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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 TO PRODUCE STATEMENTS OF WITNESSES

The defendant moves this Court for an order requiring the State to reveal any statements made by persons who have testified or will testify on behalf of the State.

Because of the large number of potential witnesses, any production of statements will have to be made well in advance of trial in order to give the defendant a meaningful opportunity to examine these statements.

AUTHORITIES

In the case of Jencks v. United States, 353 U. S. 657, 77 S. Ct. 1007, 1 L. Ed. 2d 1103 (1957), the U. S. Supreme held that the government, upon the defendant's request, had to produce any statements by government witnesses for the defendants to inspect and to possibly use for impeachment. The Court held that all statements, whether apparently contradictory or not, would have to be produced since only the defendants were really in a position to determine the value of the statements to the defense. 353 U. S. at 669. The only limitation is that the statements relate to the issues to be tried.

If the defendant is to have meaningful access to these statements, they must be produced in advance of trial. If they are produced only after the witnesses have testified, it will be impossible for the defendant to adequately examine any statements without a delay in the trial.

FILED IN OFFICE

SEP 23 2003

Alicia Marshall
Clerk

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The number of State witnesses is unknown at this time, but will likely number in the hundreds. Defendant has not yet had the Court rule on the appointment of various experts and an investigator. The outcome of those motions will bear greatly on the amount of time needed by the defense to process and review the statements and other discovery material.

Respectfully submitted, this 23rd day of Sept., 2003.



McCracken Poston
Attorney for Tommy Ray-Brent Marsh
GB 585606

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



Ron Cordova

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 23 day of Sept., 2003.



McCracken Poston