

Court of his own motion cleared the room before the jury announced their verdict. When the verdict of guilty was rendered, the fact of the rendition of such verdict was signaled to the crowd on the outside, which consisted of a large concourse and crowd of people standing upon Hunter and Pryor Streets. Immediately upon receiving such signal and while the court was engaged in polling the jury and before the polling ended, great shouts arose from the people on the outside, expressing gratification. Great applauding, shouting and halloing was heard on the streets and so great became the noise on the streets that the Court had difficulty in hearing the responses of the jurors as he polled them. These incidents showed, as the defendant contends, that the defendant did not have a fair and impartial jury trial and that the demonstration of the crowds attending court was such as to inevitably affect the jury.

The exhibits hereto attached marked J to AA inclusive are made a part of this ground.

66. Because that fair and impartial trial guaranteed him by the Constitution of this State was not accorded the defendant for the following reasons:

The court room wherein this trial was had was situated at the corner of Hunter and Pryor streets. There are a number of windows on the Pryor Street side looking out upon the street and furnishing easy access to any noises that would occur upon the street. The court room itself is situated on Hunter Street, 15 or 20 feet from Pryor Street. There is an open alleyway running from Pryor St., along by the side of the court house, and there are windows from the court room looking on to this alley and any noise in the alley can easily be heard in the court room. When Solicitor Dorsey left the court room on the last day of the trial, after the case had been submitted to the jury, a large and boisterous crowd of several hundred people was standing in the street in front of the court house and as he came out greeted him with loud and boisterous applause, taking him upon their shoulders and carrying him across the street into the Kiser building wherein was his office. This crowd did not wholly disperse during the interval between the giving of the case to the jury and the time when the jury reached its verdict, but during the whole of such time a large crowd was gathered at the junction of Pryor and Hunter streets. When it was announced that the jury had reached a verdict, his Honor, Judge L. S. Roan, went to the court room and found it crowded with spectators to such an extent as to interfere with the court's orderly procedure, and fearing misconduct in the court room, his Honor cleared it of spectators. The jury was then brought in for the purpose of delivering their verdict. When the verdict of guilty was announced, a signal was given to the crowd on the outside to that effect. The large crowd of people standing on the outside cheered and shouted and hurrahed at the outset of the poll of the jury, and before more than one juror had been polled to such an extent that the Court had some difficulty in proceeding with