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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 said Mary Rich not being a witness on said trial, and that she was in possession of the state of facts herein set forth being unknown to defendant and his counsel until after the motion for new trial had been heard and passed on.

14. Defendant further shows that he should be granted a new trial upon the newly discovered evidence of G. Burtis Dalton, which has come to the knowledge of the 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 Dalton, at the time of the trial of defendant for the murder of Mary Phagan resided at the home of one W. W. Barber, at 470 Whitehall street that the newspaper accounts of said murder was the general topic of conversation at the boarding house where he was living; that during one of the several conversations Dalton made the remark that he had been to the National Pencil company's factory several times and confided this to a fellow named R. L. Wann; that he had immoral relations with a girl in the basement of said National Pencil Company's factory; that the said Dalton thought no more of his remark until one day city detective Campbell and Starnes called at his boarding house and told him that the said Wann had reported to them that Dalton knew some bad things against defendant; that the said Dalton at once told the detectives that the information they had received was false, but that so far as his knowledge of defendant went, that the said defendant was gentleman in every respect, that thereupon the detectives Campbell and Starnes laughed at the declaration he had made in defense of defendant and treated his statement as a joke and insisted that Dalton should admit that defendant was a man of bad character and that he had seen defendant go into closets and dressing rooms with various women and girls at various times at the National Pencil Company's factory and that