

IN THE SUPERIOR COURT OF WALKER COUNTY

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STATE OF GEORGIA

STATE OF GEORGIA,

FILED IN OFFICE

-VS-

NOV 06 2003

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

TOMMY RAY-BRENT MARSH,

*Alicia Marshall**
Clerk

DEFENDANT.

*

**STATE'S RESPONSE TO DEFENDANT'S
"MOTION FOR LEAVE TO PROCEED ex parte IN CAMERA,
AND ON A SEALED RECORD WITH REGARD TO
APPLICATIONS FOR EXPERTS'**

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

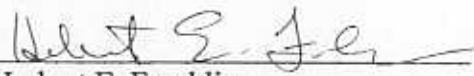
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The State opposes this motion. The Court must inquire further into the defendant's claims of indigence prior to making a determination. The defendant has made no allegations as to any due diligence on his part to earn monies which could be applied to his case before calling upon taxpayer dollars. The Defendant has a college education, enjoys good health and claims to have the respect and admiration of many good friends and family members who might assist him in his job-seeking endeavors. Furthermore, the Court must determine what contractual obligations there may be upon certain parties and insurance companies to provide funding for experts for the defendant's use. While the defendant claimed at arraignment that he had "just moments ago been handed copies" of the indictments, it was obvious from the filing of his demurrers and related motions that he had access to copies of the indictment well in advance of arraignment. See Arraignment Transcript at page 7. It is believed that Georgia Farm Bureau provided these

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documents to the defendant. The Court should also inquire about certain intangible assets the defendant has and the expected disposition of those assets. Family members of the defendant have publicly discussed selling their 'story' to the media so the defendant should be required to 'account' for this. The State has no objection to the defendant proceeding in camera once the issue of indigency and absence of due diligence has been established in his favor.

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 Leave to Proceed ex part In Camera, and on a Sealed Record with Regard to Applications for Experts 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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