

IN THE SUPERIOR COURT OF WALKER COUNTY

685

STATE OF GEORGIA

STATE OF GEORGIA,

*

-VS-

*

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

TOMMY RAY-BRENT MARSH,

*

FILED IN OFFICE

DEFENDANT.

*

NOV 06 2003

**STATE'S RESPONSE TO DEFENDANT'S
"MOTION TO EXCLUDE INDICTMENT FROM
GOING OUT WITH THE JURY"**

Sue Marshall
Clerk

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

The State opposes this motion. The indictment is the legal mechanism by which the Defendant stands charged with the offenses before this court. The trial court can properly charge the jury on the role and import of the indictment as well as the plea of not guilty. The indictment will "aid the jury in proper consideration of the case" and no "party will be unduly prejudiced by submission" of the indictment and it is unlikely to be "subjected to improper use by the jury" with appropriate instructions by the trial court.

This 6th day of November, 2003.

Herbert E. Franklin
Herbert E. Franklin
District Attorney
State Bar No. 273325

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

686


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing State's Response to Defendant's Motion to Exclude Indictment From Going Out With The Jury 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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