

involuntary absence of this defendant and while he was confined in jail depriving the proceedings against him of the character of a trial to which he was entitled under the law and depriving him of the hearing and the opportunity to be heard in his own defense to which he was entitled under the law and to which ^{he} was entitled under the said provision of the Constitution of the United States; and this defendant claims the protection of said provision.

5.

Defendant says that the said reception of said verdict in the involuntary absence of this defendant and while he was so incarcerated in jail, and in the said absence of this defendant's counsel under the circumstances as above stated, ~~was contrary to~~ and in violation of the provisions of Art. 1, Sec. 1, Par. 5 of the Constitution of the State of Georgia, to-wit: "Every person charged with an offense against the laws of this State shall have the privilege and benefit of counsel," because this defendant ~~under and because of the said circumstances as above set forth~~ was deprived of the presence of his counsel and of the benefit of counsel at the reception of said verdict, to which he was in law and under said constitutional provision entitled; and for and because of the same said conditions and circumstances the reception of said verdict was in violation of the provisions of the Fourteenth Amendment of the Constitution of the United States: "Nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws" in that this defendant was under the said conditions and circumstances deprived of the right to the benefit of counsel and of the presence of his counsel at the reception of said verdict, and defendant claims the protection of the said amendment.

6.

Because the said Judge Hon. L. S. Roan, upon considering the motion for a new trial made by this defendant, after the reception of said verdict as above stated, rendered his judgment denying said motion and in rendering said judgment stated that the jury had found the defendant guilty; that he, the said Judge