

Title:L S Dobbs Sworn In For The State, 4th To Testify
Category:LEO FRANK TRIAL BRIEF OF EVIDENCE

L. S. DOBBS, Sworn for the State.

I am Sergeant of police. On the morning of April 27th, about 3:25 a call came from the pencil factory that there was a murder up there. We went down in Boots Rogers' automobile. When we got there the door was locked. We knocked we knocked on the door and in about two minutes the negro came down the steps and opened the door and said there was a woman murdered in the basement. We went through a scuttle hole, a small trapdoor. The negro lead the way back in the basement, to a partition on the left, leading from the elevator. The basement is about twenty feet wide. The negro lead back about one hundred feet and we found the body. "The girl was laying on her face not directly laying on her stomach with the left side on the ground, the right side up just a little. We couldn't tell by looking at her whether she was white or black, only by her golden colored hair. They turned her over and her face was full of dirt and dust. They took a piece of paper and rubbed the dirt off of her face, and we could tell that it was a white girl. I pulled up her clothes and we could tell by the skin of her knee that she was a white girl. Her face was punctured, full of holes and swollen and black. She had a cut on the left side of her head as she had been struck and there was little blood there. The cord was around her neck, sunk into the flesh. She also had a piece of her underclothing around her neck. The cord was still tight around her neck. The tongue was protruding just the least bit. I began to look around and found a couple of notes. The cord was pulled tight and had cut into the flesh and tide just as tight as it could be. The under clothing around the deck was not tight. There wasn't much blood on her head. It was dry on the outside. I stuck my finger under the hair and it was a little moist. This scratch pad (State's Exhibit "H") was also lying on the ground, close to the body. The body was lying with the head towards Forsyth Street, the head began near the partition. I found the notes under the sawdust, lying near the head. The body was that of Mary Phagan. The scratch pad was lying near the notes. They were all right close together. (Witness indicates on diagram of the State where body was found and identifies different parts of the building on the diagram. Witness states that diagram is a (State's Exhibit A) fair representation of the parts identified b him, i.e., main floor and stairs, basement, boiler, partition in basement, spot where notes and body was found, and of the entire building.)

CROSS-EXAMINATION.

We arrived at the factory about 3:30. Lee told us it was a white woman. It took us sometime to determine whether it was a white woman or not. We didn't know until the dust was removed from her ace and we pulled up the clothes and looked at the skin. We did not know it prior to that time. We had a lantern with us. One of the officers had a flashlight. Both of the notes were near her head. I don't think they were over six or eight inches apart. No, the one written on the scratch pad was not attached to the pad when I found it. It was laying about ten or twelve inches from it, right close together, and about eight or ten inches from her head was the furthest note. I found the white one first, on the white pad. I

discovered the notes on the white paper and the scratch pad about the same time. It was possibly five or ten minutes before I found the other. There was a pile of trash near the boiler where this hat was found and paper and pencils were down there, too. The hat was on the trash pile, so was the shoe. They were right close together on the trash pile. Everything was gone off of it, ribbons and all. It looked like she had been dragged by her feet on her face. I thought I found indications that she had been dragged in the basement, but I couldn't be positive. As to whether Newt Lee could have seen the body from where he was standing, I would think that he could have seen the body from where he was standing; I would think that he could have seen the feet, and the bulk of the body, he couldn't hardly have seen the head. I don't think he could have seen enough of it to have seen what it was without coming up to it. I made an experiment in the day time to see whether he could see the body or not, and I found he could see the feet, you could see the bulk. Unless he was looking directly for someone, I don't think he could see it. The place where I thought I saw someone dragged was right in front of the elevator, directly back. It began immediately in front of the elevator, right at the bottom of the shaft. The hat was possibly nearer the elevator than the shoe. That was a dirt floor and cinders on it scattered over the dirt. I thought the places on her face had been made from dragging. I think I saw a little blood on the underclothing. I did not testify before the coroner that the blood ran a little when we moved the body. I didn't say it was liquid. The blood was dry. The little trail where I thought showed the body was dragged went straight on down where the girl was found. It was a continuous trail. The finger joints on her hand worked a little. Back door was shut, staple had been pulled. The lock was locked still, but the staple had been drawn out. It was a sliding door with a bar across the door, but the bar had been taken down. It looked like the staple had been recently drawn. I was reading one of the notes to Lee, with the following words: "A tall black negro did this, he will try to lay it on the night" and when I got to the word "night," Lee says, "That means the night watchman. " I had just said the "night" and he said "That means the night watchman. " I think the underclothes were torn, not cut, but I am not positive.

RE-DIRECT EXAMINATION.

It was about one hundred fifty feet from the ladder to where we found the body. The ribbon I found was not on the hat, it was on the hair. We made another experiment at night to see whether Newt Lee could have seen the body from where he stood. We placed a bulk about the size of an ordinary body about the same position that this body was found in and you could see the bulk of the body by looking carefully by standing at the spot Newt Lee said he had seen it. A man couldn't get down that ladder with another person. It is a difficult matter for one person to get through the scuttle hole. The signs of dragging that I saw was right at the bottom of the elevator shaft, on the south side of the elevator. The signs of dragging came right around the elevator straight back east of the ladder, it started east of the ladder. A man going down the ladder to the rear of the basement would not go in front of elevator where dragging was. The hasp appeared to have been pulled straight out of the door, on the inside, it was not bent. The body was cold and stiff. Hands folded across the breast. I didn't find any blood on the ground or on the sawdust around

where the body was found. Yes, the hasp is bent the least bit. When we got there Sunday morning, I think the elevator was on the second floor. We tried to make Lee run the elevator, but he said he couldn't do it.

FURTHER RE-DIRECT.

I found the handkerchief about ten feet towards the rear beyond the body on a sawdust pile.

RE-CROSS EXAMINATION.

I found it possibly ten or fifteen minutes after we found the body. The handkerchief was bloody just like it is now.

RECALLED FOR THE STATE.

The trap door leading up from the basement was closed when we got there. There were cobwebs and dust back there.