

IN THE SUPERIOR COURT OF WALKER COUNTY
STATE OF GEORGIA

FILED IN OFFICE

463

STATE OF GEORGIA,)
)
 vs.) CASE #'s *Asic madam*
) 03-CR-20884; 03-CR-~~00885~~
 TOMMY RAY-BRENT MARSH,) 03-CR-20886; & 03-CR-20887
 Defendant)

SEP 23 2003

APPLICATION FOR JUDICIAL DECLARATION OF INDIGENCY AND CERTIFICATE OF FINANCIAL RESOURCES

I am the defendant in the above-styled action. I am charged in a total of seven hundred and eighty-seven felony counts contained in the above numbered four indictments, to wit: #03CR20884 "Burial Service Fraud" (122 counts); #03CR20885 "False Statement" (47 counts); #03CR20886 "Abuse of a Dead Body" (179 counts); and #03CR20887 "Theft by Taking" (437 counts), "Criminal Attempt - Theft by Taking" (2 counts).

In February, 2002, my family hired McCracken Poston and Ron Cordova to represent me, for a negotiated limited fee. Unfortunately, my family then began to be sued by hundreds of plaintiffs in to date over two hundred civil actions in three states and in federal courts. McCracken Poston and Ron Cordova were asked to provide representation in those cases as well, until insurance-provided counsel was obtained. Mr. Poston continues to serve as counsel in some aspects of the multitude of civil cases. The attorneys were authorized to apply funds from the monies initially paid for my representation in the criminal cases for their assistance in the civil cases. Then, my mother, father and sister were arrested by the Georgia Bureau of Investigation and the Sheriff of Walker County, and were charged with felony offenses. McCracken Poston was asked to provide representation in those cases as well, and was authorized to apply funds from the monies paid for my representation in the criminal cases for his services.

464

I do not want the court to provide me with a lawyer. I am satisfied with my representation and McCracken Poston and Ron Cordova have agreed to continue representing me although all monies to pay them have been long depleted. I understand that I am providing this information in this declaration in order for the court to determine my eligibility for the court-ordered appointment and payments of expert witnesses, an investigator and other costs, paid by Walker County, to assist in my defense on the above charges. Said requests will each be made on an individual basis to the Court.

I was arrested February 15, 2002, and again February 17, 2002. I remained in the Walker County Jail until August 27, 2002. Since the latter date, I have been complying with the Court's rules concerning electronic monitoring and restrictions on my freedom. I have not been able to work at gainful employment since my initial arrest, now over one and a half years ago. The cases upon which I was arrested were not presented to the grand jury until August 27, 2003, but there has been a great deal of activity in the case and in the civil cases.

I further show the court the following:

1. My full name is Tommy Ray-Brent Marsh. My mailing address is P. O. Box 58, Rock Spring, Georgia 30739. My date of birth is April 15, 1973. My present age is 30. My social security number is 255-63-9725. The highest level of formal education I have is five years of college.
2. I have no employment, and no income.
3. I have no source of income of any kind.
4. I am married to Venessa Marsh.
5. We have one minor child.

465

- 6. My mother has become widowed since my initial arrest. I now live in her home.
- 7. I do not own any motor vehicles.
- 8. I do not own a home. What interest I had in my former home went to pay attorneys fees for myself, and ultimately for representation in over two hundred civil actions, and also for my mother, my father and my sister, and has been totally depleted. However, my attorneys will continue to represent me throughout this Superior Court matter.

- 9. I am compelled to live at my mother's home by court order.
- 10. I have no checking account and no savings account.
- 11. I have no assets.
- 12. I have significant tax debt to the State of Georgia, to the Internal Revenue Service, and I owe indebtedness to various business concerns relating to the former business known as Marsh Vault and Grave Service. Also, I am the defendant in well over two hundred civil actions in Georgia, Tennessee, Alabama and in the federal, United States District Courts, and I am facing potentially millions of dollars in liabilities should I lose any of those civil cases.

13. One extraordinary living expense I currently have is the electronic monitor that I am required to wear.

14. I understand that whether I am convicted or acquitted Walker County may seek reimbursement of costs and expenses paid on my behalf if I ever become financially able to pay.

I have read the above and the statements are my own and are correct and true.

The undersigned swears that the information given herein is true and correct and understands that a false answer to any item may result in a charge of perjury.

This 23rd day of September, 2003.

466

Tommy Ray-Brent Marsh
Tommy Ray-Brent Marsh

Raymond Turner
Witness

Kenia Dawn Herbert-Jensen
Witness

Sworn to and subscribed
before me this 23rd
day of September, 2003.

[Signature]
Notary Public
My Commission Expires 11-25-05