

MEMORANDUM

RE: RONNIE KIMBLE / JANET SMITH

DATE: JUNE 3, 1998

Yesterday at 5:00 p.m. I talked to Percy Wall for almost an hour on the telephone. Percy was extremely agreeable and disposed to sharing information.

Percy said that his client has told him in no uncertain terms that no sexual act occurred between her and Ronnie. Percy indicated he was concerned about the unusual fashion in which the indictment excluded sexual intercourse but included sexual acts under G.S. 14-27.1. From our point of view the distinction is not important because our defense is that Ronnie engaged in neither intercourse nor a sexual act.

Percy confirmed what Mercedes Chut had already told me that when Janet was confronted by Internal Affairs' Officer Scarboro on November 19, 1997, she admitted her involvement with Ronnie and allowed Scarboro and probably Captain Roy Forest to drive her to her residence and wait outside while she went in and retrieved letters Ronnie wrote to her so she could turn them over to Internal Affairs.

Percy asked Janet how on earth she could have decided to turn them over rather than flush them and Janet had no answer.

Apparently Internal Affairs told Janet that they did not foresee her being charged criminally because they thought the serious part involved her employment and not criminal prosecution. One can infer that Internal Affairs talked Janet into making the admissions she made because they assured her they were not interested in a criminal prosecution.

Percy is obviously concerned about the language in the letters but has not analyzed the language sufficiently to determine whether it would be clear to a jury that most of the sexual activity was fantasy rather than reality.

I told Percy there were additional letters written by Janet known only to me but I did not tell him the dates. I told him the letters in my possession made me believe that Janet was under surveillance for a couple of months. Percy said that along with

her problems with Ronnie, Janet also had problems with a certain officer who was out to get her and she received a warning about her problems with the officer. This is the same line Captain Roy Forest gave me in our telephone conversation. Forest said Janet had problems with an officer but it was not related to whatever activity she had with Ronnie. As of this point in time, we are the only ones who know that Janet plainly stated on October 8, 1997 that her supervisors were preventing her getting near Ronnie by not letting her work on "D" floor.

CONCLUSION:

Percy is inclined to plead Janet Smith not guilty and try this case out but he would not rule out a plea to a misdemeanor in order to resolve the matter quietly. He does not seem to be interested in any plea to a felony. He would like to meet in another couple of weeks and sit down and exchange as much data as possible.