

EXHIBIT NN.

Georgia,  
Fulton County.

State of Georgia, In Superior Court of Fulton County,  
Vs. Georgia.

Leo M. Frank.

To the Honorable Clerk of the Superior Court of  
Walton County, Georgia.

This application shows the following facts:

Heretofore, a verdict of guilty was returned in said case,  
judgment was passed by the Court, and a motion for new trial  
was filed in said case, which said motion for new trial is set  
for hearing on October 4th, 1913, before Judge L. S. Roan,  
Judge of the Stone Mountain Circuit.

It is shown that there are three parties who reside in Monroe  
Walton County, Georgia, to-wit: J. J. Nunnally, Esq., Virgil  
Harris, Esq. and W. L. Ricker, Esq., whose affidavits are desired  
by the movant as evidence on said motion, and further that all  
three of said parties have refused to give said affidavits.

Wherefore, this application is made to the Clerk, as provided  
by Section 5918-19 of the Civil Code of 1910, State of Ga.,  
that subpoenas may be issued addressed to each of said parties,  
requiring them to be and appear before Orvin Roberts or  
Clifford Walker, Notary Publics of said Walton Co., Ga. and  
answer under oath such written questions as are hereto annexed  
and such further written questions as may be propounded upon the  
hearing, in lieu of making said affidavit.

R. R. Arnold,

L. Z. Rosser,

Attys. for Leo M. Frank, Movant.

*L. S. Roan, Judge.*