

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

IN THE SUPERIOR COURT OF FORSYTH COUNTY

JUN 15 2006

STATE OF GEORGIA

Angela Bonello
CLERK SUPERIOR COURT

STATE OF GEORGIA

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INDICTMENT NO. 06CR0126

V.

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JULIA LYNN WOMACK TURNER

**STATE'S REPLY BRIEF TO DEFENDANT'S BRIEF IN OPPOSITION TO STATE'S
MOTION FOR SIMILAR TRANSACTION**

COMES NOW the State of Georgia by and through Penny A. Penn and Jack Mallard and files this response to Defendant's Brief in Opposition to State's Motion for Similar Transaction filed on June 7, 2006, and shows the Court the following:

Defendant objects to the admission of evidence, including her conviction, of the murder of her husband Glenn Turner in Cobb County on March 3, 1995, as a similar transaction on the ground that it is dissimilar to the case here. By way of support, she has enumerated a list of some of the similarities previously proffered by the State, contending they are actually differences. Some of these examples misrepresent, if not belie, the evidence presented at trial, or miss the significance of the parallel between the two cases. The State responds to each as follows:

1. In addition to no suicide note, there were also no other signs of suicide, homicide or accident.
2. Both men were found in their residences, in their underwear on their left sides. Mr. Turner was in the bed, Mr. Thompson on the sofa.
3. While there is a similarity in that Defendant had contact with both men before they

became ill, the greater similarity is that she was one of the last, if not the very last, person to see them alive. By her own statements, she gave both of them something to eat close in time to the discovery of their bodies.

4. According to Dr. Freeman, the physician who treated Mr. Turner in the emergency room at Kennestone Hospital, he had been sick four to five days prior to the visit (volume 7, p. 162). In addition to nasal congestion and a nose bleed, he complained of vomiting, nausea, diarrhea and lightheadedness, symptoms consistent with the flu. (v. 7, p. 162, 172, 183). Dr. Morgan, the emergency room physician at Joan Glancy Hospital, while diagnosing him with Gastritis, testified that Mr. Thompson complained of vomiting, nausea, dizziness and lightheadedness. (v. 10, p. 90, 102) Dr. Kris Sperry, Chief Medical Examiner for Georgia, testified that his complaints were of a flu-like illness. (v. 14, p. 215)
5. Both men were given IV fluids. (v. 7, p. 162, 166, v. 10, 98) Both men were given medications for nausea. (v. 7, p. 185, v. 10, p. 77)
6. In the opinion of the medical examiners who performed the autopsies, both men died as a result of ethylene glycol toxicity. (v. 12, p. 162, 294)
7. The causes of both deaths were initially attributed to natural causes related to heart problems, including cardiac dysrhythmia. (v. 12, p. 139, 290)
8. Mr. Turner's liver was tested twice for the presence of ethylene glycol, once by National Medical Services (William Dunn's testimony, v. 13, p. 52, 56) and once by the Georgia Crime Lab (Christopher Tilson's testimony, v. 14, 85, 86) Both tests were positive.
9. See No. 3.
10. While there is no evidence the Defendant was unfaithful to Mr. Thompson, the fact she was unfaithful to Mr. Turner with Mr. Thompson illustrates a link between the two cases.
11. Although Defendant did not provide housing for Mr. Thompson at the time of his death, he had previously lived with her in a home she purchased with the life insurance proceeds from Mr. Turner's death. She also owned the home in which she and Mr. Turner resided.
12. The State concedes that Defendant did not spend lavishly on either man, shortly before killing him. Rather, during the early part of both courtships, while trying to win their affections, the evidence at the earlier trial showed Defendant gave both expensive gifts.
13. While the evidence at trial did not show Defendant's financial status during her marriage, witnesses testified that she spent a lot. During this time, she was employed by the Cobb

County 911 Center. The evidence also revealed that at the time of Mr. Thompson's death, she had credit card debt of several thousand dollars and tried to borrow against her 401k. She was employed with Forsyth County, making almost \$16.00 an hour.

