

side Drive, S.E., Atlanta, Georgia, on September 7, 1966?

A Yes, sir, I did.

Q Without being repetitious of the testimony given by the other officers, I will direct your attention to the search of the upper, the upstairs of the larger or master bedroom as it has been referred to. Did you help search that room?

A Yes, sir.

(R. 169)

Q Were you or not present in the master bedroom when Mr. Smith found the three rolls of film which he has previously testified about?

A Yes, sir, I was.

Q I'll show you State's Exhibits Nos. 1, 2, and 3 and ask you what Mr. Smith did with those — What did you and Mr. Smith do with them after Mr. Smith found them?

A Mr. Smith called my attention to the fact that he found those reels of movie film that were just like this, not in cans, and Mr. Pharr set up a camera that was in the so called upstairs sitting room and he ran off one entire reel.

Q Who is Mr. Farr?

A He is a Special Agent with the Intelligence Department, and he run off a portion of the others.

Q Did you observe the running of the three films or portions of the three films?

A Yes, one was run entirely and the others were just a portion of them.

Q What action did you take then after you had discovered the contents of them, whom did you talk with — Don't go into the conversation, but whom did you talk with?

A I first called the Solicitor, William E. Spence, that I worked for, and then I called Mr. Slaton, the Superior (R. 170) Court Solicitor.

Q That is Mr. Lewis R. Slaton, Solicitor General of Atlanta Judicial Circuit?

A Yes, sir.

Q As a result of those conversations, did you take any action relative to Mr. Robert Eli Stanley?

A Yes, sir, I took possession of the film and then I went down and talked to Mr. Stanley, called him out of the living room into the kitchen and dining area and I advised him that I was placing him under arrest for possession of obscene film.

Q Did he reply or not?

A No, sir, he made no comment.

Q He made no comment at all?

A No, sir.

Q Relative to State's Exhibits No. 1, 2, and 3, particularly with reference to State's Exhibit No. 3, which does not have a label on it, I will ask you whether or not State's Exhibit No. 3 is one of the three films which Mr. Darrell Smith found in the master bedroom while you were there?

A Yes, sir, those are the three films that I took (R. 171) possession of.

Q Does the same thing apply to State's Exhibits 1 and 2, are they the same ones that Mr. Smith found in which you all ran and then took possession of?

A Yes, sir, they are.

Q Mr. Carter, I direct your attention to Friday afternoon, September 16th, 1966, and ask you whether or not you had an occasion to do anything with reference to these three film?

A Yes, sir, we had a showing of the film in the Grand Jury room.

Q Were other persons present?

A Yes, sir, Mr. Slaton and other men were present, some I knew and some I did not.

Q Was I present?

A Yes, sir.

Q I show you State's Exhibit No. 4, did the persons who viewed the showing of these three film, did they sign their names on a piece of paper after having seen it?

A Yes, sir.

Q Is this the list?

A Yes, sir.

Q Mr. Carter, on that date was State's Exhibits No. 1, 2, and 3 shown completely to the assembled group, (R. 172) were all of the films shown?

A Yes, sir.

Q Completely run through?

A Yes, sir.

Q Is your name signed on this list as well?

A Yes, sir, my name is on it, dated underneath.

Q Mr. Carter, during the time that you were in the house, Mr. Stanley's house, during the course of the search, did you or not have an occasion to talk with his lawyer, did he have an occasion to talk with his lawyer and did you all have an occasion to talk to his lawyer?

A Yes, sir.

Q Which lawyer did you talk to?

A Mr. Asinof.

Q Mr. Wesley Asinof, sitting at the table over there?

A Yes, sir.

Q Mr. Carter, were the premises which were occupied by Robert Eli Stanley on September 7, 1966, located at 280 Springside Drive, S.E., was that or not in Fulton County?

A Yes, sir, it is.

Q When you viewed the films as shown upon that wall (**R. 173**) out there at the house or portions of the three film, I'll ask you whether or not considering in applying contemporary community standards that exist in Fulton County, whether in your opinion those films, the three films, whether or not their predominant appeal is to a shameful and morbid interest in nudity and sex—

* * * *

Q I will ask you this, this preliminary question, Mr. Carter. How old are you?

A 55.

Q And are you familiar with the contemporary community standards in the community where you live and people with whom you associate as to material which is decent and that which is obscene?

A Yes.

Q All right, based on that knowledge, then I'll ask you whether or not in your opinion the predominant appeal of this film was to a shameful and morbid interest in nudity and sex?

(R. 174)

A Yes, sir.

Q From your viewing of the three films, Mr. Carter, and still applying contemporary community standards which you stated that you are familiar as to what is decent and what is obscene, I'll ask you whether or not in your opinion there is any redeeming social value in those three films.

