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FILED IN OFFICE

IN THE SUPERIOR COURT OF WALKER COUNTY
STATE OF GEORGIA

FEB 12 2004

Bir Mackey
Clerk

STATE OF GEORGIA)
)
vs.)
)
TOMMY RAY-BRENT MARSH)
)
Defendant)

INDICTMENT NOS. 03CR20884,
03CR20885, 03CR20886 and
03CR20887

MOTION TO AMEND BOND ORDER

COMES NOW the above-named defendant, TOMMY RAY-BRENT MARSH, by and through his attorney, and filed this Motion to Amend Bond Order, and shows to the Court the following:

1.

The Defendant shows that the trial in the Federal Multi-District Litigation matter of In Re: Tri-State Crematory Litigation filed in the United States District Court, Northern District of Georgia, Rome Division, being Case No. MDL-1467, will be held in Rome, Georgia, and is scheduled to begin on March 1, 2004 and continue until its completion. It is estimated that this federal trial will last four to six weeks.

2.

The Defendant shows that the Bond Order in place at this time provides the defendant remain on house arrest, with the exception of a limited number of hours each day and at other times when accompanied by his counsel in the above-styled criminal charges.

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The Defendant shows that it will be necessary for his daily attendance at the trial in Rome, Georgia, and further shows that the civil attorneys representing him have requested that the defendant remain in Rome, Georgia throughout the weekly schedule of the federal court, and remain in a hotel provided by said civil attorneys in the weekday evenings. Said civil attorneys are staying in the same hotel and shall provide transportation for the defendant and shall otherwise be in the presence of the defendant at all times. On the other hand, the defendant's attorney in the criminal charges will *not* be present for the entire proceedings, therefore necessitating an amendment to the Court's earlier order to allow the defendant to remain in the presence of Stuart James and/or Frank Jenkins, both respected attorneys who are requesting this modification for only the duration of the federal civil trial.

4.

The Defendant further shows that it will be necessary for him to meet each evening with attorneys assisting him in the preparation of the trial in this matter while in Rome, Georgia.

5.

The Defendant shows that during the day while he is in the federal trial, he will be accompanied by either McCracken Poston or the civil attorneys assisting him, Stuart James and Frank Jenkins, of the Georgia Bar. At other times outside of the courthouse, Defendant shows that it will be necessary that he stay in hotel accommodations for attendance at the trial in Rome, Georgia, and that it would be impractical for defendant to travel between Noble and Rome each day when his attorneys are requesting that he remain each evening to prepare for the next morning's proceedings.

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WHEREFORE, Defendant prays that he be granted permission and allowed to stay in hotel accommodations in Rome Georgia, from February 29, 2004, until the conclusion of the federal trial referenced above, accompanied by Attorneys Stuart James and/or Frank Jenkins during the evening hours except for periods of time for trial preparation, in addition to the previously ordered provisions when the defendant is in the company of his criminal defense attorney McCracken Poston.

Respectfully submitted, this 12th day of February, 2004.



McCRACKEN POSTON
Georgia State Bar No. 585606

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Ringgold, GA 30736
706-965-8300

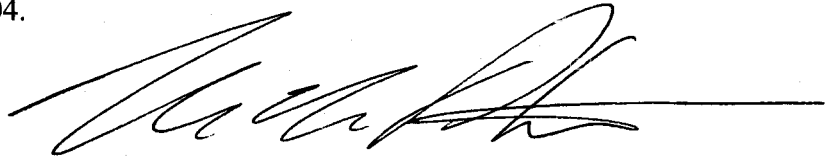
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CERTIFICATE OF SERVICE

This is to certify that I have this day, served a copy of the foregoing pleading, by depositing the same in the United States Mail, with adequate postage affixed thereon to ensure delivery, addressed as follows:

**Honorable Herbert E. "Buzz" Franklin
District Attorney- Lookout Mountain Judicial Circuit
P. O. Box 1025
Lafayette, Georgia 30728**

This 12th day of February, 2004.



McCRACKEN POSTON