

until the date of said affidavit, Exhibit E, that said Cora L. Leffew would testify as in said Exhibit E set out and could not have ascertained such by exercising due diligence.

1-C. Because of the newly discovered evidence of Georgia Denham, which evidence so newly discovered is hereunto set out in an affidavit hereto attached and marked Exhibit D.

Upon the original trial of movant, the State contended that Mary Phagan had been murdered in the metal room of the second floor of the factory and had been carried from that place by mov

and and Jim Conley down the elevator and placed in the basement.

Movant and his counsel contended that Mary Phagan was not killed on the second floor of the pencil factory, but on the street floor thereof, by Jim Conley alone, and thrown into the basement.

One Barrett testified, upon the trial, that he found six or eight strands of hair upon a lathe in the metal department of the factory, not testifying as to whose hair it was.

One of the witnesses for movant, upon cross examination, testified that the hair found on the lathe by this man Barrett looked like the hair of Mary Phagan.

One of the State's strong contentions in support of its theory that Mary Phagan was killed in the metal department on the second floor of the factory, was the finding of this hair upon the lathe, which the State contended was the hair of Mary Phagan.

This newly discovered evidence Exhibit F, shows that the hair found upon this lathe was not the hair of Mary Phagan.

This newly discovered evidence is material, and presents such an extraordinary state of facts as ought to produce a verdict of acquittal upon another trial.

This movant did not know at the date of his trial, nor until after the affirmance of his case by the Supreme Court nor until the date of the affidavit Exhibit F, that said Georgia Denham knew or would testify to the facts set out in said Exhibit F. Movant shows that his counsel was likewise without knowledge, until the date of said affidavit, Exhibit F, that said