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IN THE SUPERIOR COURT OF WALKER COUNTY
STATE OF GEORGIA

STATE OF GEORGIA *
V. * CASE NO: # 03-CR-20884; 03-CR-00885
03-CR-20886; 03-CR-20887
TOMMY RAY-BRENT MARSH *

FILED IN OFFICE

MOTION TO QUASH SUBPOENA AND
NOTICE OF INVOCATION OF O.C.G.A §. 24-9-24

JAN 07 2004

Luc madam
Clerk

COMES NOW, James M. Setters, by and through Counsel, Robert Stultz,

hereby makes a special limited appearance to contest the following:

Subpoena issued by the State of Georgia to appear as a witness for the State.

and gives this Honorable Court notice under O.C.G.A. § 24-9-24 of his respectful refusal to testify in this criminal proceeding concerning the defendant, or his client to wit: Tommy Ray-Brent Marsh and Venessa Marsh respectfully.

Petitioner would respectfully show this court that he is an Attorney licensed to Practice Law in the State of Georgia. That he represents Venessa Marsh in her civil action against the Defendant Tommy Ray-Brent Marsh. That communications between the Attorney and Client are privileged and his Client has not given him permission to divulge any communications between his client and the Attorney

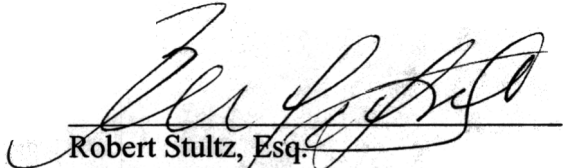
Petitioner further shows this Honorable Court that O.C.G.A §. 24-9-24 states:

Communications to any attorney or to his employee to be transmitted to the attorney pending his employment or in anticipation thereof shall never be heard by the court. The attorney shall not disclose the advice or counsel he may give to his client, nor produce or deliver up title deeds or other papers, except evidence of debt left in his possession by his client. This Code Section shall not exclude the attorney as a witness to any facts which may transpire in connection with his employment.”

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Wherefore the petitioner prays that the subpoena issued be
quashed.

Submitted this 7th day of January 2004.



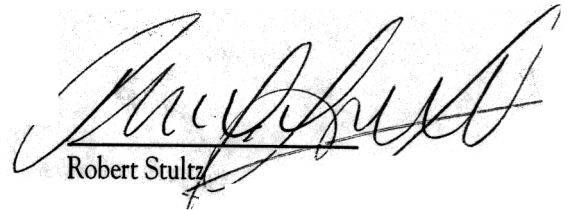
Robert Stultz, Esq.
Attorney for Petitioner
376 Cloud Springs Road
Fort Oglethorpe, GA 30742

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Quash Subpoena and Notice of Invocation of OCGA 24-9-24 has been delivered to Herbert E. (Buzz) Franklin, Jr., District Attorney, or one of his lawful Assistant District Attorneys, Walker County Courthouse, Lafayette, Georgia.

This 7th day of January, 2004.



Robert Stultz