

State of Georgia, Fulton County.

Be it remembered that at the July Term, 1913, of Fulton Superior Court,--His Honor, L. S. Roan, one of the judges of the Superior Court of the State of Georgia presiding--there came on to be tried the case of the State of Georgia vs. Leo M. Frank, -- the same being an indictment for murder. On the trial of said case, the jury found the defendant guilty without any recommendation of life imprisonment and the court imposed the death sentence upon the defendant.

At the same term at which said verdict was rendered, and in due and legal time, defendant made a motion for new trial upon the grounds therein stated, and said motion came on to be heard and was regularly passed, on the 31st day of October, 1913.

Upon the hearing of said motion for new trial, said defendant, Leo M. Frank, presented a proper brief of the evidence in said case, which was approved by the court as true and correct, and which is here and now stated to be true, and correct in this case, excepting.

Subsequent at the hearing of said case, also presented an amended motion for new trial, and the court certified that the recitals of fact contained in both the original and the amended motions for new trial were true and approved the grounds of both the original and the amended motions for new trial, and here and now states that the recitals contained in the grounds of both said original and amended motions for new trial are true.

In considering the said motion for new trial and in deciding upon the same, the court treated as part of the record and considered the following affidavits and depositions presented by the defendant, to-wit: