

**STATE OF NORTH CAROLINA
COUNTY OF GUILFORD**

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION**

97CRS39580

98CRS23485

98CRS23654

STATE OF NORTH CAROLINA)
)
 v.)
)
 RONNIE LEE KIMBLE)
 Defendant)

**MOTION FOR
PRETRIAL DETERMINATION
OF COMPETENCY**

NOW COMES THE STATE OF NORTH CAROLINA and MOVES this Court to conduct a voir dire examination of the witness Rev. L.M. Widden to determine the competency of the witness prior to the trial of this case.

In support of this Motion the State of North Carolina contends:


1. That the witness, Rev. LM. Widden, is an ordained mister of the Baptist Church.
2. That he was ordained on May 17, 1998.
3. That the witness and the defendant were acquainted through their service in the United State's Marine Corps during 1996.
4. That on January 25, 1997, the defendant sought out the witness and confided in him, as a friend, that he had killed his sister-in-law. Ronnie Lee Kimble gave the witness certain details of the killing and requested his advice, specifically on what to do with the money he expected to gain as a result of the killing.
5. That on January 25, 1997, the witness was a student at Liberty University, seeking a certificate of theology.
6. That the witness was advised by Dr. Willmington of Liberty University to seek the advice of the University's legal counsel.
7. That the attorneys, Mr Patrick Yeatts and Jerry Falwell, Jr. referred the witness to the District Attorney's Office in Guilford County.
8. Thereafter, the witness met with detectives of the Guilford County Sheriff's Department and gave a detailed account of the defendant's statements to him.
9. That N.C. Gen.Stat. 8-53.2. Communications between clergymen and communicants states:

“ No priest, rabbi, accredited Christian Science practitioner, or a clergyman or ordained minister of an established church shall be competent to testify in any action, suit or proceeding concerning any information which was communicated to him and entrusted to him in his professional capacity, and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, wherein such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted, provided, however, that this section shall not apply where communicant in open court waives the privilege conferred.”

10. That the State of North Carolina anticipates that the defendant, Ronnie Lee Kimble, will move to suppress the statements of the defendant based upon this statute.
11. That this is a key witness for the State of North Carolina, therefore, the competency of this witness should be determined by the Court in advance of jury selection.
12. Competency of any witness is an appropriate matter to be resolved prior to the trial of the case.

BASED UPON THE AFOREGOING FACTS, the State of North Carolina **MOVES** this Court to conduct a voir dire examination of the witness and determine his competency prior to the selection of a jury in these cases.

This Monday, August 3, 1998.



Richard E. Panosh,
Assistant District Attorney.

CERTIFICATE OF SERVICE

I, Richard E. Panosh, Assistant District Attorney for the Eighteenth Prosecutorial District, hereby certify that I have served a copy of the attached document on the counsel for the Defendant this date by:

- (X) Placing said copy in an official depository of the United States Post office with the first-class postage prepaid and with the same addressed to:

Mr. John B. Hatfield
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- (X) Hand delivering it to counsel for Ronnie Lee Kimble in open court this date.

This Monday August 3, 1998.



Richard E. Panosh,
Assistant District Attorney