

State of Alabama

Circuit Court
Fall Term 1911

Will Kennedy, alias Kennedy,

Comes the defendant and moves the Court to
set aside the verdict rendered against him
in this case and grant him a new trial
upon each of the following grounds separately:
1st The verdict was contrary to the evidence
2nd The verdict was contrary to the law and
the evidence
3rd The verdict was contrary to the charge of the
Court

4th The Court erred in not instructing the jury
that the Court erred in not instructing the jury
that manslaughter in the second degree
is not giving the time of punishment
is fixed by the statute

5th The defendant has discovered new
evidence material to the case, as per
affidavit on file, which was not discovered
before the trial owing to the lack of
diligence in part of the defendant

J. B. Jenkins, atty for
The Defendant

Motion overruled

A. E. Gamble,
Judge.Dec. 1st 1911.