

lots of publicity  
long trial  
& formula forgetting off

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NORTH CAROLINA  
1990 JAN 22 PM 1:56  
GUILFORD COUNTY  
GUILFORD COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 97CRS-39580

STATE OF NORTH CAROLINA )  
BY J. G. Smith )  
VS. )  
RONNIE LEE KIMBLE, )  
DEFENDANT. )

MOTION FOR INDIVIDUAL  
VOIR DIRE AND SEQUESTRATION  
OF JURORS DURING  
VOIR DIRE

NOW COMES the defendant, above-named, through counsel, and prays this court pursuant to Article I, Sections 1, 19, 23, and 24 of the North Carolina Constitution and the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States to allow counsel to voir dire the prospective jurors individually and to sequester the jurors from the courtroom during the voir dire in order to prevent the jury panel from hearing questions being asked other jurors. In support of this motion, the defendant shows the court the following:

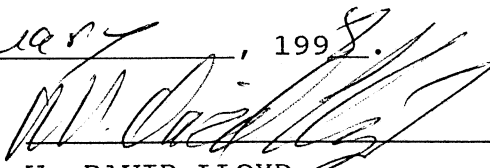
1. Collective voir dire of jurors in panels as to their familiarity with the crimes, the victims or the probability of guilt or innocence, will expose all jurors to prejudicial and incompetent material, thereby rendering it impossible to select a fair and impartial jury.
2. Collective voir dire will inhibit candor and honesty on the part of prospective jurors.
3. Ordinary, collective voir dire exposes all potential jurors in the panel to a range of questions concerning

opinions the death penalty, knowledge of the case and any bias they might harbor. Jurors listening to the voir dire become "educated" to the types of questions and to the answers which will allow them to sit or to be excused. Jurors who are biased against the defendant and who desire to sit in judgment have the opportunity to disguise their true bias by tailoring their answers based on the "education" they have gained through listening to the other jurors' responses. Other jurors may use the process to tailor their answers so that they are excused from service, necessitating the questioning of other jurors and thereby lengthening the process. Such a process circumvents the ends of justice.

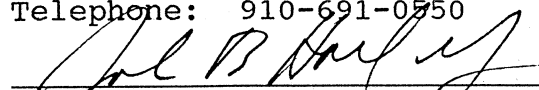
4. This case has received extensive pretrial publicity, both in print and electronic media.

WHEREFORE, the defendant prays the court order individual voir dire.

This the 22 day of January, 1998.

  
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