

GEORGIA FILES FRANK BRIEF.

Answer to Prisoner's Appeal for
Writ Handed to Supreme Court.

Special to The New York Times.

WASHINGTON, Feb. 23.—The State of Georgia, through Attorney General Grice and Solicitor General Dorsey today filed a brief in the Supreme Court of the United States in opposition to an appeal from the decision of the Federal District Court for the Northern District of Georgia, denying a writ of habeas corpus to Leo M. Frank. The brief was published in the newspapers a few days ago.

The State's brief argues that a writ of habeas corpus ought not to be used to overturn a conviction in a State court. The question of mob violence, says the brief, should have been raised when Frank asked for a new trial, instead of being left until he moved to have the verdict set aside.

"The Supreme Court of Georgia is second to no State in according trials free from hostile demonstrations," says the brief, "and has gone as far, we venture to assert, as any State in the Union in setting aside verdicts where the same were influenced by hostile demonstration on the part of spectators. But this is far from holding that whenever an accused alleges those things in a motion for new trial, the courts should grant a new trial."

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