

IN THE SUPERIOR COURT OF WALKER COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,

v.

TOMMY RAY BRENT MARSH,

Defendant.

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CRIMINAL ACTION FILE

NO.s: 03-CR-20884; 03-CR-20885;  
03-CR-20886; & 03-CR-20887

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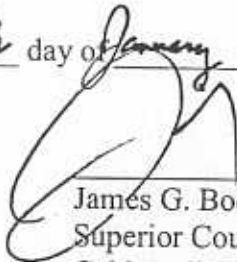
**ORDER**

On January 5, 2004, the Court received, via facsimile, an OBJECTION TO ASSESSMENT OF TRANSCRIPT CHARGE AND REQUEST FOR RELIEF FROM COURT filed by the Defendant on the same date. This objection stems from the hearings held by the Court over November 17-18, 2003 regarding several motions filed by the Defense. The State filed its response on January 6, 2004.

During the course of the hearings, the Court ordered Mr. Poston, counsel for the Defense, to pay the costs related to the preparation of the transcripts pertaining to the motion on indigency. The Court ordered that the transcripts be prepared for purposes of allowing indigency expert, Gary Pairan, Administrator of the Cobb County Circuit Defender's Office, to review the testimony of the two Defense witnesses. Prior to said order, the Court did not speak with the State or the Defense about the need for these transcripts and the party responsible for the cost of preparation. The Court notes, however, that at no time during the hearings or any time shortly thereafter did either party make an objection as to the preparation and cost of the transcripts. In fact, Defendant's objection to paying for the preparation of said transcripts arose more than thirty (30) days after the Court's initial order for payment.

Notwithstanding the significant delay of the objection and the fact that this directive was in no way associated with assessing costs against the Defense, the Court ORDERS that the Defense NOT be held responsible for paying for the costs of the transcripts pertaining to the indigency hearing as it was the Judge that directed that the transcripts be produced for purposes of the Court's review. The Court ORDERS that payment of \$229.81 for the preparation of said transcripts be provided from the treasury of Walker County and paid to Court Reporter Marilyn Roe within twenty-five (25) days from the issuance of this Order.

SO ORDERED this 7<sup>th</sup> day of January 2004.



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James G. Bodiford  
Superior Court Judge  
Cobb Judicial Circuit  
Sitting by Special Appointment in  
Walker County Superior Court

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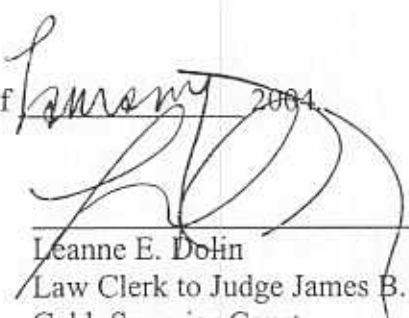
CERTIFICATE OF SERVICE

This is to certify that I have this date hand-served a copy of the foregoing Order to  
the following:

McCracken Poston  
P.O. Box 1130  
Ringgold, Georgia 30736  
706/638-4821

District Attorney Herbert E. "Buzz" Franklin  
P.O. Box 1025  
LaFayette, Georgia 30728  
706/965-5413

This 8 day of January 2004.

  
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Leanne E. Dolin  
Law Clerk to Judge James B. Bodiford  
Cobb Superior Court  
Cobb Judicial Circuit  
Sitting by Special Appointment in Walker County, Georgia