was aware that you were seeing Ted?

20 A I wasn't seeing him. We went out twice. I wasn't
21 dating him.

22 Q Was the two times that you went out with him just prior
23 to your conversation with Patrick?

24 A Yes.

25 Q And when was the first time you reported this

1 information to law-enforcement officers?

2 A When was the first time -- say that again.

3 Q When was the first time you reported this information
4 to law-enforcement officers?

5 A To law enforcement? All I talked to was lawyers.

6 Q Did there come a time when you determined that it was
7 important enough to tell the police department or the
8 sheriff's department about the information you had?

9 A I felt that he gave me the information I wanted to
10 know. He said he knew nothing about it.

11 Q And did you report that to the officers?

12 A No. I didn't know he had anything to do with this
13 case, until he showed up.

14 Q You were unaware that Patrick Pardee was involved in
15 this case until this trial; is that what you indicated?

16 A Exactly.

17 MR. PANOSH: No further.

18 REDIRECT EXAMINATION by MR. HATFIELD:

19 Q Now, since your conversations with Patrick Pardee in
20 April of 1997, have you continued to see him from time to
21 time?

22 A Patrick Pardee?

23 Q Yes.

24 A No. He will not come in the restaurant anymore.

25 Q So he knows where -- you have been working there

1 continuously since long before any of these events took
2 place?

3 A Correct.

4 Q And he met you in connection with your employment in
5 the restaurant?

6 A Correct.

7 Q And since you had this one conversation with him, where
8 he told you he knew nothing about Patricia's death, he just
9 has steered clear of your restaurant?

10 MR. PANOSH: Objection. Leading his own witness.

11 THE COURT: Sustained.

12 Q Is it your testimony that you have not seen him again,
13 after all --

14 A I have not seen him again or talked to him.

15 Q Now, you knew that Ted Kimble was charged with murder,
16 didn't you?

17 A Yes, I did.

18 Q Did you have any idea that Patrick Pardee was a
19 material witness for --

20 MR. PANOSH: Objection to --

21 Q -- the state --

22 MR. PANOSH: -- leading his own witness.

23 THE COURT: Sustained.

24 Q Did you know that Patrick Pardee was a potential
25 witness?

1 A No.

2 Q Did Mr.'s Church and Pendergrass ever come to see you?

3 A No.

4 Q Did you have any idea before this trial proceeded that
5 you had any evidence that might have a bearing on this case?

6 A No.

7 Q Well, now, you understand that Ted Kimble's not on
8 trial?

9 MR. PANOSH: We object to leading, please.

10 THE COURT: Sustained.

11 Q Who's on trial here?

12 A Ronnie Kimble.

13 MR. PANOSH: Objection.

14 Q Is Ted Kimble on trial?

15 A No.

16 MR. HATFIELD: No further questions.

17 MR. PANOSH: No further.

18 THE COURT: You may step down.

19 MR. HATFIELD: That's all we have. Thank you very
20 much.

21 THE COURT: Any evidence for the State?

22 MR. PANOSH: No, Your Honor.

23 (The witness left the witness stand.)

24 THE COURT: Members of the jury, this completes
25 the evidence, and on Monday, it'll be your duty to decide

Patrick Pardee

Transcript Testimony / Boat Purchase

TTP. 1128.7 Q. And does it indicate to you -- indicate that on

8 December the 29th of 1995, you bought the boat that belonged
9 to Theodore and Patricia Kimble?

10-A. Yes, sir, it does.

11-Q. And why did you purchase that property?

12-A. I had called the marina and asked them what the boat

13 was worth, and he told me approximately \$9,000. I figured

14 if I can get a \$9,000 boat for just under \$6,000, plus help

15 a friend out, from getting the boat repossessed, might as

16 well.

17-Q. What do you mean, "help a friend out"?

18-A. Well, he told me that they were getting ready to

19. repossess it, and I didn't want him to ruin his credit.

20-Q. Do you still have the boat?

21-A. Yes, sir, I do.

(FACTS)

Nations Bank / Bank of America, can verify Ted Kimble was never late on a payment, nor was the bank about to repossess the boat.

STATE OF NORTH CAROLINA

In The General Court Of Justice

ORDER FOR ARREST

GUILFORD--OR COUNTY

SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA
 VS.

CHARGE DESCRIPTION: 0. S. NUMBER
 06 F BREAKING AND OR ENTERING (F) 14-541(A)
 06 F LARCENY AFTER BREAK/ENTER 14-721(B) (2)
 03 F FELONY LARCENY 14-721(A)
 01 M MISDEMEANOR LARCENY 14-721(A)

WARRIOR, PATRICK, R
 2414 COUNTRY LAKE DR

GREENSBORO NC 27405

WARRIOR, PATRICK, R DOB: 12/04/68

SEX: M

HT: 5-11

WGT: 160

HAIR: BRN

EYES: BRN

RELATED CASES:

- 97CR0023697 97CRS023698
- 97CR0023699 97CRS023699
- 97CR0023691 97CRS023692
- 97CR0023693 97CRS023694
- 97CR0023695 97CRS023696
- 97CR0023698 97CRS023698

Def't. must be fingerprinted.

YOU ARE DIRECTED TO ARREST THE DEFENDANT AND BRING HIM BEFORE THE COURT AT THE PLACE, DATE AND TIME INDICATED BELOW OR UPON THE FIRST DAY OF COURT FOLLOWING HIS ARREST. IF COURT IS NOT IN SESSION, THEN YOU ARE TO TAKE HIM BEFORE A JUDICIAL OFFICER FOR THE PURPOSE OF DETERMINING CONDITIONS OF RELEASE AND COMMITMENT IF HE IS UNABLE TO COMPLY.
 RELEASE IS TO BE THE OFFICIALS DISCRETION.

Location Of Court	Court Date	Court Time	Date Of Issue
GREENSBORO, NC ROOM 084C	12/05/97	09:30 AM	11/03/97

Signature: ESTIE BENNINGTON

<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court
<input type="checkbox"/> Magistrate	<input type="checkbox"/> District Court Judge	<input type="checkbox"/> Superior Court Judge

ORIGINAL
 (Over)

STATE OF NORTH CAROLINA

Guilford County

In The General Court Of Justice
Before The Clerk

IN THE MATTER OF:

CRIMINAL RECORD CHECK

Name And Address

Patrick R. Pardee

Records Check From This Date To Present

May 1983

This is to certify that I have searched the indices to criminal actions in this office from the date shown above to the present to determine:

only the convictions and pending charges, if any,

the entire criminal record, if any,

which appear in the records under the name given above, and found:

that no record was indexed by the name given above.

the following excerpts from the public records indexed by the name given above.

The criminal records in this office are indexed solely by name and not by any other identifying characteristic. This office cannot guarantee that the records listed herein belong to the individual for whom such record is sought.

