

NORTH CAROLINA  
GUILFORD COUNTY

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

STATE OF NORTH CAROLINA

VS.

RONNIE LEE KIMBLE,  
DEFENDANT.

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MOTION TO  
SEQUESTER WITNESSES

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NOW COMES the defendant, above-named, through counsel, and moves the court pursuant to Article I, Sections 19, 23, and 24 and the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States to sequester the witnesses for the state. In support of this motion the defendant shows the court the following:

1. Rule 615 of the North Carolina Rules of Evidence provides for sequestering of the witnesses. The commentary to the rule, while noting that unlike its federal counterpart, the North Carolina rule has preserved the discretion of the trial judge, states: "However, the practice should be to sequester witnesses on request of either party unless some reason exists not to." Official commentary Rule 615.

2. The decisional law supports this: the general rule in this state is to separate witnesses to discourage fabrication, inaccuracy and collusion. *State v. Barrow*, 276 N.C. 381.

3. This case is many months old and memories have faded, increasing the possibility that a witness may consciously or unconsciously tailor testimony to that of others.

WHEREFORE, the defendant prays the court order the witnesses be sequestered in this case.

This the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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