

001501

this court a judgment overruling and denying this application for a new trial, because the State insists that if the transaction referred to in this amendment was worthy of belief, there would be no occasion or necessity for the said Annie Maud Carter to be spirited away and beyond the jurisdiction of the Court, as the State is informed and believes said Annie Maud Carter to be, and rendered inaccessible to the officers.

That the contention of the movant, Leo M. Frank, is false is furthermore shown by a statement on the part of the said Annie Maud Carter, made in the shape of an affidavit, in which it will be shown that she made many contradictory statements to what is alleged by movant to have been the facts.

5. At the time of drawing this answer, the State is not informed as to what notary attested said alleged affidavit of Annie Maud Carter. But the State says that the prosecution read affidavits either witnessed or attested by C. W. Burke, alleged to have been made by Ivey Jones, which the State insists is a forgery, and furthermore, that the State insists that another affidavit witnessed by Burke, viz, the affidavit of Miss Ruth Robison, is a forgery, and in this connection the ~~said~~ <sup>State</sup> calls the attention of the court to the fact that one C. W. Burke attested, not only some of the affidavits of the defendant Leo M. Frank, but witnessed the affidavit of Dewey Hewell, who is in Cincinnati, O., and inaccessible, and likewise witnessed the affidavit of C. Burtis Dalton, who is in Florida and inaccessible, and the affidavit of Mary Rich was attested by C. W. Burke.

Wherefore, the State insists that the extraordinary motion be overruled, as under no circumstances could a different result obtain by virtue of any of the various contentions as set up in either the original or the several amendments to the original extraordinary motion for new trial.

Respectfully submitted,  
E. A. Stephens,  
Hugh M. Dorsey, Sol. Gen'l.

Filed in office this the 1st, day of May, 1914..

John H. Jones, D. Clk.