File No.	Race/Sex	DOB	Charge	Date Disposed And Disposition
		12/4/66	See Attached 3 pages	

Date Of Search

8/28/00

Signature

Melissa Sutton

Deputy CSC Assistant CSC Clerk Of Superior Court

400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: PARDEE,PATRICK? R=RACE: S=SEX: DOB:

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CR 005485 H
JF:021097 (F) BREAKING AND OR ENTERING (F) DISMISSED BY DA 110697 CR
JF:021097 (F) LARCENY AFTER BREAK/ENTER DISMISSED BY DA 110697 CR
JF:021097 (M) SHOPLIFTING CONCEALMENT GOODS DISMISSED BY DA 110697 CR
--- ---

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CR 005486 H
JF:011397 (F) BREAKING AND OR ENTERING (F) DISMISSED BY DA 102897 CR
JF:011397 (F) LARCENY AFTER BREAK/ENTER DISMISSED BY DA 102897 CR
JF:011397 (F) POSSESSION OF STOLEN GOODS (F) DISMISSED BY DA 102897 CR
--- ---

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023686 G
JF:031297 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
FINE/COSTS# 111 REST# 6635.00 SENT:006-00BM TYPE: C PROB:024M UNSUPERVISE
SEE ALSO: 97CRS023687, 97CRS023688, 97CRS023689, 97CRS023690 PLUS MORE
JF:031297 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

JF:OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-

400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: PARDEE,PATRICK? R=RACE: S=SEX: DOB:

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023687 G
JF:020497 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
JF:020497 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- ---

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023688 G
JF:013097 (F) FELONY LARCENY GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- ---

PARDEE,PATRICK,R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023689 G
JF:020697 (F) FELONY LARCENY GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023686 51
OF:020397 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
OF:020397 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- --

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023691 6
OF:020497 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
OF:020497 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- --

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023692 6
OF:020397 (F) BREAKING AND OR ENTERING (F) GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
OF:020397 (F) LARCENY AFTER BREAK/ENTER GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- --

OF: OFFENSE DATE, DOB=BIRTH, (M) MISC, (F) FELONY, (T) TRAFFIC, MORE-
400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: PARDEE, PATRICK? R=RACE: S=SEX: DOB:

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023693 6
OF:022097 (F) FELONY LARCENY GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- --

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023694 6
OF:020197 (F) FELONY LARCENY GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- --

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023697 6
OF:020297 (F) FELONY LARCENY GUILTY 121599 CRS
CONSOLIDATED FOR JUDGMENT WITH 97CRS023686 51
--- --

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023698 6
OF:031397 (F) BREAKING AND OR ENTERING (F) NEVER 122899 CRS
OF:031397 (F) LARCENY AFTER BREAK/ENTER NEVER 122899 CRS
--- --

OF: OFFENSE DATE, DOB=BIRTH, (M) MISC, (F) FELONY, (T) TRAFFIC, MORE-
400 GUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: PARDEE, PATRICK? R=RACE: S=SEX: DOB:

PARDEE, PATRICK, R 1414 COUNTRY S=M R=W DOB=12041966 97CRS023710 6
OF:011497 (M) MISDEMEANOR LARCENY DISMISSED BY DA 051000 CRS
SPEC. COND: DISMISSAL BY DA PANOSH
--- --

PARDEE, PATRICK, RAY 1414 COUNTRY S=? R=? DOB=? 84CRS015169 6
OF:031084 (T) MISDEMEANOR DEATH BY VEHICLE GUILTY 100484 CRS
FINE/COSTS# 49 REST# SENT:001- Y TYPE: PROB:002Y SUPERVISED
SPEC. COND: SUVR DRIVER'S LIC 1 YR;PERFORM 50 HRS COMMUNITY SVC
OF:031084 (T) SPEEDING GUILTY 100484 CRS
FINE/COSTS# REST# SENT: - TYPE: PROB:NONE
SPEC. COND: CONSOLIDATED FOR JUDGMENT WITH MISC DEATH BY MV COUNT
OF:031084 (T) DRIVE LEFT OF CENTER GUILTY 100484 CRS
FINE/COSTS# REST# SENT: - TYPE: PROB:NONE
SPEC. COND: CONS FOR JUDGM WITH MISC DEATH BY MV COUNT (ROSS/DEAN
--- --

OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, MORE-
400 BUILFORD-GR
082800 CRIMINAL CHECK- PENDING--DISPOSED--MOTOR V.--UNSERVED--CONVICTED
CRITERIA- NAME: PARDEE, PATRICK? R=RACE: S=SEX: DOB:

PARDEE, PATRICK, ROY 1414 COUNTY S=M R=W DOB=12041966 88CR 044523 G
OF: 070288 (M) SECOND DEGREE TRESPASS DISMISSED BY DA 081688 CR
--- ---
PARDEE, PATRICK, ROY 1414 COUNTRY S=M R=W DOB=12041966 89CR 014266 H
OF: 101289 (T) SPEEDING 072 IN 55 ZONE DISMISSED BY DA 030690 CR
--- ---
PARDEE, PATRICK, ROY 1414 COUNTRY S=M R=W DOB=12041966 91CR 063767 G
OF: 092191 (T) RECKLESS DRIVING TO ENDANGER CHARGED CR
(I) IMPROPER EQUIP - SPEEDOMETER RESP LESSER OFFENSE 120991
FINE / COSTS: 130 REST# SENT: - TYPE: PROB: NONE PAID
SPEC. COND: HAINES

OFFENSE DATE, DOB=BIRTH, (M)MISD, (F)FELONY, (T)TRAFFIC, *END*

1 A Not when there was a serious injury, no.

2 Q Did you tell Ted Kimble about that fight?

3 A What fight? I just said no, that I -- I wasn't
4 involved with a fight with a serious injury.

5 MR. LLOYD: That's all I have, Your Honor.

6 MR. PANOSH: We'd renew our motion in reference to
7 116 to 124, based upon the cross-examination.

8 THE COURT: The motion is denied.

9 You may step down, Mr. Nicholes.

10 You may stand and stretch, if you'd like, members
11 of the jury.

12 Next witness, please.

13 (The witness left the witness stand.)

14 MR. PANOSH: Mr. Pardee, please.

15 PATRICK PARDEE, being first duly sworn, testified as follows
16 during DIRECT EXAMINATION by MR. PANOSH:

17 Q Would you state your name, sir.

18 A Patrick Pardee.

19 Q Mr. Pardee, do you know Theodore Kimble?

20 A Yes, sir, I do.

21 Q Do you know Ronnie Kimble?

22 A Yes, sir, I do.

23 Q And how do you know Pat-- how do you know Theodore and
24 Ronnie Kimble?

25 A I know Ted Kimble through church. And I met his

1 brother, Ronnie Kimble, on several occasions.

2 Q Are you indicating that you met Ronnie through Ted?

3 A Yes, sir.

4 Q Did there come a time when you began to work on a part-
5 time basis at Lyles Building Supply?

6 A Never officially, sir.

7 Q Did there come a time when you were there frequently?

8 A Yes, sir.

9 Q Why were you there?

10 A Because at the time, I was unemployed, I was waiting on
11 a company to make me an offer, and he asked me to help him
12 out.

13 Q Immediately prior to being unemployed, what was your
14 occupation?

15 A I was a college student.

16 Q Did there come a time when you received full-time
17 employment, obtained full-time employment?

18 A After that?

19 Q Yes.

20 A Yes, sir.

21 Q Where did you work?

22 A A company called PageNet, Incorporated.

23 Q What were your duties with PageNet?

24 A I was an account representative.

25 Q In the course of your duties, was it your

1 responsibility to sell pagers and pager accounts?

