

letters before the Court and jury, upon another trial, a verdict would and should be rendered in his favor.

These letters are further material by reason of their substance they reek with the vilest filth and show that they were written by one with the most loathsome and perverted nature, whose testimony was absolutely worthless, and whose depraved disposition could be depended upon to murder this little girl.

The substance of these letters corroborates the contention of movant and of his counsel, that the condition in which the girl's underclothes were found is the result of the work of the negro Jim Conley, and of him alone, the underclothes taken from the body of Mary Phagan being in the following condition: The inside seam of the drawers was cut, not with a sudden rip but deliberately, by one who must have taken his own time in doing it. The cut began at the lower right leg, continuing up across the crotch and partially down the left leg. The drawers, themselves, were extremely roomy. This left the little girl fully exposed, with the exception of a knitted undershirt which fitted next to her skin and which adhered closely to the skin. This knitted undershirt was also cut, the cut starting on the left side, extending up about four or five inches, then extending across the shirt to the left side. There was also a cut over one of the breasts of the shirt, which exposed the left breast. The drawers, themselves, show that they were cut and not torn, and, at the crotch, it can be seen where the knife slipped and the material itself was cut.

The contention of the State was not that Frank had deliberately determined to murder the girl; but, having sought familiarity with her, either natural or unnatural, and being refused, he suddenly killed her to protect himself.

The condition of these clothes, as above outlined, shows the murder not to be the act of an excited and unbalanced man, but, the leisure, ferocious conduct of one possessed of an unnatural passion, with time and opportunity to gratify it.

This movant shows that, had the nature of said Conley, as exhibited in these letters, been known to the jury trying him