

*State of North Carolina
General Court of Justice
Eighteenth Prosecutorial District*

Horace M. Kimel, Jr.
District Attorney
(910) 574-4313

P.O. Box 10769
Greensboro, NC 27404-0769

Thursday, July 30, 1998

Mr. John B. Hatfield
Attorney at Law
Hatfield and Hatfield
219 West Washington St.
Greensboro, NC 27401

Mr. John Bryson
Attorney at Law
Wyatt Early Harris & Wheller, L.L.P.
Suite 400
1912 Eastchester Drive
High Point, NC 27265

Mr. W. David Lloyd
Attorney at Law
Suite 301
101 South Elm St.
Greensboro, NC 27401

Mr. Robert McClellan
Attorney at Law
Ivey, McClellan, Gatton & Talcott, L.L.P.
P.O. Box 3324
Greensboro, NC 27402-3324

RE: Theodore Mead Kimble, and Ronnie Lee Kimble

Gentlemen:

Attached please find a copy of the order that I will submit to Judge Beale. If you have any questions or requests for corrections please notify me by the end of the day.

I have a transcript of the court reporter's notes in regard to the order if you need the notes to refresh your memory.

Sincerely,

Richard E. Panosh,

2. That each defendant to permit the State to inspect and copy or photograph results from reports of physical or mental examination or tests, measurements, or experiments made in connection with this case or copies thereof within the possession and control of the defendant which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness who the defendant intends to call at the trial, if the said results of reports relate to his testimony.
3. Further, discovery in regard to all documents and tangible objects and in the course of examinations or tests which are now in existence, the Court orders each reciprocal discovery to be completed not later than June 15, 1998.¹
4. In regards to any witness who either defendant intends to call who has already conducted or will be conducting any tests, mental examinations, measurements or experiments shall prepare a report and the same shall be delivered to the State by July 1, 1998, unless a motion is made by defendant and a Superior Court Judge finds good cause for delay past July 1, 1998.
5. The provisions of this order encompass not only the guilt-innocence phase, but also the sentencing phase if a sentencing phase is conducted by the trial court.
6. That the pending motions to join, sever, motions in limine and other pre-trial motions which are appropriate for the trial court are deferred to the trial court. Counsel shall confer and select a date for the hearing of said motions.

In regards to Mr. Hatfield's oral motion that the State provide copies of the reports of the State's experts, to the defendant, Ronnie Lee Kimble, the Court is finds:

1. Richard E. Panosh has informed the Court, as an officer of the Court, that he has provided the defendants with the copies of the reports and examinations or tests and measurements, et cetera, which have been conducted in this case.
2. That the defense counsel believes that such reports are insufficient.

The Court, in its discretion, enters the following Order:

1. Not later than June 15, 1998, the State shall provide to the defendant, a copy of or permit the defendants to inspect and copy the results or reports of any physical or mental examination or tests, measurements, or experiments made in connection with this case, which have been conducted and have not previously been provided to the defendant.
2. That in the event of any further test or experiment to be conducted by the State, the results and reports of the same shall be provided to the defendants as required by law under 15A-903(e), not later than July 1, 1998, unless the State makes a motion and shows good cause to a Superior Court Judge why delay should be allowed past July 1, 1998.

Done in open court, this the 18th day of May, 1998.²

Michael E. Beale
Superior Court Judge Presiding

¹ At a later date, Mr. John B. Hatfield, Jr. requested and the Court granted an extension to July 22, 1998.

² By consent of the parties, the court instructed the Assistant District Attorney to prepare this order which was signed out of session and out of county.

FAX COVER SHEET

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DATE: 7-30-98

TO: (NAME: David Lloyd, Atty.)

(THEIR COMPANY NAME: _____)

(THEIR FAX #: 274-8490)

FROM: (NAME: Richard Panosh)

(YOUR DEPARTMENT NAME: DA's office)

(YOUR PHONE #: 336-574-4313)

(Information contained in this FAX is Confidential and to be delivered to addressee only.)