2 A Yes, sir, and also service current customers.

3 Q Now, did there come a time when you and Theodore Kimble
4 began to be involved in illegal activities?

5 A Yes, sir, there was.

6 Q And was that in the early part of 1997, leading up till
7 March of 1997?

8 A Yes, sir, it was.

9 Q And as a result of that, you were eventually charged in
10 those offenses; is that correct?

11 A Yes, sir, that's correct.

12 Q Have you reached an agreement with the State of North
13 Carolina in regard to your pending charges?

14 A Yes, sir.

15 (Mr. Panosh showed an exhibit to Mr. Lloyd.)

16 MR. PANOSH: May I approach the witness?

17 THE COURT: You may.

18 Q Showing you now State's Number 116, would you look at
19 that, please.

20 (Time was allowed for the witness.)

21 Q What is Number 116?

22 A It's the agreement I had with the State of North
23 Carolina.

24 Q And do you recognize the date? First of all, do you
25 recognize your signature thereon?

1 A Yes, sir, I do.

2 Q And what was the date that was signed?

3 A Well, it says July 16, 1997, but actually, I believe it
4 was 1998.

5 Q Do you recall signing that in the last few months?

6 A Yes, sir, I do.

7 Q Where were you when you signed that?

8 A At my attorney's office.

9 Q And are you indicating that you were there at your
10 attorney's office last month and signed it?

11 A Yes, sir.

12 Q Would you tell the ladies and gentlemen of the jury how
13 your involvement in these criminal activities began.

14 A I was in college until approximately Christmas 1996.
15 The company called PageNet had called, interested in hiring
16 me. I thought they were going to go ahead and hire me, so I
17 went ahead and dropped out before Christmas break, so I
18 could get a full refund for that semester, move back home in
19 Greensboro. Ted was a friend of mine. I'd go up there and
20 frequently visit him at Lyles Building Materials. And one
21 night approximately mid, late January, he asked me if I
22 would help him and Robert Nicholes go pick up some building
23 materials that he had purchased from a job site, that they
24 didn't need, excess building materials, approximately 7:30
25 at night. So I went and helped him. And at the time, I did

1 not realize that they were stolen, until probably --

2 MR. LLOYD: Your Honor, I'm having a hard time
3 hearing. Could you ask the witness to speak up.

4 THE COURT: A little bit louder, please, Mr.
5 Pardee. Kindly keep your voice up, sir.

6 THE WITNESS: Yes, sir.

7 A I didn't find out that they were stolen till
8 approximately about a week later, me and Ted were talking.
9 I thought, I thought, wait a minute, something's not right.
10 And he said that actually, that he did not purchase the
11 building materials that we had just stolen from the job
12 site.

13 Q Did you receive money or other compensation as a result
14 of assisting him in picking up those stolen property?

15 A Not at the time.

16 Q Did you receive money later?

17 A Yes, sir.

18 Q And did you thereafter continue in similar criminal
19 activities with Theodore Kimble?

20 A Yes, sir, I did.

21 Q And each time you went to construction sites; is that
22 correct?

23 A Yes, sir.

24 Q And on each occasion, you stole from those construction
25 sites; is that correct?

1 A Yes, sir.

2 Q Did there also come a time when you went to Home Depot
3 and was involved in a theft at Home Depot?

4 A Yes, sir, there was.

5 Q Would you tell the ladies and gentlemen of the jury
6 about that, please.

7 A It was around midnight. Ted had rented a forklift, and
8 he had two big trailers.

9 Q Speak up, please.

10 A I'm sorry. It was around midnight one night. Ted had
11 rented a forklift from a forklift company. He had two big
12 trailers. We drove the trailers to Home Depot right off of
13 Battleground Avenue. We used the forklift to load up the
14 trailers, then we drove the stuff -- the stolen materials
15 back to Lyles Building Materials, then we came back and we
16 picked up the forklift and brought it back to his place of
17 business.

18 Q What type and quantity of materials were stolen from
19 Home Depot?

20 A It was some pressure-treated fence pickets. I believe
21 he also got a bathtub or shower and various other small
22 pressure-treated items.

23 Q And how many trailer loads were there of materials?

24 A If I recall correctly, there was two.

25 Q And who participated in the theft from Home Depot?

1 A Myself, Ted Kimble and Robert Nicholes.

2 Q And do you remember the date of that?

3 A I do not recall off the top of my head, sir.

4 Q If the charges allege February the 6th, would that be
5 the approximate time period?

6 A That could be approximate, yes, sir.

7 Q What was done with those materials?

8 A He attempted to sell them through his business.

9 Q After the theft of the materials from Home Depot, did
10 you go to Lyles Building Supply and see them there on the
11 yard, being offered for sale?

12 A Yes, sir, I did.

13 Q And at that time, who was running the business?

14 A Ted Kimble.

15 Q And who was running it when Mr. Ted Kimble wasn't
16 there?

17 A Usually his father would stop by and watch the place.

18 Q That would be Ronnie, Sr.?

19 A Yes, sir.

20 Q Now, in regard to all of the materials that you stole
21 with Theodore and/or Mr. Nicholes, did they all go to Lyles?

22 A No, sir, they did not.

23 Q Where did some of them go?

24 A Ted had rented a tractor-trailer trailer across the
25 street, and a lot of the building materials ended up in that

1 tractor-trailer.

2 Q Can you give the ladies and gentlemen of the jury an
3 estimate of whether half of it went to the trailer or what
4 amount went to the trailer, as opposed to going to Lyles?

5 A I would -- approximately half of it went to the trailer
6 and approximately half of it went to his business for sale.

7 Q Did there come a time when you also participated in a
8 theft from a business known as Northern Hydraulics on Sandy
9 Ridge Road?

10 A Yes, sir.

11 Q What was taken there?

12 A Several go-carts, I believe it was a couple of
13 generators, and I believe there was also a lawn mower.

14 Q Do you know what happened to the go-carts?

15 A Yes, sir.

16 Q What happened to them?

17 A Right before they picked up Ted, Ted wanted me to help
18 him hide them or get rid of them, and so --

19 Q Where did you -- Go ahead.

20 A We took two of them off, put them under a bridge right
21 off of Highway 220. Two more, at the end of a business
22 park, down just north of Randleman. And then two more out
23 in a field down near Ramseur, North Carolina.

24 Q Now, on or about April the 1st of 1997, you were
25 arrested; is that correct?

1 A Yes, sir.

2 Q And shortly thereafter, did you cooperate with the
3 sheriff's department in locating those particular items?

4 A Yes, sir, I did.

5 Q Did you show them where they were hidden?

6 A Yes, sir, I did.

7 Q What became of the generators, if you know?

8 A I do not know for sure, sir.

9 Q All right.

10 A Ted --

11 Q That's fine. Where were the generators the last time
12 you saw them?

13 A In a storage building at Lyles Building Materials.

14 Q Would you describe those generators.

15 A They were in two boxes. They were brand new. I never
16 actually saw them, just the boxes.

17 Q Were they small, large? Did it take one man, two men
18 to move it? Could you describe them, please.

19 A One of them, one man could probably move it fairly
20 easily. The other one, it would have to be a really big
21 person or preferably two people to move it.

