

The Appeals of Leo Frank 1913, 1914, and 1915
Leo Frank Appeals: Majority and Unanimous Decisions during the Appeals Process Affirm the Murder Conviction Given by the Trial Jury by Not Disturbing It

After the Leo Frank murder trial ended August 21, closing arguments began and then ended on August 25 at noon. The jury rendered its decision on August 25 at 4 p.m., and August 26 at 10:00 a.m., the trial judge Leonard Strickland Roan affirmed the jury's decision. Frank's lawyers immediately appealed on August 27, 1913.

The appellate process slowly wended its way through the Fulton County Superior Court, Georgia Supreme Court, United States District Court, and United States Supreme Court, more than once. Every court meticulously sifted the murder trial testimony and evidence, and every court affirmed the trial was fair and the jury was not mob terrorized, with only four dissenting judges out of more than a dozen affirming judges. The verdict rendered by Leo Frank's trial jury was not disturbed at the conclusion of the appeals.

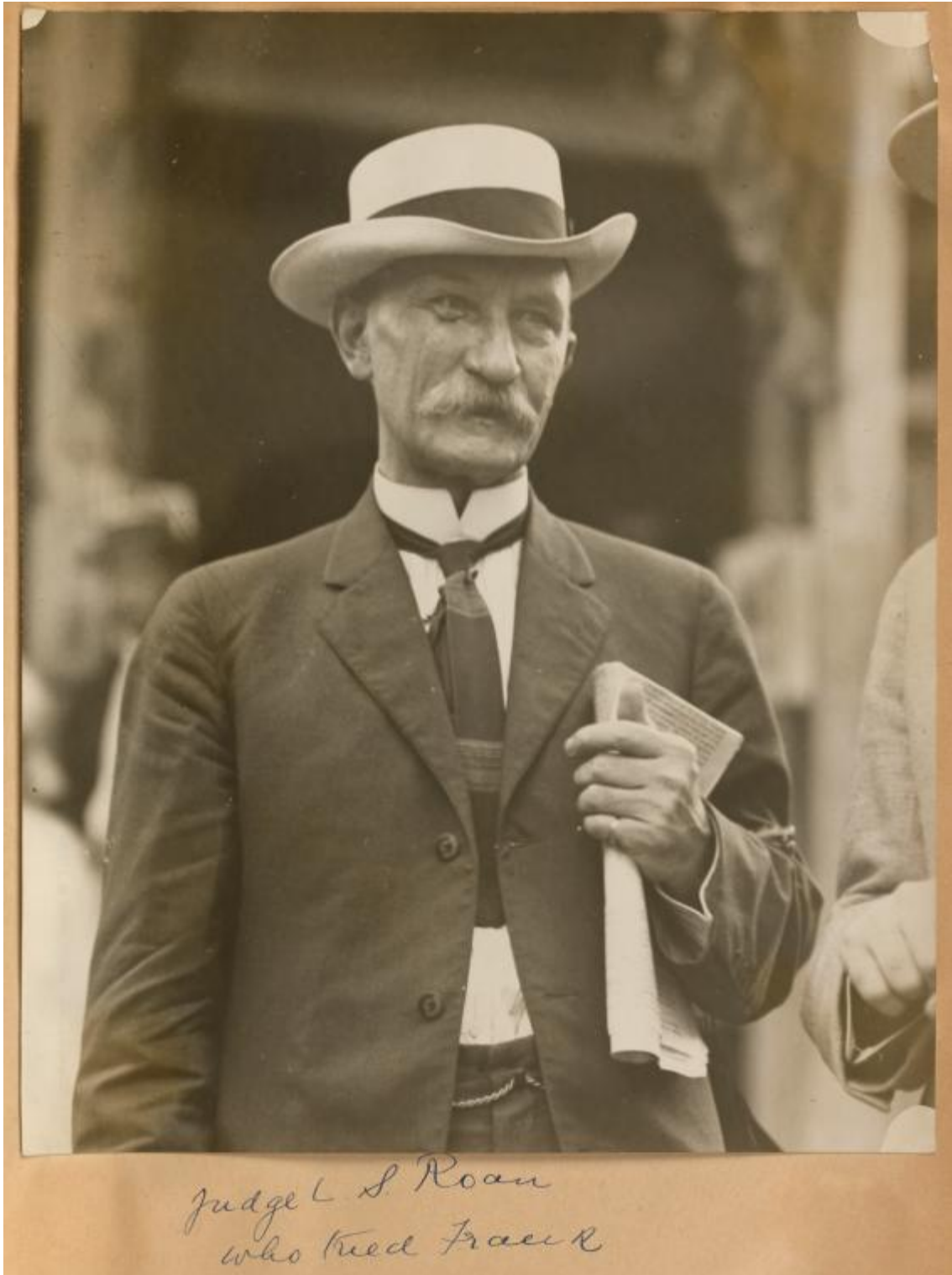
August 27 to October 31, 1913

As a result of normal procedure during the appeals process, Leo Frank's execution date set for October 10, 1913, was stayed, pending a retrial hearing. On Friday, October 31, 1913, Judge Leonard Strickland Roan denied the motion by Leo M. Frank's council for a new trial.

Another motion for a new trial was denied by the Georgia Supreme Court in February 1914 after careful review.

On Tuesday, February 17, 1914, the Supreme Court of Georgia affirmed the verdict of the lower court by a vote of 4 to 2.

On Wednesday, February 25, 1914, the Supreme Court of Georgia unanimously overruled a motion for rehearing the Leo Frank case.



The Presiding Judge Leonard Strickland Roan of the Leo Frank Trial Accused of Strangling Mary Anne Phagan on Saturday, April 26, 1913



Judge Ben. H. Hill, who overruled Frank's extraordinary motion for a new trial. He is the son of the famous Ben. H. Hill of Georgia, former U. S. Senator from Georgia

April 22, 1914: Judge B. H Hill, former chief justice of the Court of Appeals, who had succeeded to the Judgeship of Fulton Superior Court, denied the extraordinary motion for a new trial.

