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PERSONAL INJURY

October 4, 1999

Ronnie Lee Kimble 0628799
Odom Corr. Rt. 1 Box 36
Jackson, NC 27845

Dear Ronnie:

I read your letter with interest. First, I am glad to see you taking an interest in your appeal. It shows me that you have not lost hope and seem to have your spirits up enough to write a letter that is thoughtful and well written. However, I decline to raise the issues you have suggested. Let me tell you why. Concerning the sufficiency argument, you have never seemed to grasp the terrible significance of Mitch Whidden's testimony. That is why we lost the case before the jury and if we lose on appeal that will be the reason (harmless error because of the defendant's confession). It is all the evidence the state needs to establish for appellate purposes for sufficiency. The standard for review on sufficiency is "in the light most favorable to the state." It matters not that you got on the witness stand and denied killing Patricia, the testimony of Mitch Whidden is enough by itself to defeat any sufficiency claim. You have convicted yourself out of your own mouth in the eyes of the jury and the appellate courts. I decline to raise the issues you have raised against Mr. Panosh. Most of these fall into the category of effective cross examination, and, as you point out, would have to be raised as plain error since Jack and I did not object. In my opinion they are not reversible even if some of them might conceivably be considered error at all. We have a very good issue on Ted's statements coming in through Nicholes and Pardee based in part on a U.S. Supreme court case that came down this summer, Lilly v. Va.; I am not going to dilute it by raising a bunch of highly marginal issues.

As far as references are concerned, don't bother with any text for paralegals; I have never met a paralegal who was taught anything about criminal law. Get West Publishing's Criminal Procedure in a Nutshell, softcover, written by the two law professors who wrote the definitive work. Cost is about \$10-\$12. West Publishing, P.O. Box 64526, St. Paul, Minn. 55164-0526. The hardcover three-

volume treatise is about \$150.

I have enclosed a copy of your appeal information sheet.

I am and remain

Sincerely yours,


W. David Lloyd

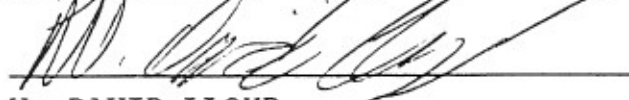
WDL/ld

cc: Jack Hatfield

Enclosure:

The undersigned attorney for the appellant hereby certifies that the information provided herein is true to the best of my knowledge.

This the 11 day of August, 1999.



W. DAVID LLOYD
ATTORNEY FOR THE DEFENDANT

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