22 Q And in the course of breaking into these various
23 building sites, did you also remember taking a garden tub?

24 A I think so.

25 Q Okay. Where did --

1 A I'm not sure --

2 Q -- that go?

3 A -- exactly what a garden tub is.

4 Q Where did that go?

5 A If it's the tub I'm thinking of, it was at Lyles
6 Building Materials for sale.

7 Q Do you remember a theft that involved the taking of
8 dishwashers and a Reddy Heater, propane heater?

9 A Yes, sir, I do.

10 Q Where did those items go?

11 A The dishwasher ended up in the tractor-trailer trailer
12 across the street. And the Reddy Heater ended up at Lyles
13 Building Materials.

14 Q In use or for sale?

15 A For use.

16 Q Do you remember the theft of certain Marsh kitchen
17 cabinets and marble work sink and kitchen items?

18 A Yes, sir, I do.

19 Q Where did those go?

20 A Storage building on -- at Lyles Building Materials.

21 Q For sale?

22 A No, sir.

23 Q Did you say "Yes"?

24 A No, sir, not for sale.

25 Q When you say a storage building, what do you mean?

1 A He had several storage buildings throughout the
2 property. He put them in one out near the front and had it
3 locked up.

4 Q Now, you've indicated that Ronnie Kimble, Sr., Ted and
5 Ronnie's father, was the actual -- was at the business. How
6 frequently was he at the business?

7 A Approximately several times a week.

8 Q And when he was there, did he have access to the entire
9 business?

10 A Yes, sir, as far as I know.

11 Q And --

12 MR. LLOYD: Your Honor, we would ask to approach
13 at this time.

14 MR. PANOSH: Well, that was the last question on
15 that subject. If you want to --

16 MR. LLOYD: That's fine.

17 THE COURT: Proceed. Move on.

18 Q Did there come a time when you began to cooperate with
19 the officers of the Greensboro Police Department and the
20 Guilford County Sheriff's Department in reference to the
21 items that you've stated you and -- Ted and you and Mr.
22 Nicholes stole?

23 A Yes, sir.

24 Q When was that?

25 A Approximately the day after Ted was arrested.

1 Q Ted was arrested on April 1st; is that correct?

2 A I believe so.

3 Q When were you arrested?

4 A The following morning.

5 Q The following --

6 A Following morning.

7 Q And after you were arrested, were you interviewed by
8 those officers?

9 A Yes, sir, I was.

10 Q And in addition to pointing out the items you've
11 already told me you pointed out, did you do anything else?

12 A I'm not sure if I understand.

13 Q Did you tell them about the various homes that -- under
14 construction and businesses you'd broken into?

15 A Yes, sir, I did.

16 Q At that time, did you have any type of agreement?

17 A No, sir, I didn't.

18 Q Did you tell them at that time about Ted's involvement
19 or any knowledge you had of Ted's involvement in the murder
20 of Patricia Kimble?

21 A No, sir, I didn't.

22 Q Did there come a time when you had knowledge of Ted's
23 involvement in the murder of Patricia Kimble?

24 A Yes, sir.

25 Q What, if anything, did he tell you? And describe the

1 circumstances.

2 A I'm not sure if I understand.

3 Q All right. When was the first time that Ted Kimble
4 made statements to you in reference to the murder of
5 Patricia Kimble?

6 A It was approximately mid, late January of '97. Me and
7 him were either loading or unloading some lumber from the
8 truck, and I could tell something had been bothering him for
9 a while. I asked him what was bothering him. He said he
10 felt the police were closing in on him. And I asked him
11 "Well, what do you mean?"

12 MR. LLOYD: Objection, Your Honor, on the grounds
13 previously raised.

14 THE COURT: Overruled.

15 A I asked him what he meant. And he felt -- he said that
16 the police were closing in on him. And I said, "What do you
17 mean?" He said that -- he said that -- he said they were
18 closing in on him for the death of his wife. I asked him if
19 he had any -- if he did it. He said no, his brother Ronnie
20 did it.

21 Q During that conversation, did he discuss with you his
22 -- where he was on the night of her death?

23 A He had told me where he was, yes, sir.

24 Q What did he tell you?

25 A He told me that he had closed up Lyles Building

1 Materials approximately 5:30, and then he had drove to his
2 part-time job at Precision Fabrics at approximately 6:00
3 o'clock.

4 Q Did he tell you why he had obtained that part-time job?

5 A He told me it was for an alibi.

6 Q Did he explain what he meant by that?

7 A He had said that basically, so he'd have an alibi and
8 the police wouldn't think he was a suspect.

9 Q Did he give you more details as to how the murder was
10 accomplished?

11 A He had told me that his brother had went to the house
12 and had shot her in the head, and then poured gasoline on
13 the body and lit it.

14 Q Did he tell you why the murder was committed?

15 A For the insurance money.

16 Q Did he give you details about the insurance money?

17 A He had told me later that he wished that the policy
18 would have been in effect.

19 Q What did he mean -- or what did he say about that?

20 A He said that he didn't think he was going to collect,
21 because she hadn't taken her physical yet and that the
22 policy wasn't in effect.

23 Q Did he indicate to you what weapon or -- was used or
24 any other details of the offense?

25 A His Glock .45.

1 Q Did he indicate whose weapon that was?

2 A He told me it was his.

3 Q Were you familiar with that particular weapon?

4 A I'd seen it a couple of times.

5 MR. PANOSH: May I approach?

6 Q Showing you now State's Exhibit 84-A, is that the
7 weapon that you said you'd seen a couple of times?

8 A Yes, sir.

9 Q And when you saw it, where was the weapon or how were
10 you shown it?

11 A One night, his wife had a Bible study at their home,
12 and it was just for the girls, so me and Ted and several
13 other people had went out and got something to eat that
14 night. And when we came back, he was showing it to me,
15 because it was dark, and it's got a laser pointer on it. He
16 was showing me how you could point to a window and on the
17 wall. And I'd seen it at his business a couple of times.

18 Q When you saw it at his business, where was it?

19 A On his desk.

20 Q When you saw it this evening that you've previously
21 referred to, where was it before he showed it to you?

22 A He was carrying it.

23 MR. PANOSH: May I approach?

24 Q I show you now State's Exhibit 95. Do you recognize
25 that, sir?

1 A It appears to be Ted's holster.

2 Q Ted's holster?

3 A Yes, sir.

4 Q And when you indicated that he was carrying the gun,
5 was he using that holster?

6 A I believe so. He usually kept it in the holster.

7 Q When you say he usually kept it in his holster, how
8 frequently did you see him with the gun?

9 A This particular one?

10 Q Yes.

11 A Not very often. At the time, we didn't hang out a
12 whole lot, because he was married.

13 Q Okay. On the occasions that you did see him, how
14 frequently did he have the gun?

15 A Often.

16 Q Excuse me?

17 A Often.

18 Q In the course of your acquaintanceship with him, prior
19 to the death of Patricia, did you and he ever go looking or
20 shopping for guns?