(R. 175)

A In my opinion, no.

* * * *

REDIRECT EXAMINATION

(R. 185)

BY MR. SPARKS:

Q Mr. Carter, when you testified to your opinion as to the obscene nature of these films that you seized, I'll ask you whether or not you were basing that on the contents of the film which you had seen which you have told Mr. Asinof about, the acts of sexual intercourse and sodomy—Perhaps I made my question too long. Was it your opinion as to the nature of these films, was it or was

it not based on the actual contents of the films as you viewed them showing actual sodomy and sexual intercourse?

A Yes, sir, in my opinion it was on these three films.

BY THE COURT: Where was the large bedroom or the master bedroom wherein the three films, State's Exhibits No. 1, 2, and 3 were found, where was that located with reference to the upstairs sitting room where the movie projector was (**R. 186**) found and the screen and the other films which you have seized?

A The upstairs bedroom, the master bedroom, if you go upstairs it would be to the right of this little sitting room, and these films were found in that room in a desk drawer by Mr. Darrell Smith. Now the other film were found in the little sitting room upstairs, I believe it was a dresser in there and they were in there.

* * * *

**TESTIMONY OF C. HOWARD FARR,
(R. 187)**

DIRECT EXAMINATION

BY MR. SPARKS:

Q State your name and occupation to the jury.

A C. Howard Farr, Special Agent, Internal Revenue Service, Intelligence Division.

Q United States Government?

A That's right.

Q Mr. Farr, did you accompany Mr. George Carter

and Mr. Darrell Smith, Mr. William Pair on the execution of a search warrant involved in this case at 280 Springside Drive, S. E. on September 7, 1966?

A I arrived about two minutes after they did in another car.

Q You came about two minutes behind them?

A That's right.

Q In another automobile?

A Yes.

Q Without repeating unnecessarily the testimony of all of the witnesses, I will direct your attention to three (**R. 188**) reels of movie film, State's Exhibit Nos. 1, 2 and 3, and I will ask you did you or did you not set up a projector in the upstairs sitting room and display or run these films through the movie projector?

A Yes, I did.

Q Mr. Farr, I'll ask you have you ever had any experience as a photographer or dealing with pictures and still pictures and motion pictures in the past?

A Yes, sir, I've had about five years experience as a professional photographer primarily in still and commercial and portrait work but including some movie work, taking and developing movies.

Q I'll ask you then what was the condition of these film, State's Exhibits No. 1, 2 and 3 at the time you set up the movie projector on the second floor of Mr. Stanley's house on September 7, 1966 and ran them?

A They are badly scratched, dirty. They are not in new condition at all. One roll was wound backward—

In other words, it appeared it was never rewound after a showing of the film.

Q Did you have to rewind it in order to run it?

A No, sir, I just ran a few feet of it, it was (R. 189) upside down on the screen as it was projected.

Q Based on those facts, sir, and on your prior experience as a professional photographer for five years, I'll ask you whether or not in your opinion those film had been shown before by someone?

A Yes, sir, they obviously had been shown before.

* * * *

ADMISSION INTO EVIDENCE OF 3 ROLLS OF FILM

(R. 191)

“By Mr. Sparks: If it please the Court, I now tender in evidence State’s Exhibits Nos. 1, 2, and 3.

By Mr. Asinof: No objection.

By the Court: Let them be admitted.”

TESTIMONY OF DR. JAMES P. WESBERRY,

(R. 193)

DIRECT EXAMINATION

BY MR. SPARKS:

Q Will you state your name and occupation or profession I should say, to the jury?

A My name is James P. Wesberry, I am pastor of the Morningside Baptist Church and have been for 23 years almost. I am also Chairman of the Georgia State Literature Commission.

Q How long have you been in charge of the Georgia State Literature Commission?

A We were appointed in 1953.

Q In 1953?

A Yes.

Q Have you been Chairman ever since?

A Yes.

Q And still are Chairman?

A Yes.

Q Dr. Wesberry, where is your church located?

A Our church is out here on Piedmont Road, Piedmont Avenue here in Atlanta.

Q Is that in Fulton County?

(R. 194)

A Yes, sir.

Q Are members of your congregation drawn in a large part from Fulton County?

A I would say the majority live in Fulton, yes.

Q Dr. Wesberry, during the approximate 13 years that you have been on the State Literature Commission and Chairman of the State Literature Commission, I will ask you whether or not you have had an occasion on a great many occasions to examine and look at matter alleged to be obscene, books, pictures, magazines, photographs and so forth?

A We have had, it's been our duty to look at a great many of them.

Q What is the State Literature Commission, what is the function, just very briefly.

