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IN THE SUPERIOR COURT OF WALKER COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)	
)	
vs.)	CASE #'s
)	03-CR-20884; 03-CR-00885;
TOMMY RAY-BRENT MARSH,)	03-CR-20886; & 03-CR-20887
Defendant)	

AMENDMENT TO MOTION FOR INDIGENT STATUS RECONSIDERATION

NOW COMES the Defendant, through counsel, and hereby amends his motion for reconsideration of the Court's denial of Defendant's request and motion to be declared indigent for the appointment of certain experts, and in support of the same shows as follows:

1.

The Defendant attaches hereto and submits a true and accurate copy of the Final Order of the Superior Court which declares a separate maintenance between Defendant and his wife. Said copy is attached hereto as "Exhibit A".

Respectfully submitted, this 18th day of December, 2003.



McCracken Poston
Attorney for Defendant

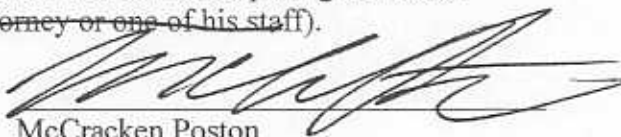
P.O. Box 1130
Ringgold, Georgia 30736
(706) 965-8300

CERTIFICATE OF SERVICE

Now comes McCracken Poston, counsel for Defendant, and hereby certifies that a true and accurate copy of the foregoing pleading has been served upon the District Attorney (by posting said copy in the U.S. Mail with sufficient postage attached thereto) ~~(by hand delivery to the District Attorney or one of his staff).~~

This 18th day of December, 2003.

FILED IN OFFICE



McCracken Poston

DEC 18 2003

Eric Mahan
Clerk

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IN THE SUPERIOR COURT OF THE COUNTY OF WALKER
STATE OF GEORGIA

Venessa Lynn Marsh)
Plaintiff)
v.)
Tommy Ray-Brent Marsh)
Defendant)

CASE NO: 03CV63,189

FILED IN OFFICE

DEC 15 2003

FINAL JUDGMENT AND DECREE

Ann M. Daniel
Clerk

Upon consideration of this case upon evidence submitted as provided by law, it is the Judgment of the Court that a decree of separate maintenance is hereby granted to the Plaintiff.

The Court finds that the above-styled action was filed by the Plaintiff on December 8, 2003, and that Defendant was personally served on the same date. The Court finds that a bona fide state of separation exists between the parties, and while the Defendant is not desirous of the separation, he is unable to contest the same, and that both parties are desirous of the best interests of the minor child, to wit: Madison Raye Marsh (d/o/b 02/03/2002).

The Court further finds that the Defendant is not employed and has no income of his own, and by reason of his current situation with pending criminal charges cannot reasonably expect to make substantial progress toward becoming self-supporting; nor could the Defendant be reasonably expected to be able to pay alimony or child support. However, the Court finds that both parties are desirous to maintain equal participation by other means for the benefit of the minor child. Furthermore, the Plaintiff is entitled to

EXHIBIT A

separate maintenance in terms of being relieved of any of the Defendant's separate fiscal and legal obligations, past, present and future. There is no real property owned and one automobile is owned by the Plaintiff.

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THEREFORE, IT IS THE ORDER OF THE COURT as follows:

I.

That the parties shall be separate and distinct from each other in terms of their legal status and obligation, and shall each maintain their own separate legal and fiscal obligations and shall not be liable to each other for any separate indebtedness, nor shall any current income or earning potential of one party be considered the shared current income or earning potential of the other;

II.

That the parties shall share JOINT CUSTODY of their minor child, and that the Plaintiff shall have PRIMARY CUSTODY and the Defendant shall have SECONDARY CUSTODY, and that Plaintiff and Defendant shall strive to share equally their time caring for and maintaining the minor child; in the case of any disagreement between the parties as to time and duration of any custodial period with the minor child, the Plaintiff shall make the determination of the course of conduct of the parties;

III.

That the parties shall strive to share maintenance and support of the minor child in such equal terms that formal payment of child support

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is waived by the Plaintiff until further order of the Court (until such time as Defendant is capable of earning an income); and until such time the Plaintiff is solely responsible for the financial needs of the minor child; and that the Court finds the Defendant's current inability to earn income along with the equal sharing of time with the minor child justifies the downward departure from the child support guidelines;

IV.

That the Plaintiff currently maintains health insurance on the minor child and shall continue to keep the said child covered throughout her minority;

V.

That the Plaintiff is awarded exclusive use of the marital residence, as well as possession of the furniture and furnishings of the marital residence, and any and all items of personal property she brought into the marriage; and the Defendant is awarded his personal effects and any personal property he brought into the marriage; and the Plaintiff is awarded exclusively the Dodge Durango automobile, along with the indebtedness thereon;

VI.

That the Plaintiff shall pay and be responsible for all individual indebtedness of the Plaintiff; and the Defendant shall pay and be responsible for all individual indebtedness of the Defendant; The

marital indebtedness, if any, shall be the responsibility of the Plaintiff;

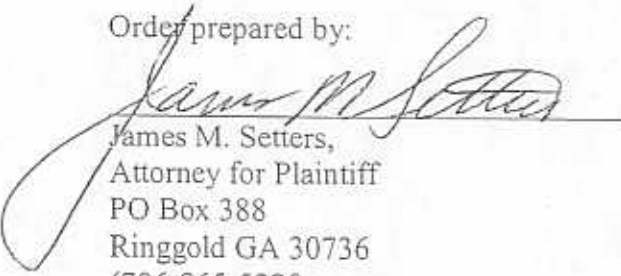
VII.

As between these parties, any and all indebtedness or judgments resulting from Defendant's alleged operation of Marsh Vault and Grave Service or Tri-State Crematory shall be solely the responsibility of the Defendant, and Defendant shall hold Plaintiff harmless from any of the alleged former business obligations, past, present or future, as well as any legal judgments from his alleged operation of those businesses.

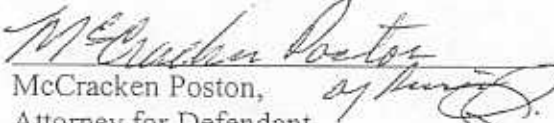
So ORDERED, this 15th day of December, 2003.


Judge, Superior Court, L.M.J.C.

Order prepared by:


James M. Setters,
Attorney for Plaintiff
PO Box 388
Ringgold GA 30736
(706-965-5220)

Approved as to form only:


McCracken Poston,
Attorney for Defendant
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