21 A Yes, sir.

22 Q Would you tell the jury about that, please.

23 A One time we went to a place called Cherry's Fine Guns
24 up on Wendover Avenue. When we were in there, he was
25 looking at some handguns. I don't know too much about the

1 handguns. He was asking the salesperson about one
2 particular gun and asked about a silencer or -- of some
3 sort, if a silencer would fit on the end. And when I heard
4 that, I was like, "Well, why don't you just go to Wal-Mart
5 and get a silencer a lot cheaper?" And that's when they
6 both looked at me real funny and said, "Those are illegal,"
7 and then kind of dropped it after that. And we left the
8 store shortly thereafter.

9 Q Did there come a time when Theodore Kimble made any
10 statements to you in reference to disclosing the information
11 he had told you?

12 A He told me if I told anybody, that he would kill me.

13 Q Did you believe him?

14 A Yes, sir, I did.

15 Q Why did you believe him?

16 A Because he was a very intimidating person.

17 Q What, if any, physical objects did you see in his
18 possession, on his person or at Lyles, that reinforced your
19 belief that he could kill you?

20 A I saw at least two other handguns, and he also had a
21 high-powered rifle which I'd saw on numerous occasions.

22 Q Did he make statements in regard to that rifle?

23 A He told me that he could kill a man from a half a mile
24 away. I asked him why he wanted it, and he said it was an
25 investment.

1 THE COURT: How much longer are you going to be
2 with the witness, Mr. Panosh?

3 MR. PANOSH: About five, 10 minutes.

4 THE COURT: All right, sir.

5 MR. PANOSH: Keep going?

6 THE COURT: Yes. The jury needs a break shortly.

7 MR. PANOSH: Yes, sir.

8 THE COURT: But if it's only going to be five
9 minutes, proceed.

10 MR. PANOSH: Yes, sir.

11 Q Did he ever make statements to you in reference to
12 Detective Church?

13 A Yes, he did.

14 Q What did he say?

15 A He told me he'd like to kill Detective Church, because
16 he was standing in his way of him collecting the insurance
17 money.

18 Q Now, did there come a time when you became aware of Ted
19 Kimble's financial status?

20 A Yes, sir, there was.

21 Q And did there come a time when you loaned him money?

22 A Yes, sir, I did.

23 Q How much money did you loan him?

24 A \$5,500.

25 Q And was that loan repaid to you?

1 A Not all of it.

2 Q And was that loan on or about August the 16th of '96?

3 A Yes, sir, it was.

4 Q After the death of Patricia Kimble, did there come a
5 time when you obtained any property from Theodore Kimble?

6 A Yes, sir, there was.

7 Q When was that?

8 A Approximately, very end of December or first of January
9 of '95-'96. I had purchased a ski boat.

10 MR. PANOSH: May I approach?

11 THE COURT: Yes.

12 Q Showing you now what has been previously marked as
13 State's Exhibit Number 104, the estate file of Patricia
14 Kimble, and showing you a check which is attached thereto,
15 dated December the 29th of 1995, for \$1,000. Is that your
16 check?

17 A Yes, sir, it is.

18 Q And it was made payable to whom?

19 A Ted Kimble.

20 Q Would you explain why that was made payable to Ted
21 Kimble.

22 A He told me he would sell me the boat if I would pay off
23 the loan and give him \$1,000.

24 Q And showing you another check attached to that same
25 exhibit, for \$4,779, made payable to NationsBank. Would you

1 -- is that your signature?

2 A Yes, sir, it is.

3 Q And what was that for?

4 A That was to pay off the loan for the boat.

5 Q And is there a bill of sale also here?

6 A Yes, sir, there is.

7 Q And does it indicate to you -- indicate that on
8 December the 29th of 1995, you bought the boat that belonged
9 to Theodore and Patricia Kimble?

10 A Yes, sir, it does.

11 Q And why did you purchase that property?

12 A I had called the marina and asked them what the boat
13 was worth, and he told me approximately \$9,000. I figured
14 if I can get a \$9,000 boat for just under \$6,000, plus help
15 a friend out, from getting the boat repossessed, might as
16 well.

17 Q What do you mean, "help a friend out"?

18 A Well, he told me that they were getting ready to
19 repossess it, and I didn't want him to ruin his credit.

20 Q Do you still have the boat?

21 A Yes, sir, I do.

22 Q Are you indicating then that the reason you bought the
23 boat is because Ted offered to sell it to you?

24 A Yes, sir, he did.

25 MR. PANOSH: This would be a good break point,

1 Your Honor.

2 THE COURT: All right.

3 You may step down, sir.

4 (The witness left the witness stand.)

5 THE COURT: Members of the jury, we'll take our
6 morning recess. Please remember the jury responsibility
7 sheet. At the end of the 15-minute period, please report
8 back to the jury room.

9 Everyone else remain seated, while the jury leaves
10 first.

11 (The jury left the courtroom at 11:06 a.m.)

12 THE COURT: You may declare a 15-minute recess,
13 sheriff.

14 (A recess was taken at 11:07 a.m.)

15 (Court reconvened at 11:23 a.m. The defendant was not
16 present. The jury was not present.)

17 THE COURT: Come back to the witness stand,
18 please, Mr. Pardee.

19 (The witness returned to the witness stand.)

20 (The defendant entered the courtroom at 11:24 a.m.)

21 MR. LLOYD: Your Honor --

22 THE COURT: Yes.

23 MR. LLOYD: -- before we bring the jury in, I just
24 noticed that in Mr. Pardee's plea agreement, I think it's
25 Paragraph 6, says that he's taken a polygraph test. And we

1 would ask that that portion of it be redacted.

2 THE COURT: Granted.

3 MR. LLOYD: I don't think that's properly
4 admissible.

5 MR. HATFIELD: He granted it.

6 MR. LLOYD: I understand.

7 There's a similar paragraph, though it doesn't say
8 that Mr. Nicholes took a polygraph. It says that he would
9 agree to take a polygraph. And our position all along, of
10 course, as Your Honor well knows, is that the testimony of
11 these two individuals should not be admissible, but I'd ask
12 Your Honor to take a look at that.

13 THE COURT: If you'll redact that part before it's
14 submitted to the jury.

15 MR. LLOYD: All right.

16 THE COURT: Mr. Panosh, if you'll look at it and
17 make sure it's taken care of.

18 (The jury began to enter the courtroom.)

19 MR. PANOSH: Before they come in, please. Before
20 they come in, I'd like to talk to the judge.

21 (The jury left the courtroom.)

22 THE COURT: All right, sir.

23 MR. PANOSH: Your Honor, I have great difficulties
24 with that, because he has read it -- not he, but Mr.
25 Nicholes has read that portion to the jury. And without any

1 question, somebody's going to remember that, and they're
2 going to go back through there and look at it.

3 THE COURT: Well, I don't think that's the one
4 they were talking about, basically.

5 MR. PANOSH: No, he's talking about redacting a
6 portion of Mr. Nicholes. Mr. Nicholes has already put that
7 into evidence, without objection. And I just don't --

8 THE COURT: Well, I'm not going to redact that
9 part. This is the one that --

10 MR. PANOSH: All right.

11 MR. LLOYD: I don't have --

12 THE COURT: -- they're talking about the --

13 MR. LLOYD: -- any problem with that.

14 (The jury entered the courtroom at 11:27 a.m.)