April 25, 1914: The day before the anniversary of Mary Phagan's death, Frank's sanity was examined and he was declared sane.

Motion to Set the Verdict Aside as a Nullity

Beginning in June 1914, Frank's defense appealed to the Fulton County Superior Court to set aside the guilty verdict. Fulton County Superior Court denied the appeal, as did the Georgia Supreme Court (December 1914).

November 14, 1914: The Georgia Supreme Court again denied a new trial.

November 18, 1914: The Georgia Supreme Court refused a writ of error.

November 23, 1914: Mr. Justice Lamar of the Supreme Court of the United States refused a writ of error.

November 25, 1914: Mr. Justice Holmes of the United States Supreme Court also refused a writ.

December 7, 1914: The full bench of the United States Supreme Court refused a writ of error.

December 9, 1914: Frank was resentenced to death to hang on January 22, 1915.

December 21, 1914: United States District Judge W. T. Newman of Georgia refused a writ of habeas corpus.

December 28, 1914: Mr. Justice Lamar granted an appeal and certificate of reasonable doubt to the United States Supreme Court.

April 15, 1915: The Supreme Court of the United States voted 4 to 2, with Mr. Justices Holmes and Hughes dissenting, and dismissed the appeal.

Ultimately, Leo M. Frank had completely exhausted every possible court appeals process concerning every level of the United States Federal and State Appellate Tribunal System.

There was only one option left: Executive clemency from the gubernatorial level of the Great Georgia State, but before that could happen, the Georgia Prison Commission would have to review the case.

Georgia Prison Commission Division

As five courts upheld the original decision of the jury in Leo Frank's case by not disturbing their verdict, Frank then applied for clemency with the Georgia Prison Commission to commute his sentence from death to life in prison.

June 9, 1915: The State Prison Commission submitted a "divided" 2 to 1 report to Governor Slaton, Commissioners Davison and Rainey voting against commutation and Paterson voted for commutation. Leo Frank's application for recommending clemency by the Prison Commission was denied.

