

Statement of Facts

Theodore Kimble

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Dear Mr. Mrs Kimble,

In February '99 I was taken to Guilford County Superior Court from Southern Correctional Inst. I was going to court for a Change of Venue hearing, A motion to have my trial moved to another part of the state. Just before I was to have my hearing, the attorneys representing me pressured me to take a Plea Agreement. It was three(3) of them against me. Under "Duress" I was forced to make a spare of the moment decision. One of which I was unprepared to make. A plea-agreement was not what I'd come for, nor was it for which my lawyers were hired. A plea-agreement of Guilty was entered and a sentencing date was set.

Approximately twentyone (21) days later I learned that I had a right by law to withdraw my plea and go to trial. A plea was never what I wanted. I wrote the clerk of Superior Court right away and requested to withdraw my plea and go to a trial by jury.

In March of '99 I returned to Guilford County Superior Court, while at the jail waiting to go over to the court my lawyers came and spoke with me. They stated, "I'd put them in a real bind." They stated my hearing for the motion to withdraw was set for the morning hour. They further informed me, "they plan to sit this one out." If I lose my motion to withdraw, my sentencing would go forward that afternoon. At no time was I informed that I had the right to counsel. My present counsel refused to represent me.

I went before Judge Peter McHugh and pled my case, defending myself. My motion to withdraw was denied and my sentencing hearing was set for that afternoon.

During my sentence hearing I was shown discovery papers in which I'd never seen before. My attorneys had me plead-out on charges without giving me the opportunity to review so-called evidence brought against me.

I was sentenced to between 107-134 years, total. At the time in which the plea agreement was entered, my lawyer were talking a long the line of a twenty (20) year sentence. There's a Big difference in what I was led to believe I'd get (time wise) and the sentence I got.

Sincerely
Theodore Kinkle
11/30/00