15 THE COURT: You may continue, Mr. Panosh.

16 FURTHER DIRECT EXAMINATION by MR. PANOSH:

17 Q Drawing your attention to State's Exhibit 116, the
18 agreement, other than the date, is that correct? The
19 substance of the --

20 MR. PANOSH: May I approach?

21 THE COURT: Yes.

22 Q Drawing your attention to this agreement, Number 116,
23 you've indicated that there's a correction to the date.

24 A Yes, sir.

25 Q Would you please make that correction.

1 (The witness complied.)

2 Q Other than that correction -- have you read this
3 agreement?

4 A Yes, sir, I have.

5 Q Is it correct?

6 A Yes, sir, it is.

7 MR. PANOSH: Your Honor, we'd seek to introduce
8 116, pursuant to your orders.

9 THE COURT: The Court'll allow the introduction of
10 116.

11 MR. PANOSH: No further questions.

12 (Mr. Lloyd and Mr. Panosh conferred.)

13 CROSS-EXAMINATION by MR. LLOYD:

14 Q Now, Mr. Pardee, you've indicated on direct examination
15 that you have negotiated a deal with the State; is that
16 right?

17 A Yes, sir.

18 Q All right. And the deal that you've negotiated with
19 the State covers --

20 MR. PANOSH: We object. I don't believe "deal" is
21 made reference in that document in any way.

22 THE COURT: Sustained.

23 Rephrase it.

24 MR. LLOYD: All right.

25 Q The agreement that you've entered into with the State

1 of North Carolina, Mr. Pardee, covers all the charges that
2 arose from this conspiracy involving you and Ted Kimble and
3 Rob Nicholes to steal building materials from homes of
4 people and also these other incidents at Home Depot and
5 Northern Hydraulics; is that right?

6 A Yes, sir.

7 Q All right. And Mr. Pardee, how many actual counts of
8 larceny or breaking and entering, how many felony counts
9 were you charged as a result of that?

10 A I believe it was 12.

11 Q 12? And did you discuss your situation with your
12 lawyer?

13 A Excuse me?

14 Q Did you discuss your situation with your lawyer?

15 A Yes, sir, I did.

16 Q All right. And you were aware as a result of those
17 discussions with your lawyer that you were looking at, in
18 the best possible situation, with no prior record, five to
19 six months on each one of those felonies, were you not?

20 A Yes, sir.

21 Q All right.

22 MR. PANOSH: We object to that question and ask
23 that it be stricken.

24 THE COURT: Overruled.

25 Q So if there were 12 felony charges, Mr. Pardee, and as

1 you were aware after you discussed the situation with your
2 lawyer, you realized that you could be sentenced to
3 somewhere in the neighborhood of six years for your
4 involvement in the theft conspiracy with Ted Kimble and Rob
5 Nicholes; is that right?

6 MR. PANOSH: We object to that question, please.

7 THE COURT: Overruled.

8 A Yes, sir, I am.

9 Q All right. And in exchange for your testimony, the
10 district attorney, in the terms of that plea agreement, has
11 agreed to recommend a probationary sentence; is that right?

12 A Yes, sir, it is.

13 Q All right. And there's another clause in your plea
14 agreement, Mr. Pardee, that says if appropriate, the
15 district attorney will also recommend that you be placed in
16 the first offenders' program; is that right?

17 MR. PANOSH: We object.

18 THE COURT: Overruled.

19 MR. PANOSH: That's not in there, Your Honor.

20 THE COURT: Well, sustained then.

21 Q Well, let me ask you this. Mr. Pardee, was it your
22 understanding that if you qualified for the first offenders'
23 program, the district attorney would make a recommendation
24 that you go into that program?

25 A I don't fully understand the program.

1 Q Well, you've indicated that based on your agreement
2 that we've already talked about, the district attorney is
3 going to recommend probation for you; is that right?

4 A Yes, sir, it is.

5 Q And who makes the determination whether or not to
6 recommend probation for you?

7 A I believe it's the district attorney.

8 Q The district attorney? So if Mr. Panosh is satisfied
9 with your testimony, then it's your understanding of the
10 plea agreement that he will make the recommendation to the
11 judge that you get probation in this case; is that right?

12 A Yes, sir, it is.

13 Q And when you were arrested on these charges, Mr.
14 Pardee, did you spend any time in jail?

15 A No, sir, I did not.

16 Q All right. Now, that was before you had signed the
17 plea agreement, was it not?

18 A Yes, sir, it was.

19 Q Because you didn't sign your plea agreement until
20 somewhere in the neighborhood of a month ago; is that right?

21 A That's correct.

22 Q Now --

23 MR. LLOYD: If I may approach, Your Honor.

24 (Mr. Lloyd picked up an exhibit from the witness stand.)

25 Q Mr. Pardee, your plea agreement says that you

1 understand that if you fail to cooperate as set forth in
2 this agreement, that the district attorney can move to set
3 aside the plea agreement, and prosecute you to the fullest
4 extent of the law; is that right?

5 A Yes, sir, that's correct.

6 Q And you also understand that according to your plea
7 agreement, this agreement is limited to property crimes,
8 "and that if in the course of the investigation, it is
9 determined that he," meaning you, "has participated as a
10 principal or an accessory in any crime against a person,
11 this agreement does not protect the defendant from
12 prosecution for that crime against a person." You're aware
13 of that clause in your plea agreement, are you not?

14 A Yes, I am.

15 Q And you're aware, also, that as a term of your plea
16 agreement, Mr. Pardee, you are to testify consistent with
17 statements that you have earlier given investigators in this
18 case; is that right?

19 A I'm sorry. Please --

20 Q As part of your plea agreement, that you were to
21 testify consistent with earlier statements you've given to
22 law-enforcement officers in this case --

23 MR. PANOSH: We object.

24 Q -- is that right?

25 MR. PANOSH: We should go with the agreement, not

1 with what he's putting in.

2 THE COURT: Sustained.

3 Q Let me ask you this, Mr. Pardee. Is that your
4 understanding of your agreement?

5 A I'm sorry. I didn't follow you.

6 Q That you were to testify consistent, the same as, with
7 statements you have given to law-enforcement officers in
8 this case?

9 A That I be not inconsistent.

10 Q All right. Okay. Now, Mr. Pardee, you stole a lot of
11 building materials with Ted Kimble and Rob Nicholes, didn't
12 you?

13 A Yes, sir, I did.

14 Q Do you have any idea what the total value of those
15 materials were and all the items that y'all stole?

16 A I've heard the total value was approximately \$40,000.

17 Q And in terms of how you became involved in this theft
18 conspiracy with Ted Kimble and Rob Nicholes, you told
19 investigators that Rob Nicholes would bring by stolen
20 building materials to Ted Kimble and he would buy them; is
21 that right?

22 A That sounds correct.

23 Q All right. And that's in fact what happened, didn't
24 it, Mr. Pardee?

25 A Yes, sir.

1 Q All right. And you also told investigators that Rob
2 Nicholes would bring by stolen building materials on almost
3 a daily basis; is that right?

