

IN THE SUPERIOR COURT FOR THE
COUNTY OF GORDON
STATE OF GEORGIA

FILED
Clerk Superior Ct., Gordon County
OCT 19 2006

STATE OF GEORGIA,)	CASE NO. 16471
)	
)	Brian Brannon
)	Clerk
VS.)	CHARGES: MURDER (4 CTS);
)	FELONY MURDER; KIDNAPPING
)	(3 CTS); FALSE IMPRISONMENT;
)	BURGLARY; THEFT BY TAKING;
JERRY WILLIAM JONES,)	CONCEALING DEATH OF ANOTHER;
DEFENDANT)	F/A VIOLATIONS, ET AL.

STATE'S RESPONSE TO DEFENSE MOTION TO ALLOW
MR. JONES TO WAIVE HIS PRESENCE AT THE COURT HEARINGS
SCHEDULED FOR OCTOBER 27, 2006

THE STATE hereby opposes the defendant's request to waive his presence at any hearing in this death penalty case. The Unified Appeal states that the defendant shall be present during *all* proceedings in the Superior Court.

Specifically in "Section D. Motion Hearing" of the Unified Appeal, it states "The defendant shall be present, accompanied by defense counsel." Further, in subsection 2 of this same Section D, the Unified Appeal states, "... the court shall question defense counsel in the presence of the defendant to determine whether defense counsel have explained the defendant's rights regarding that issue and whether defense counsel and the defendant have agreed not to assert the issue."

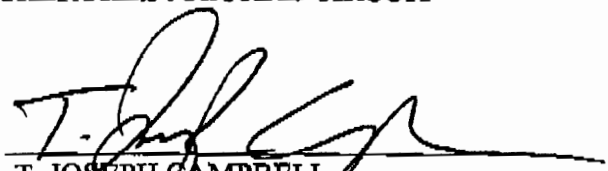
TO THE CLERK OF THE SUPERIOR COURT
GORDON COUNTY, GEORGIA

Since the Unified Appeal's use of the words "shall" and "all" are clear in meaning, the State urges the Court to deny the Defendant's motion.

Respectfully submitted,

This 10th day of October, 2006.

OFFICE OF DISTRICT ATTORNEY
CHEROKEE JUDICIAL CIRCUIT

BY: 
T. JOSEPH CAMPBELL
DISTRICT ATTORNEY
STATE BAR NO. 106950

BY: Laura J. Murphree by TK
LAURA J. MURPHREE
SPECIAL PROSECUTOR
CHEROKEE JUDICIAL CIRCUIT
STATE BAR NO. 408501
with express permission

GORDON COUNTY DIVISION
P.O. BOX 1478
CALHOUN, GA 30703-1478

**COUNTY OF GORDON
STATE OF GEORGIA**

STATE OF GEORGIA,)	CASE NO. 16471
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)	CHARGES: MURDER (4 CTS);
)	FELONY MURDER; KIDNAPPING
VS.)	(3 CTS); FALSE IMPRISONMENT;
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JERRY WILLIAM JONES,)	F/A VIOLATIONS, ET AL.
DEFENDANT)	

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the above and foregoing State's Response to Defense Motion to Allow Mr. Jones to Waive his Presence at the Court Hearings Scheduled for October 27, 2006 upon

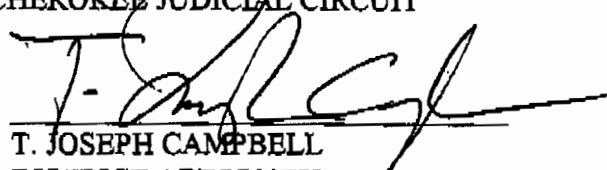
E. Michelle Drake
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Suite 900, South Tower
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Martin Brothers, PC
202 Grant Building
44 Broad Street, N.W.
Atlanta, GA 30303-2327

[x] depositing said copy in the United States Mail in a properly addressed envelope with adequate posted thereon, addresses as set out above.

This 18th day of October, 2006.

OFFICE OF DISTRICT ATTORNEY
CHEROKEE JUDICIAL CIRCUIT

BY: 
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