

IN THE SUPERIOR COURT OF WALKER COUNTY

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STATE OF GEORGIA

STATE OF GEORGIA,

*

CASE NOS. 03-CR-20884; 03-CR-20885;
03-CR-20886; 03-CR-20887

-VS-

*

TOMMY RAY-BRENT MARSH,

*

FILED IN OFFICE

DEFENDANT.

*

NOV 06 2003

**STATE'S RESPONSE TO DEFENDANT'S
'MOTION FOR DISCLOSURE OF ITEMS ARGUABLY SUBJECT TO
SUPPRESSION AND PRELIMINARY MOTION TO SUPPRESS'**

Alicia M. ...
Clerk

Now Comes the State of Georgia, by and through the District Attorney, and responds to said motion as follows:

1.

While the defendant requests all search warrants, affidavits and returns to be disclosed to him, these are matters of public record which the defendant can well secure for himself. King v. State, 273 Ga. 258, Conklin v. State, 254 Ga. 558 (1985). The defendant's citation to State v. Slaughter, 252 Ga. 425 (1984) is inapposite and merely takes language requiring the State to present the search warrant and affidavit into evidence at a hearing on a motion to suppress and does not require the State to produce the search warrant for the defendant.

2.

The defendant requests a detailed description of all items obtained from the defendant. The information has been made available to the defendant.

3.


The motion is insufficient on its face to be a motion to suppress as it makes no attempt to allege any factual basis upon which any evidence may arguably be suppressed. Thus, no hearing

670 is necessary.

4.

There exists no basis in law for a 'preliminary motion to suppress'.

This 6th day of November, 2003.


Herbert E. Franklin
District Attorney
State Bar No. 273325

District Attorney's Office
P.O. Box 1025
LaFayette, GA 30728
706-638-2121

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing State's Response to Defendant's Motion for Disclosure of Items Arguable Subject to Suppression and Preliminary Motion to Suppress upon the lead attorney for the Defendant by mailing a true and correct copy of same with sufficient postage thereon to ensure delivery to its destination:

McCracken Poston
Attorney At Law
P.O. Box 1130
Ringgold, GA 30736

A copy of this pleading is being directed to Leanne Dolin, law clerk to the Honorable James G. Bodiford at Superior Court Building, 30 Waddell Street, Marietta, Georgia 30090-1822.

This 6th day of November, 2003.



District Attorney
Lookout Mountain Judicial Circuit

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