

**FILE**

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FORSYTH COUNTY GEORGIA  
FILED IN THIS OFFICE

**JUN 13 2006**

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June 9, 2006

Honorable Jeffrey Bagley  
Forsyth County Courthouse  
100 Courthouse Square  
Cumming, Georgia 30040

Re: State of Georgia vs. Julia Lynn Womack  
Indictment No. 06CR-0126

Dear Judge Bagley:

Please consider this letter as the Defendant's brief in opposition to the State's Motion to Transfer Ms. Turner out of the Forsyth County Jail. This letter brief will address the factual arguments against such a move and then will address the legal arguments. At the conclusion of the brief the defense will respectfully request that the Court allow Ms. Turner to remain in the Forsyth County Jail until this trial is concluded.

As your Honor is well aware the State is seeking the death penalty against our client. It is imperative that she have complete and total access to her lawyers in preparation of this case. As stated in open court by District Attorney Penny Penn, there are over 10,000 pages of discovery involved in this case. Ms. Turner is very involved in the defense of this case and she will need to see and review each and every document the State provides to the defense. Additionally, the defense will be utilizing anywhere from two to three separate investigators who will need to meet with Ms. Turner. These investigators will be based in the metropolitan Atlanta area, with at least one of the individuals living in Forsyth County. It would certainly place an undo burden upon these investigators in the event they had to travel a great distance to see Ms. Turner.

The reality of this situation is that if Ms. Turner is moved she will more than likely end up at Pulaski State Prison in Pulaski County, Georgia. She has already been through the diagnostic and classification process at Metro State Prison. It is our understanding that the State Prison System would likely house her in Pulaski County. This is approximately 3 ½ hours away from the metro Atlanta area. Logistically speaking, it would be extremely difficult for counsel, investigators, and experts to make

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the trek to Pulaski County each and every time Ms. Turner needs to be seen. It is our understanding that Forsyth County has several options to house Ms. Turner out in adjoining counties such as Dawson County and Lumpkin County in the event they do not want to keep her in the local jail. Practically speaking, it would be extremely difficult for Ms. Turner to be provided the defense she deserves if she is moved to the State System.

As this Court is aware, a convicted person has the right to be incarcerated within the county of conviction, or incarceration, in order to prepare and properly prosecute and appeal the criminal conviction. This is pursuant to O.C.G.A. Section 42-5-50. In fact, if the appellant attorney files a written request with the court then the convicted person shall NOT be transferred to a correctional institute. You would certainly think that if an individual has a right to stay in the county of conviction and help prepare an appeal then an individual the state seeks to put to death would minimally have the same right to be incarcerated in the county where she is going to be prosecuted. This situation is similar to the problems faced in Fulton County. Attached to this brief your Honor will find a recent article in which Federal Judge Marvin Shoob addressed the issue of inmates which were being housed out of Fulton County and who had difficulty accessing their attorneys. As Judge Shoob indicated in the article, it is unconstitutional to have an inmate so far from their attorney when they are preparing for trial. Although the State may argue that Ms. Turner is technically a state inmate because of her Cobb County conviction, she is still a pre-trial inmate awaiting trial on pending charges in Forsyth County. This is the same circumstance as the inmates in Fulton County. The United States Constitution and the Georgia Constitution through the Sixth Amendment allows a Defendant the right to effective assistance of legal counsel. The same constitutional rights afforded to inmates in Fulton County should certainly be afforded to Ms. Turner in Forsyth County. We have also attached a copy of the lawsuit filed in Fulton County addressing this very issue. Additionally, the Court will find a copy of an article written by Michael Meers, Director of The Georgia Public Defender's Standards Council, concerning these issues.

Cost of incarceration should also not be a factor in this decision. It is our understanding that it cost approximately \$18.50 to hold prisoners in the Forsyth County Jail on a daily basis. State law provides that Georgia reimburse a county \$20 a day per convicted felon for each day their held in local lockups. It would appear that the Forsyth County Sheriff's Department is actually making money by housing Ms. Turner at Forsyth County while she awaits her trial. As stated above, Forsyth County Sheriff's Department has an option in the event they are uncomfortable keeping Ms. Turner in Forsyth County. According to jail officials, there are a number of female inmates who are being housed in either Dawson or Lumpkin County. It is our belief that neither county has an objection to Ms. Turner being housed in their facility. This type of move would remove her from

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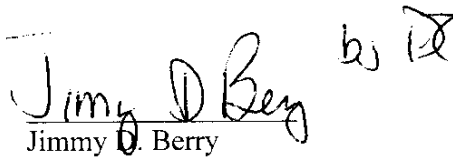
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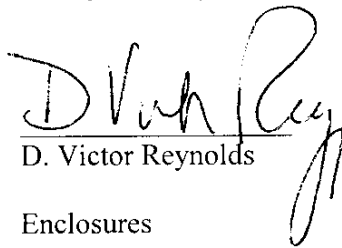
Forsyth County but still allow her to have proper access to her attorneys, investigators, and experts. The reality is that a move to the State Prison System would greatly affect her ability to present a fair and proper defense in this case. This is a violation of the Sixth Amendment and is simply not fair. Based upon these reasons Ms. Turner respectfully request that the Court allow her to remain in Forsyth County, or in the alternative, allow the Forsyth County Sheriff's Department to house her out at either Dawson or Lumpkin County Jail until her case is tried.

Thank you for the opportunity to respond to this issue in the form of this letter brief. Any additional information needed by the Court please do not hesitate to contact us.

With regards, we are

Sincerely,

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Jimmy D. Berry

  
D. Victor Reynolds

Enclosures