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Defendant here and now offers to show and prove to the Court all of the facts herein set forth, and swears to the existence of these facts as the truth, and asks the Court to investigate them in this extraordinary motion.

The defendant further submits that the discovery of the foregoing facts is material and that it is such an extraordinary state of facts as would probably produce a different result on another trial and that said facts were unknown to the defendant and his counsel and it was impossible to have ascertained the same by the exercise of proper diligence, the facts that the said Mamie Kitchens was in possession of the facts hereinbefore set forth being unknown to the defendant and his counsel until after the motion for new trial had been heard and passed on.

11. Defendant further shows that he should be granted a new trial upon the newly discovered evidence of Miss Marie Karst which has come to the knowledge of this defendant and of his counsel since the original motion for new trial was heard and passed on and which is as follows: that the said Marie Karst was a witness for the state on the original trial and was brought into the case by City detective Bass Rosser, that she was subpoenaed to the office of the solicitor general in the Kiser Building twice before the trial and questioned very closely by the solicitor general; that the solicitor told her to say that the defendant's general character was bad and that he wanted her to answer his questions right off sharp and quick; that when the solicitor was prompting her and questioning her in his office he did not at any time use the word "lasciviousness" but when she appeared on the witness stand and was questioned he used that word and asked her if defendant's character for lasciviousness was good or bad; that she answered "bad" in the face of the fact that she did not know the meaning of the word lasciviousness, it never having been explained to her at that time, that since that time the meaning of the word has been explained to her and that since she understands the meaning she positively denies that defendant's character or reputation, so