

State of Maryland,

Anne Arundel County, Sct.:

I hereby certify that the foregoing is a true copy of the record of proceedings in the above entitled case.

In testimony whereof, I hereto set my hand and affix the seal of the Circuit Court for Anne Arundel County this 10th day of November, A. D. 1917.

(Seal)

Geo. Wells,
Clerk.

MOTION FOR A NEW TRIAL.

(Filed February 1st, 1918.)

The traverser herein by A. Theodore Brady and C. Gus Grason, his attorneys, moves the Court to grant him a new trial upon the issue joined in the above case for the following reasons:

1st. Because, after two of the jurors in this case had been empanelled and before the remaining ten of the jury had been selected, and in the presence of the two so selected as aforesaid, and in the presence of the remaining ten who had not at that time been empanelled, the Court instructed the jury as to the law of circumstantial evidence and did not in said instruction state to or tell the jury or any of them that it was at liberty to disregard the instruction given by the Court as aforesaid and did not advise or instruct the jury that its instruction as to the law of circumstantial evidence was advisory only and that they were at liberty to disregard the same.

2nd. Because the Court in its instruction to the jury regarding the law of circumstantial evidence at the time stated in the first paragraph of this motion erred in its statement of the law governing circumstantial evidence.

3rd. Because of error on the part of the Court in its ruling upon questions of evidence in this case.

4th. Because the State's Attorney for Anne Arundel County, in his closing argument to the jury, told the jury that Snowden had pulled down the stocking of Mrs. Brandon where she carried her money and had taken therefrom a dollar bill, when in point of fact there was no evidence whatsoever in the case that Mrs. Brandon so carried her money or that Snowden pulled down her stocking or took any money from her stocking whatsoever.

5th. Because the evidence adduced on the part of the State was not legally sufficient to establish the guilt of the traverser beyond a reasonable doubt.

6th. Because from all the evidence in the case the proof of the guilt of the traverser was not established beyond a reasonable doubt.

7th. Because of statements made by the State's Attorney of Anne Arundel County during the trial not warranted by law of material injury to the traverser.

8th. Because of newly discovered evidence.

A. THEODORE BRADY,

C. GUS GRASON,

Attorneys for Traverser.

AFFIDAVIT OF ELLA RUST MURRAY AND A. THEODORE BRADY.

(Filed February 13th, 1918.)

State of Maryland,

Baltimore County, to wit:—

I hereby certify on this 13th day of February, 1918, before me, the subscriber, the Clerk of the Circuit Court for Baltimore County, personally appeared A. Theodore Brady, counsel for John Snowden, traverser in the above case, and made oath in due form of law on his own behalf as well as on behalf of both