4 A Sometimes.

5 Q And that Ted Kimble would pay Rob Nicholes for those
6 building materials and then resell them through Lyles; is
7 that right?

8 A That's correct.

9 Q All right. Now -- and the first time that you noticed
10 this activity going on was sometime around Christmas of '96;
11 is that correct?

12 A Shortly thereafter sometime.

13 Q All right. And this was before you were actually ever
14 physically involved in any of the thefts; is that right?

15 A Yes, sir, that's correct.

16 Q All right. Now, the first time that you became
17 involved in a theft, Ted and Rob Nicholes -- you went out
18 with both of them on that occasion, didn't you?

19 A Yes, sir, I did.

20 Q And they both told you that Rob Nicholes had bought
21 some building materials, some building supplies, from a
22 construction friend of his; is that right?

23 A I believe Ted Kimble told me that --

24 Q All right.

25 A -- yes, sir.

1 Q And Rob certainly -- Rob Nicholes certainly did not
2 contradict that, did he?

3 A I do not recall.

4 Q All right. Well, he was present there with you and
5 Ted, though, was he not?

6 A He was in the same area --

7 Q All right.

8 A -- yes, sir.

9 Q And that the story that you heard was that, Rob had
10 purchased these building supplies from some friend of his
11 who was in the construction business, either a construction
12 foreman or a construction superintendent; is that right?

13 A Yes, sir, it is.

14 Q All right. And that all y'all were doing was going
15 over to pick them up at this time?

16 A Yes, sir.

17 Q All right. And what time of the day was this, that you
18 went over to pick up the materials?

19 A Approximately 7:00, 7:30 in the evening.

20 Q All right. Was it to a residential site, Mr. Nicholes?

21 A Yes, sir, it was.

22 Q I mean Mr. Pardee. I apologize. And where was it?

23 A It was in the vicinity of Westridge and Bryan
24 Boulevard.

25 Q And was that a -- basically a new subdivision of

1 upscale homes that someone was constructing?

2 A Yes, sir, it was.

3 Q All right. And if you remember, Mr. Pardee, what did
4 you pick up on that occasion?

5 A Some boards. I do not recall the size.

6 Q Okay. And by "boards," you mean lumber --

7 A Yes, sir.

8 Q -- is that right? Okay. So you just don't remember
9 whether they were two-by-eights, two-by-sixes, two-by-fours;
10 is that what you're saying?

11 A Yes, sir.

12 Q All right. And I believe you indicated on direct
13 examination it was sometime around 7:30; is that right?

14 A Yes, sir, that's correct.

15 Q And this would have been what time of year?

16 A Approximately late January.

17 Q All right. So it was dark at that time; is that right?

18 A Yes, sir, it was.

19 Q And did you load up those materials into the box truck?

20 A Yes, sir, we did.

21 Q How much was there on this occasion?

22 A Excuse me?

23 Q How much was there on this occasion? How much lumber
24 did you take on this occasion?

25 A It filled the box truck up about two-thirds of the way.

1 Q All right. And for the members of the jury, Mr.
2 Pardee, how big was the box truck, do you know?

3 A I don't know the dimensions, sir.

4 Q Well, would -- when you went into the back of the box
5 truck, could you stand up in it without hitting your head?

6 A I don't believe I could stand up straight without
7 hitting my head.

8 Q Okay. But it was fairly close; is that right?

9 A Yes, sir, it was.

10 Q All right. So these -- and when you all got through
11 filling up the lumber, putting the lumber in, the box truck
12 was about two-thirds of the way filled at that time; is that
13 right?

14 A Yes, sir.

15 Q All right. Now, did Ted Kimble pay you when you got
16 back to Lyles and unloaded the lumber?

17 A No, sir.

18 Q But he paid you at some later time, didn't he?

19 A Yes, sir.

20 Q All right. Do you remember how much he paid you, Mr.
21 Pardee?

22 A I don't recall the exact amount.

23 Q Well, was it more than \$50?

24 A Ted still hadn't finished paying me for the loan, so
25 any money that he paid me, I put it towards the loan that he

1 owed me.

2 Q Well, is it your testimony, Mr. Pardee, that -- you had
3 loaned him some money, approximately \$5; is that -- or
4 \$5,000; is that right?

5 A \$5,500.

6 Q \$5,500. And he paid you -- how much did he pay you
7 initially?

8 A \$4,000.

9 Q All right. So he still owed you another \$1,500; is
10 that right?

11 A Yes, sir, that's correct.

12 Q All right. Now, is it your testimony that he was
13 repaying you on the loan, or was he paying you for your
14 participation in stealing these building materials that
15 night at 7:30 or 8:00 o'clock?

16 A He told me later he would pay me. Any money that he
17 paid me after that, I applied towards the loan that he owed
18 me.

19 Q Well, but did you consider this payment for your work
20 in helping to steal the building materials?

21 A I'm sorry. I didn't follow.

22 Q Did you consider the money that Ted paid you to be for
23 your work in helping stealing the building materials? Was
24 that part of your share of the job?

25 A Ted told me he would pay me for it.

1 Q All right. So you're just not clear on whether or not
2 he was paying you for your work in helping to steal the
3 materials, or whether it was repayment of the loan?

4 A As far as --

5 Q Is that what your testimony was?

6 A As far as I was concerned, it was repayment on the
7 loan.

8 Q All right. So then is your testimony, Mr. Pardee, that
9 you never received any compensation for participating, for
10 your part in the conspiracy to steal these building
11 materials?

12 A I was promised payment.

13 Q Now, you stole another -- a number of other items, as
14 well as the building materials, on that first night; is that
15 right?

16 A Yes, sir, that's correct.

17 Q All right. And I believe you indicated you
18 participated in the theft of the go-carts, didn't you?

19 A Yes, sir, I did.

20 Q And did you get one of those go-carts as -- did you
21 consider one of those go-carts as yours, for your
22 participation in stealing?

23 A No, sir. We usually kept those up at Lyles Building
24 Materials.

25 Q All right. Is it your testimony, Mr. Pardee, that you

1 didn't receive anything from participating in the go-cart
2 theft?

3 A I had rode the go-carts on numerous occasions.

4 Q Just went out and rode the go-carts around with Ted and
5 had a good time; is that right?

6 A That's correct.

7 Q All right. But that was the only -- is it your
8 testimony that that was the only payment that you got for
9 your participation in the theft of the go-carts?

10 A If I'd wanted one of the go-carts, I'm sure he would
11 have given me one.

12 Q Well, did you not take one because it was stolen
13 merchandise?

14 A Excuse me?

15 Q Did you not take one of the go-carts because it was
16 stolen merchandise?

17 A Yes, sir.

18 Q So that was your only reservation in not taking the
19 go-cart, because it was stolen?

20 A Yes, sir.

21 Q All right. And any money that you got from Ted Kimble,
22 you just applied to the loan; is that right?

23 A Yes, sir, that's correct.

24 Q All right. So you never got any of the materials that
25 y'all stole, and you never got any money for participating

1 in the theft ring; is that right?