A The State Literature Commission is a group of three men who are appointed by the Governor, confirmed by the State Senate, for the purpose of studying matters of pornography. We hold hearings, make findings, cooperate with the Solicitors General over the State of Georgia.

Q I will ask you whether or not as pastor of your church, you are familiar with the contemporary community standards among the members of your church, members of your (R. 195) congregation as related to decency?

A I think I am, yes.

Q Doctor, I will ask you whether or not on the 16th day of September, 1966, on a Friday about 4:00 in the afternoon did you have an occasion to go up to the Solicitor General's office in the Grand Jury room and look at three films?

A Yes.

Q I show you State's Exhibit No. 4 and ask you to look at that and see if your name appears on this list?

A My name is the third one from the top, yes.

Q The third one from the top?

A Yes.

Q Now those films which you viewed, I will ask you in the light of your experience as a pastor and your knowledge of the contemporary community standards, that you are aware of among the members of your con-

gregation as related to decency and in view of your experience of 13 years as State Literature Commission Chairman, I will ask you whether or not those films which you saw then, whether their predominate appeal is to a shameful and morbid interest in nudity and sex?

(R. 196)

A Extremely so.

Q Doctor, did you find anything of social value in those three films that you looked at in the Solicitor General's office on that day?

A There is no redeeming social importance whatsoever.

* * * *

(R. 197)

A It is the most obscene film or pictures I have seen in my life, the most obnoxious, nauseating, sickening and foul and disgusting, it reaches as far as I am concerned in the entire 13 years, the lowest level that I can imagine. I don't think I could imagine anything worse, I don't think.

* * * *

**CONTENTION OF DEFENSE THAT
FILMS NOT OBSCENE**

(R. 208)

"By the Court: — do you take the position that these film which have been displayed here today before the court and jury are not obscene?

By Mr. Asinof: Yes, Sir.

By the Court: You take that position?

By Mr. Asinof: Yes, sir, under the First Amendment."

* * * *

TESTIMONY OF THOMAS PRICE,
(R. 218)

DIRECT EXAMINATION

BY MR. SPARKS:

Q State your name and occupation.

A Thomas E. Price, service station operator.

Q What?

A Service Station operator.

Q Where is your service station located?

A 1551 Piedmont Avenue.

Q Is that in Fulton County, Georgia?

A Yes, sir, it is.

Q Where is your home?

A 5926 Greenbriar Road, N.E.

Q Is that in Fulton County?

A Yes, sir.

Q Mr. Price, I'll ask you whether or not you are familiar with the contemporary standards, temporary community standards of your community in which you live with reference to morality and decency?

A I think so.

(R. 219)

Q Sir, were you present in the Grand Jury room in the Solicitor General's office in the courthouse here in this building on September 16, 1966?

A Yes, sir.

Q Did you see three films shown at that time, sir?

A Yes, sir.

Q Did you happen to be in the courtroom when these three films were shown again today?

A No, sir.

Q You were not here then?

A No, sir.

Q I will ask you whether comparing, applying contemporary community standards that exist in your community in Fulton County, Georgia, whether or not those three films that you saw back in September their predominant appeal was to a shameful and morbid interest in nudity and sex?

A They certainly was.

Q What type service station do you operate?

A Gulf.

* * * *

TESTIMONY OF HINSON McAULIFFE,

(R. 225)

DIRECT EXAMINATION

BY MR. SPARKS:

Q State your name and profession to the court and jury.

A My name is Hinson McAuliffe, Assistant Solicitor General in the Criminal Court of Fulton County.

Q Of course, you are an attorney?

A Yes, sir.

Q Where do you live?

A I live at 1871 Plaza Lane, S.W.

Q Is that in Fulton County, Georgia?

A Yes, sir.

Q What part of the county is this geographically?

A Well, it's in the southwestern portion of the City of Atlanta.

Q Southwestern portion?

A Yes, sir, generally off of Campbellton Road.

Q I'll ask you whether or not you are familiar with the contemporary community standard in the community in which (**R. 226**) you live in Fulton County, Georgia, with reference to morality and decency?

A Yes.

Q Were you in the courtroom today when the three films were shown?

A Yes.

Q Were you also present in the Solicitor General's office up on the third floor back on September 16, when the same three films were shown?

A Yes, sir.

Q I'll ask you whether or not considering those three motion picture films as a whole in applying contemporary community standards that exist in your community in Fulton County, Georgia, whether or not the predominant appeal of those film is to a shameful and morbid interest in nudity and sex?

A Yes, sir, I would say it would be because I would consider it against the standards and morals of about 99 percent of the people of this county.

