

cc: Lloyd
Panos
McClellan
Bryson
11-21-7

FILED

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
97 CrS 39580

Da

STATE OF NORTH CAROLINA,)
)
vs.)
)
RONNIE LEE KIMBLE,)
)
Defendant.)

OBJECTION TO
PROPOSED TRIAL DATE

COMES NOW the defendant, through the undersigned, and respectfully shows the court the following:

1. John B. Hatfield, Jr. made a general appearance in this case on April 18, 1997.
2. On June 5, 1997 Judge Peter McHugh appointed David Lloyd to serve with John B. Hatfield, Jr. as additional counsel.
3. On September 22, 1997 the undersigned were provided with a voluminous package of discovery.
4. On October 21, 1997 the Honorable L. Todd Burke appointed Dr. Charles Guyer as forensic psychologist for the defendant, Ronnie Lee Kimble.
5. On or about November 3, 1997 the undersigned were given an additional substantial package of discovery materials.
6. Based upon counsel's preliminary findings from the forensic psychologist and based upon the need to thoroughly evaluate the pretrial discovery that has already been provided, counsel are of the opinion that at least five full months from this date will be required to adequately prepare defendant Ronnie Lee Kimble's case for trial.

7. On October 21, 1997 John B. Hatfield, Jr. filed notice with the Clerk of Superior Court pursuant to the vacation policy of his intention to travel outside the district on March 19 and 20, 1998. This request was based upon non-refundable airline tickets that were purchased on July 8, 1997 and room accommodations that were reserved in March of 1997. When Mr. Hatfield was retained to represent Mr. Kimble it was generally understood that these cases would not be tried until May of 1998.

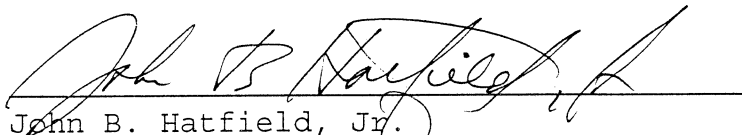
8. An essential issue in the trial of Ronnie Lee Kimble will be based upon complex forensic evaluation of the fire scene. As of this date none of the State's forensic evidence and/or scientific evaluation of the fire scene have been provided to the defense. The defense are literally at square one with regard to the fire scene. The State bases its case against Ronnie Lee Kimble on circumstantial evidence that will be directly affected by the time that the experts contend the fire was started. Until the State's forensic evidence is turned over to the defense, no defense preparation of this critical area can be done.

9. The State contends that Ronnie Lee Kimble confessed to Mitch Whidden in January, 1997. Ronnie Lee Kimble visited Mitch Whidden shortly after he stayed overnight at a naval medical facility in Portsmouth, Virginia and may have been under the influence of drugs or therapies administered to Ronnie Lee Kimble the day before he saw Mitch Whidden. The defense have heretofore been unable to get the Marine Corps to turn over Ronnie Lee Kimble's medical records. The defense also do not know to what extent the State has access to these records. Whether Ronnie Lee Kimble suffers from a previously diagnosed sleep disorder that may have affected him during his visit with Mitch Whidden is a critical issue in the case. A great deal of investigation and evaluation by medical experts needs to be done in this area.

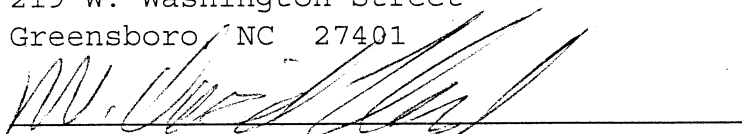
In conclusion, Ronnie Lee Kimble's defense lawyers are of the opinion that at least five months of preparation is essential to the adequate preparation of the defendant's case.

WHEREFORE, the undersigned respectfully object to this case being tried in March, 1998 and request that a trial date in May, 1998 or later be set by this Honorable Court.

This the 20 day of November, 1997.

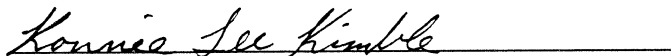


John B. Hatfield, Jr.
Attorney for Defendant
219 W. Washington Street
Greensboro, NC 27401



W. David Lloyd
Attorney for Defendant
101 S. Elm Street
Greensboro, NC 27401

CONSENTED TO:



Ronnie Lee Kimble
Defendant

CERTIFICATE OF SERVICE

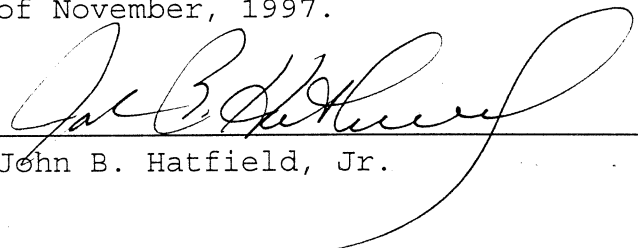
I hereby certify that a copy of the foregoing Objection to Proposed Trial Date was served upon the parties to this matter by mailing a copy thereof as follows:

Mr. R. E. Panosh
Assistant District Attorney
P. O. Box 10769
Greensboro, NC 27404

Mr. Robert L. McClellan
Attorney at Law
P. O. Box 3324
Greensboro, NC 27402

Mr. John D. Bryson
Attorney at Law
P. O. Drawer 2086
High Point, NC 27261

This the 25th day of November, 1997.



John B. Hatfield, Jr.