During the Two-Year Appeals Process, The National Letter Writing Campaign and Emotional Appeals Process Was in Full Force

With every possible court appeal fully exhausted, Leo M. Frank's last hope was utilizing the full extent of his two-year-old and growing flush bankroll from his legal defense fund, which was made possible in part by advertising magnate Albert D. Lasker and newspaper mogul Adolph S. Ochs, the owner of the *New York Times* powerhouse. With a swollen treasury of hundreds of thousands of dollars, the culmination of a vast two-year political bribery and manipulation machine reaching its crescendo, it had penetrated every major city across the United States and even some major cities throughout Europe. As a result, the Governor of Georgia had been flooded with more than 100,000 letters in support of

Frank from people who never actually read the official trial record of the Leo Frank case, which included all the material facts, testimony, and evidence. Even less in number of these 100,000 emotional appeal writers were individuals who had read the Georgia Supreme Court case file on Leo Frank.

Last Hope: May 31, 1915

Because Frank's plea for commutation of sentence to life imprisonment was heard before the State Prison Commission and denied, Frank had one last hope with the Governor of the State of Georgia, John Marshall Slaton, who was in office from June 28, 1913, to June 26, 1915. Slaton would save the life of Leo Frank at the eleventh hour, as Frank was on death row registered to be lynched on June 22, 1915, by Sheriff Mangum.

John Marshall Slaton, Clemency, Commuted Leo M. Frank's Death Sentence to Life in Prison June 21, 1915, the Eleventh Hour

On June 21, 1915, one day before Frank was to be hanged to death, John M. Slaton, when at the exit as an outgoing Governor of Georgia on June 25, 1913, in a gross conflict of interest, commuted the death sentence of Leo M. Frank to life in prison.

A commutation hearing was held in Atlanta on June 12-16, 1915. Representing Leo Frank were William M. Howard of Augusta, Manning J. Yeomans of Dawson, "Harry" (Pierre Van Paasen, 1964) Henry A. Alexander, and Leonard Haas of Atlanta, speaking for the defense. On June 21, 1915, just six days before Nathaniel Edwin Harris, the newly elected governor, was to take office, and one day before Frank was scheduled to hang (June 22, 1915), Slaton commuted Frank's

death sentence to life in prison. There was public outrage, primarily because John M. Slaton was a law partner and business associate in the firm hired by Leo Frank, making Frank Slaton's client and because Slaton in a gross conflict of interest had betrayed the constitution and his oath of office.

The Southern population ascended to boiling crescendos of rage and were furious to a fevered pitch at the insolence of the clemency decision made on behalf of Leo M. Frank, especially after every level of the United States Legal System had meticulously reviewed the trial and upheld the evidence supporting the conviction, stating Leo Frank had a fair trial and the evidence was sufficient to convict him.

“More than 13 Judges Affirmed 13 Petite Jurors”

More than a dozen judges had affirmed the legitimacy of the murder conviction by the evidence, and they certainly didn't miss the fact Leo Frank had made a near confession on August 18, 1913, between 2:00 p.m. and 6:00 p.m., when he told the jury he made an unconscious bathroom visit inside the metal room during the time Phagan was murdered there.

John M. Slaton, feigned moral and emotional consternation, saying: “I can endure misconstruction, abuse and condemnation,” Slaton said, “but I cannot stand the constant companionship of an accusing conscience which would remind me that I, as governor of Georgia, failed to do what I thought to be right.... [F]eeling as I do about this case, I would be a murderer if I allowed this man to hang. It may mean that I must live in obscurity the rest of my days, but I would rather be plowing in a field for the rest of my life than to feel that I had that blood on my hands.”[1]

Slaton's commutation disregarded volumes of trial evidence and testimony against Frank, but Slaton also chose to not disturb the jury's verdict and affirmed the murder conviction by saying he sustained the jury and appellate tribunals.

Anti-Semitism

Slaton also suggested that the Jewish community's charge of race hatred as being the reason Frank was convicted was unfair, as it was certainly not true, because numerous other legal tribunals reviewed the evidence and testimony and felt it was strong enough to convict Leo M. Frank. None of the appeals courts could be falsely accused of being mob terrorized or anti-Semitic, as the Jewish community put such false accusations and slander against the murder trial jury. In order to protect Leo Frank, he was transferred from Fulton Tower in Atlanta to the prison farm outside Milledgeville.

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