

GROUND 8

The State, answering Ground 8, submits that, under the law, the fact that Dewey Hewell has changed, if such be the fact, her evidence as given on the trial of Leo M. Frank, would not be a ground for granting this extraordinary motion. In addition to the evidence given by Dewey Hewell, showing that Leo M. Frank personally knew Mary Phagan, the deceased, the State introduces the evidence of J. M. Gantt, Book-keeper, who swore that Leo M. Frank remarked to him that he seemed to know Mary pretty well. The State also introduced Ruth Robertson, a witness who swore that Frank personally knew the deceased; also the testimony given by a witness named W. E. Turner. And the State therefore submits that, if Dewey Hewell should testify otherwise on the trial of this case, it could in no wise produce a different result. Turner swore to having seen the defendant insisting on speaking with Mary Phagan at a time when there were no other employees in the room, and intruding his attentions upon the deceased.

In answer to the allegations in Ground 8, the State makes reference further to the affidavit of Miss Carrie Smith, likewise fully set out in Ground 9, ~~a copy of which is as follows~~