

590

IN THE SUPERIOR COURT OF WALKER COUNTY  
STATE OF GEORGIA **FILED IN OFFICE**

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

NOV 18 2003

CASE #'s  
03-CR-20884; 03-CR-00885;  
03-CR-20886; & 03-CR-20887

*This motion was argued in open court on Nov 18, 03. JAS*

**CONSENT ORDER**

The Court having been informed that the discovery in the above-styled cases is extremely voluminous (Defendant's Extraordinary Motion for Discovery, filed October 3, 2003), and the Court having stated that the Court believes that counsel for the Defendant and counsel for the State can work out the specifics of Defendant's request for better access to the discovery material; it is the finding of the court that the parties have proposed a solution to the problem, to wit: That an attorney paid by Georgia Farm Bureau, Inc., and a litigant in the multitude of civil actions arising from the Tri-State Crematory controversy, has offered to copy the entirety of the state discovery, and will provide at no cost copy of the material to counsel for the defendant. This should satisfy every request of the Defendant in the Extraordinary Motion for Discovery, other than the issue of the defendant's indigent status, which ~~will be~~ <sup>was</sup> taken up <sup>on 11/18/03 JAS</sup> at a later hearing. The Court desires to assist by entering an Order to set down certain guidelines to facilitate the copying of the material.

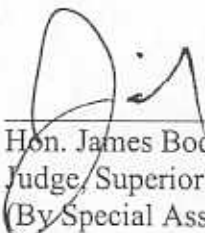
*attorney for Mr. Marsh has*

IT IS THE ORDER OF THE COURT that counsel for the Defendant may designate other counsel involved in the multitude of civil cases regarding the Tri-State Crematory controversy to hire a professional copying service to accurately and completely copy all discovery in the possession of the State. Such copying shall be done

at the total expense of the civil litigants and there shall be *no* charges assessed to either the Defendant, counsel for Defendant or to the State of Georgia, any of its agencies, or to Walker County. \* Counsel for Defendant shall give to the District Attorney 48 hours notice of the name of the designee or copying service to be employed in this task. The District Attorney shall make proper arrangements for access and for any supervisory personnel to be present during the copying process.

IT IS THE FURTHER ORDER OF THE COURT that said copying shall be done on-site at the location of the material, and under the observation of a supervisory designee of the District Attorney. <sup>Such as Det Cason, Walker County Sheriff's Office. JEB</sup> Furthermore, any and all items copied shall be put back in the same file, box, bag and general location as found in the place where such discovery is stored. No original items shall be permanently removed from the material.

So Ordered, this 16<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
Hon. James Bodiford  
Judge, Superior Court  
(By Special Assignment)

Approved as to form:  
  
\_\_\_\_\_  
~~McCracken Poston  
Attorney for Defendant~~  
  
\_\_\_\_\_  
~~Herbert E. "Buzz" Franklin, Jr.  
District Attorney~~

\* MR. Poston has stated in open court that he has made arrangements for this task. It is important to note that this Court has NO Authority in this Criminal case to order the civil litigants to perform any task without notice to said parties. There has been NO notice to any civil litigants.