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GROUND 7

The State submits, with reference to Ground 7, that the same is wholly insufficient; the evidence set out as having been given by Mrs. Ethel Harris Miller and ~~Mr. Miller~~ <sup>MR. LEFFHOFF</sup> being merely cumulative evidence; the question of alibi having been mainly relied upon by the defendant, Leo M. Frank, in the trial in which he was convicted of the offense of murder.

The State is informed and believes that these witnesses are non-residents of the City of Atlanta, and nothing is known as to their character, reputation, standing, associations or connections.

The State is informed and believes that the defendant, Leo M. Frank, has stated that he saw Mrs. Ethel Harris Miller on the day in question, and can even remember the character and kind of dress in which she was attired; and if this be true, it is an additional reason why the ground urged should not be the basis for granting the motion for a new trial.