2 A That's correct.

3 Q Now, you indicated that when you first went out on this
4 first theft, at 7:00 or 8:00 o'clock at night, when you
5 filled the box truck up to two-thirds of the way, then at
6 that time, you thought this was a legitimate deal, as you
7 had been told, that this was simply a construction friend of
8 Rob Nicholes who had sold the materials to Ted and Rob; is
9 that right?

10 A Yes, sir, that's correct.

11 Q Now, when did you realize, Mr. Pardee, that these night
12 outings, when you went to people's homes that were under
13 construction, and took building materials, were not in fact
14 legitimate enterprises and were in fact thievery? When did
15 you realize that, Mr. Pardee?

16 A Approximately late January of '97.

17 Q All right. And how long would that have been after
18 this first time that you've described, when you filled the
19 box truck up two-thirds?

20 A Approximately one or two weeks.

21 Q All right. So how many times did you go out with Ted
22 Kimble and Rob Nicholes on stealing trips before you
23 realized that it was in fact stealing?

24 A It was either the second or the third trip.

25 Q And you went on stealing trips after that, didn't you?

1 A Yes, sir, I did.

2 Q And in fact, there were occasions when you used
3 scanners to monitor the police radio traffic; is that right?

4 A Yes, sir, that's correct.

5 Q And at some point, you told Ted Kimble that he needed
6 to get another scanner that covered another frequency, to
7 pick up the sheriff's department; is that right?

8 A I do not recall that.

9 Q You don't recall telling investigators that he needed
10 to change -- or he needed to get a scanner that covered the
11 600 megahertz cycle, as well as the 800 megahertz cycle, so
12 that he could pick up the sheriff's department?

13 A I don't recall what the frequencies were. He had one
14 scanner he had installed in his vehicle, and I told him that
15 he ought to get a portable one. He got a portable one that
16 he could wear on his belt.

17 Q Uh-huh. Did you tell him also at that time -- that at
18 that time, Mr. Pardee, that he needed to get the other
19 frequency for the sheriff's department or the police
20 department, whichever one he couldn't pick up on the initial
21 one he had?

22 A Ted Kimble had a book that gave the frequencies of the
23 sheriff's department, police departments, I believe it was
24 all across the U.S.

25 Q Well, my question to you, Mr. Pardee, is, do you recall

1 telling Ted Kimble that he needed to get another scanner, to
2 cover that frequency that he did not have with the first
3 one?

4 A I do not recall that.

5 Q Now, after you joined this conspiracy in theft with Mr.
6 Nicholes and Ted Kimble, did you consider yourself an equal
7 partner in this conspiracy, Mr. Pardee?

8 A No, sir, I did not.

9 Q Were you afraid of Ted Kimble, as Mr. Nicholes has
10 stated he was?

11 A Yes, sir, I was.

12 Q And were you participating in this theft ring, as Mr.
13 Nicholes has stated that he was, simply out of fear of Ted
14 Kimble?

15 A Yes, sir, I was.

16 Q Now, did you at any time consider going to Detective
17 Church or any other law-enforcement officers and telling
18 them what you knew, and asking them to keep it confidential,
19 if they couldn't make an arrest on Ted at that time?

20 A Yes, sir --

21 Q Did you consider --

22 A -- I thought --

23 Q -- doing that?

24 A -- about it.

25 Q Did you do it?

1 A No, sir, I did not.

2 Q Now, when you were first arrested, I believe you said
3 on direct examination that you were arrested a day after Ted
4 Kimble was arrested; is that right?

5 A Yes, sir, that's correct.

6 Q All right. And you told officers about your
7 participation in the theft ring; is that right?

8 A Yes, sir, I did.

9 Q But initially, you did not tell officers about what Ted
10 Kimble -- what you've testified that Ted Kimble said
11 concerning Patricia's death, did you?

12 A That's correct.

13 Q And if you -- were you arrested -- is it your
14 recollection, Mr. Pardee, that you were arrested on April
15 the 2nd?

16 A I believe that's correct.

17 Q All right. And it was not until April the 7th that you
18 told anyone in law enforcement about what you've testified
19 here today concerning statements made by Ted Kimble
20 concerning Patricia Kimble's death; is that right?

21 A It was that Friday.

22 Q All right. So --

23 A I don't remember the exact date.

24 Q Were you arrested on -- what day of the week were you
25 arrested on?

1 A It was either a Monday or a Tuesday.

2 Q All right. And you told investigators about your
3 participation in the theft ring --

4 A That's correct.

5 Q -- is that right?

6 A That's correct.

7 Q And you even went so far as to go around with them and
8 show them items that had been stolen during the time you and
9 Ted Kimble and Rob Nicholes operated the theft ring; is that
10 right?

11 A Yes, sir, I did.

12 Q All right. And if you recall, Mr. Pardee, how many
13 times did you go around with officers?

14 A Approximately five or six times.

15 Q All right. So there were a number of times you were
16 with police officers, showing them all the things that had
17 been stolen in the theft ring; is that right?

18 A Yes, sir, that's correct.

19 Q And of course, all those times that you were with those
20 officers, you had a chance to tell them what you've told
21 this jury here, about these statements that you say Ted
22 Kimble made?

23 A Yes, sir.

24 Q And you did not do so, did you?

25 A No, sir, I did not.

1 Q All right. Now, you knew at that time Mr. Kimble had
2 been arrested?

3 A Yes, sir, I did.

4 Q And you knew that he had been arrested for the murder
5 of Patricia Kimble, didn't you?

6 A I didn't know the reasoning behind it, but I knew he'd
7 been arrested.

8 Q Okay. But you knew he was safely in custody?

9 A For the time.

10 Q Now, you did not work for Ted Kimble, did you?

11 A No, sir, I did not.

12 Q So you never drew a paycheck from him; is that right?

13 A No, sir, I never drew a paycheck from him.

14 Q So the times that you came around Lyles Building
15 Supply, there was -- you were under no compulsion to come to
16 Lyles at that time, were you?

17 A He asked me to come and help him out at his business --

18 Q All right.

19 A -- so I did.

20 Q Well, now, you were not going to get paid for that,
21 were you?

22 A He was paying me cash. He was --

23 Q All right.

24 A -- not paying me a check.

25 Q Okay. But you voluntarily came; is that right?

1 A Well, I came because I feared him.

2 Q Did you turn down the money that he paid you?

3 A No, sir, I did not.

4 Q Did you tell him that you had other things to do, and
5 that you couldn't -- sorry, that you couldn't come over at
6 that time?

7 A I did on several occasions.

8 Q Did you do that on a frequent basis?

9 A Sometimes.

10 Q But nevertheless, at least with respect to the times
11 that you did come over there, you went over there of your
12 own free will, did you not?

13 A Yes, sir, I did.

14 MR. HATFIELD: Can we take a moment, Your Honor?

15 THE COURT: You may.

16 (Mr. Lloyd and Mr. Hatfield conferred.)

17 MR. LLOYD: If I could have just a moment more,
18 Your Honor.

19 (Mr. Lloyd and Mr. Hatfield conferred further.)

20 MR. LLOYD: That's all I have.

21 THE COURT: You may step down, sir.

22 Next witness, please.

23 (The witness left the witness stand.)

24 MR. PANOSH: Detective Church, please.

25 JAMES D. CHURCH, being first duly sworn, testified as