

IN THE SUPERIOR COURT OF WALKER COUNTY

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STATE OF GEORGIA

STATE OF GEORGIA,

*

-VS-

*

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

TOMMY RAY-BRENT MARSH,

*

FILED IN OFFICE

DEFENDANT.

*

NOV 06 2003

**STATE'S RESPONSE TO DEFENDANT'S
"EXTRAORDINARY MOTION FOR
DISCOVERY FROM THE STATE"**

Bice Madigan
Clerk

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

The State opposes this motion. The defendant misstates the record. The State complied with its discovery obligations by making the discovery available to the defendant for inspection and copying. The State in no way intimated its discovery obligations were satisfied by the defendant's ongoing access to civil discovery but only objected to the defendant's claims that he was unprepared to go forward. The defendant again blatantly misstates the facts when he claims he was not offered discovery nor access to discovery. On September 23, 2003, the defendant was served with a Notice of Compliance with Discovery after he filed his motions opting into discovery. The State's compliance notice provided that "[a]ny and all reports, documents, writings and tangible or physical evidence in the possession of the District Attorney or the law enforcement agencies which investigated this case, with the exception of work product, may be examined upon request by making arrangements through the undersigned." The defendant would have been provided access at any time he had requested. The defendant never made a request prior to filing this motion.

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This 6th day of November, 2003.

Herbert E. Franklin
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 Extraordinary Motion for Discovery from the State 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 9th day of November, 2003.



District Attorney
Lookout Mountain Judicial Circuit

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