14. The evidence showed that in 1998, Melissa Grove, a nurse examiner for State Farm Insurance Company, examined Mr. Thompson for the purpose of a life insurance policy and that the Defendant was present for the examination. Shortly after his death, she began attempts to collect on the policy, which had lapsed. She made the same efforts with respect to a policy through his employment, which were successful.
15. She also collected from the Social Security Administration on behalf of the children. She met with Mr. Thompson's ex-wife, Dara Laughlin, with whom he had a son, and instructed her how to file on the boy's behalf. The Defendant was the one who broached the subject.

Additionally, Defendant urged both men to change their life insurance policies, naming her as beneficiary. There was testimony that Mr. Turner did so two days after the honeymoon. In late 1995, Mr. Thompson discussed with a family friend who was also an employee with State Farm Insurance that the Defendant was pushing him to make her his beneficiary. She persuaded him not to change the policy. In 1997, he made her the beneficiary.

16. The similarity is that at the time Defendant met and became involved with both men, they were employed as law enforcement officers.
17. The similarity is at the time of their deaths, both men were in their early 30's.

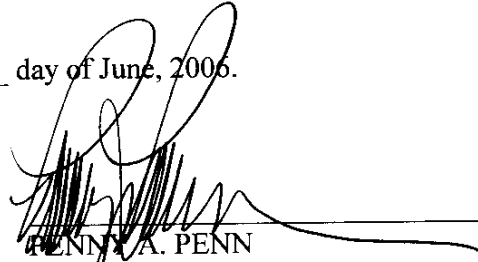
The above list actually contains far more similarities than differences, but even taking into account any distinctions between the two cases, in determining admissibility, the court must look at the former, rather than the latter. Walker v. Huston, 277 Ga. 470 (2003), Farley v. State, 265 Ga. 622 (1995). Ultimately, the issue is not the number of similarities, but their relevance to the issues at trial. Here, as Judge Bodiford noted in his Order ruling on the issue in the Cobb trial, "this type of murder is so unique that it constitutes a "signature" type of crime." (p. 9)

The Defendant argues that the prejudicial impact will outweigh the probative value and that the State has other less inflammatory evidence to prove Defendant's guilt. If the Court

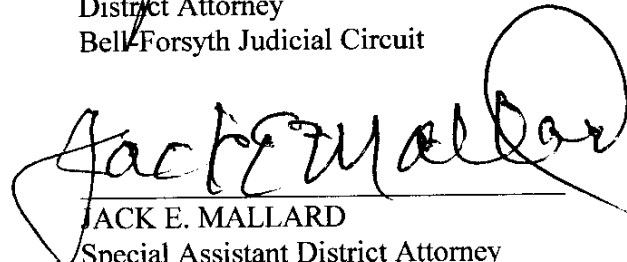
determines the evidence is relevant, then it should be admitted and any consideration regarding prejudice goes to weight and not admissibility. Farley v. State, 265 Ga. 622, 625 (1995).

Because the prior murder is virtually indistinguishable from this one, it identifies Defendant as the perpetrator of this one. It should also be admitted for the other purposes already outlined in the State's Proffer.

Respectfully submitted, this the 13th day of June, 2006.



PENN A. PENN
District Attorney
Bell-Forsyth Judicial Circuit



JACK E. MALLARD
Special Assistant District Attorney
Bell-Forsyth Judicial Circuit

Office of the District Attorney
100 Courthouse Square, Suite 200
Cumming, GA 30040
(770) 781-2125

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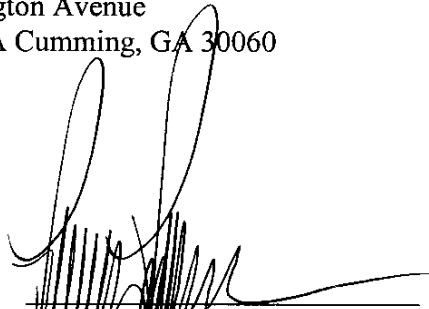
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing State's Reply to Defendant's Brief in Opposition to State's Motion for Similar Transaction has been deposited in the United States mail with sufficient postage thereon to insure delivery to Jimmy Berry and Vic Reynolds Attorneys for Defendant as follows:

Jimmy Berry, Esq.
Vic Reynolds, Esq.
236 Washington Avenue
Marietta, GA Cumming, GA 30060

This the 15th day of June, 2006.



Henry A. Cain
District Attorney
Bell-Forsyth Judicial Circuit

100 Courthouse Square, Suite 200
Cumming, GA 30040-2686
(770) 781-2125