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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)	

MOTION FOR RECONSIDERATION
ON INDIGENT STATUS APPLICATION

Now comes the defendant, through counsel, and hereby moves for a reconsideration of the Court's Order dated December 2, 2003 as to the Defendant's declaration of indigent status application, and in support of the same shows as follows:

1.

The usual applications of general rules of an assessment of indigent status cannot be applied to this case in light of the vast amount of evidence that defendant needs expert assistance in reviewing and challenging. The state investigation has already misidentified more than one dead body. There is evidence of many other discrepancies in the state's investigation. The need for challenging the identification process is critical to the defense. There are over two hundred alleged identifications that need to be reviewed by expert witnesses. Defendant, even if considered barely above a federal poverty level standard, is well below it in terms of the ability to secure the expert assistance of a case this vast in scope and in amount of evidence to review.

2.

The application of the general rules for the determination of the indigent status of the defendant does not take into consideration that the defendant's spouse had given the Court notice that she cannot and does not desire to spend funds she does not have toward the hiring of experts and an investigator.

FILED IN OFFICE

DEC 10 2003

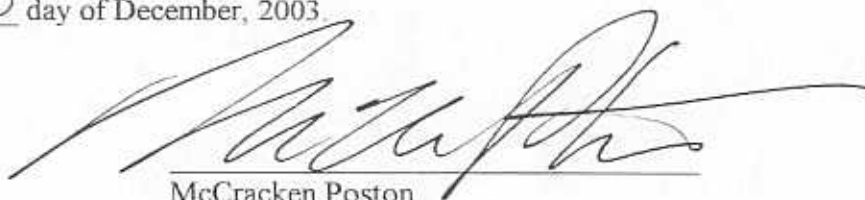
Alice M. ...
Clerk

Subsequent to the filing of the defendant's first affidavit, circumstances have changed which further affect the defendant's indigent status. The defendant was served with legal process of a civil action by his spouse, who is seeking a legal separation from the defendant. Defendant did not contest the separation, which was granted by the Superior Court. The defendant is filing an updated affidavit of his indigent status, which is attached hereto.

There may be other information to give the Court in its reconsideration. Defendant reserves the right to amend and add to this motion.

WHEREFORE, the Defendant prays that the Court review and reconsider his application of the establishment of defendant's indigent status and for expert and investigative funds.

Respectfully submitted, this 10th day of December, 2003



McCracken Poston
Attorney for Tommy Ray-Brent Marsh
Georgia Bar No. 585606

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to: **Honorable James G. Bodiford**, 30 Waddell Street, Marietta, GA 30090, via () hand delivery; () facsimile; () U. S. Mail with sufficient postage attached to insure delivery.

And also to: **Herbert E. (Buzz) Franklin, Jr.**, District Attorney, Walker County Courthouse, Lafayette, GA 30728 or to one of his Assistant District Attorneys via () hand delivery; () facsimile; () U. S. Mail with sufficient postage attached to insure delivery.

This 10th day of December, 2003.



McCRACKEN POSTON