

the notes themselves showed that they were conceived by a white man.

The letters, newly discovered and hereto set out as a part and parcel of said Exhibit C, hereto attached, show therein the same words, the same spelling, and the same style of composition as appears in the notes found near the child's body; especially does it appear from these newly discovered letters that the negro Conley did use the word "did and did use the word "negro" instead of the words "done and "nigger". Even in the very question of spelling, the notes hereto set out as a part and parcel of said Exhibit C. show the same character of spelling as is shown in the notes found near the little girl's body. Especial attention is called to the spelling of the word "self", which is spelled in the notes found by the little girl's body and which is spelled in the letters hereto attached as a part of said Exhibit C. as "<sup>self</sup>self". The number of letters hereto attached also negatives the contention of the State and of the witness Conley that he could only write with difficulty, and demonstrates that he could write with facility and that he was a chronic letter writer.

The original notes are set out in the brief of evidence prepared in the motion for new trial, and the originals, themselves, are here to the Court shown.

Neither movant, nor his counsel had any knowledge of the existence of these letters at the time of the trial, nor at the time his motion for new trial was overruled. Indeed at neither of said dates were these letters in existence. The fact that these letters were in existence became known to this movant and his counsel after the case was affirmed by the Supreme Court, and as a result thereof it has been a physical impossibility that these letters should become known to this movant or his counsel until too late to bring them to the attention of the court, except in this extraordinary motion for new trial.

The discovery of these letters is material, and presents such an extraordinary set of facts and circumstances as would justify the grant of a new trial; and movant insists that, with these