

DEATH PENALTY/LIFE WITHOUT PAROLE CASE

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

)	
STATE OF GEORGIA,)	
)	
)	Indictment No. 16471
v.)	
)	
JERRY WILLIAM JONES,)	
)	
)	

**MOTION TO EXTEND TIME IN WHICH DEFENDANT MUST DECIDE TO
OPT IN OR OUT OF DISCOVERY**

Now comes Jerry Jones, through counsel, and asks this court to allow him additional time in which to opt in under the provisions of O.C.G.A. 17-16-2. In support of this motion, Mr. Jones avers as follows:

O.C.G.A. 17-16-2 (a) provides that the discovery article shall apply to all criminal cases in which at least one felony offense is charged in the event that at or prior to arraignment, **or at such time as the court permits**, the defendant provides written notice to the prosecuting attorney that such defendant elects to have the article apply to the defendant's case.

Mr. Jones has filed *Motion to Declare O. C.G.A. 17-16-4 As Amended by the Criminal Justice Act of 2005 Unconstitutional* and his *Motion For and Order Declaring O.C.G.A. 17-16-1 et. Seq. Unconstitutional..* Both of these motions ask this court to

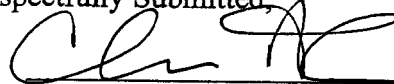
declare certain portions of the discovery rules unconstitutional. Mr. Jones has asked this court to sever certain provisions of the Act. Mr. Jones has also averred that there are numerous ambiguities and deficiencies in the Act which will require interpretation by this Court.

Mr. Jones's counsel cannot possibly make an intelligent decision with respect to the obligations of this Act without the Court's having ruled on these motions.

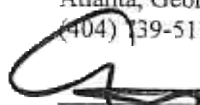
WHEREFORE, Mr. Jones respectfully requests that this Court allow him a reasonable time after this Court has ruled on his other pending motions regarding discovery to make the decision as to whether he should elect to have those provisions apply to this matter.

May 19, 2005

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been mailed to The Office of the District Attorney for Gordon County via first-class United States Postal Service this 19 day of May, 2005.



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