* * * *

TESTIMONY OF HOWARD M. HARGIS,

(R. 233)

DIRECT EXAMINATION

BY MR. SPARKS:

Q Would you state your name and place of residence.

A This is Howard M. Hargis, I live in Fairburn, Georgia.

Q Is that in Fulton County?

A That is in Fulton County, yes, sir.

Q The south end, is that right?

A It is old Campbell County, yes.

Q Part of what is known as old Campbell County?

A Yes, sir.

Q What is your occupation, Mr. Hargis?

A I am retired.

Q What did you do prior to your retirement?

A I retired from Southern Railroad as locomotive engineer.

Q Mr. Hargis, I'll ask you whether or not you are familiar — Strike that question — How long have you lived in Fairburn or around Fairburn?

A I moved to Fairburn in 1962.

(R. 234)

Q In 1962?

A Yes.

Q You've lived there ever since in the same house?

A Yes, in the same house.

Q Now I will ask you whether or not based on that long time of living in the same house in Fairburn, Georgia, whether or not you are familiar with the contemporary community standards that exist in that section of Fulton County with reference to morality and decency?

A I think I am.

Q Mr. Hargis, were you one of those who attended the showing of these three films in the Grand Jury room on the 4th floor of this courthouse on September 16, 1966?

A I was.

Q Did you see the films again when shown in the courtroom today?

A No, I left when they said they were going to show them again; I left the courtroom.

Q I will ask you, taking those three motion picture films that you saw back in September of 1966, and considering them as a whole and applying the contemporary community (R. 235) standards which you say you are familiar with in Fairburn, Georgia, Fulton County, Georgia, I'll ask you whether or not the predominant appeal of those three films that you saw is to a shameful and morbid interest in nudity and sex, in your opinion?

A I consider them very nauseating, they were not fit to be shown and would not be shown in any place in Fairburn that I know of, where the majority of the God fearing and church going folks that I am acquainted with would put up with it at all.

Q Do you belong to any social or civic organizations or fraternal organizations?

A I'm past master of my lodge at Fairburn and I have gone through the Scottish Rite, into the Shrine.

* * * *

TESTIMONY OF C. CLAYTON POWELL,
(R.240)

who being first duly sworn, testified in behalf of the State as follows:

DIRECT EXAMINATION

BY MR. SPARKS:

Q State your name and occupation, please.

A I am C. Clayton Powell, optometrist.

Q Where do you live, Mr. Powell?

A 403 Fielding Lane, S.W.

Q Is that in Fulton County?

A Yes, it is.

Q And where is your optometrist office?

A 864 1/2 Hunter Street, S.W.

Q How long have you been a resident of Fulton County?

A Since 1942.

Q Since 1942?

A Yes.

Q I'll ask you whether or not you are familiar with the contemporary community standards that exist in this county, particularly in that part of the county where you reside and practice relative to decency and morality?

(R. 241)

A Yes, I am.

Q Did you or not view these films in the Solicitor General's office in the Grand Jury room on the 3rd floor of the courthouse on September 16, 1966?

A Yes, I did.

Q Mr. Powell, applying the contemporary community standards with which you have stated that you are familiar, to said motion picture films and consider it as a whole, I will ask you whether or not the predominant appeal of those films is to a shameful and morbid interest in nudity and sex?

A I definitely think so.

Q You think so?

A Yes.

* * * *

TESTIMONY OF J. R. WILSON,

(R. 249)

DIRECT EXAMINATION

BY MR. SPARKS:

Q What is your name, please?

A J. R. Wilson, Jr.

Q What is your occupation?

A I am in the real estate business.

Q Where do you live?

A 1487 Mozley Drive, S.W.

Q Is that in Fulton County?

A Fulton County.

Q Where is your place of business?

A 905 Hunter Street, N.W.

Q Is this in Fulton County?

A Yes, sir.

Q How long have you been in the real estate business in Fulton County?

A Been in business about 33 years, been here about 55.

Q About 55?

A Yes, sir.

Q I will ask you whether or not you are familiar (R. 250) with the contemporary community standards that exist in your community and in Fulton County, Georgia, with reference to decency and morality?

A I think so.

Q Mr. Wilson, did you or not attend a showing of three films in the Solicitor General's office on the 4th floor of this courthouse back in September, September 16, 1966?

A I did.

Q Were you also present in court when those three films were shown today?

A Yes, sir.

Q I will ask you when considering those three films as a whole and applying contemporary community standards which you have stated that you are familiar with, I will ask you whether or not the predominant appeal of those films is to a shameful and morbid interest in nudity and sex, in your opinion?

A Yes, I certainly would say it would be. I am the father of three children, three girls and one boy, 23. I certainly would not want them to see any kind of this material. It certainly is objectionable.

* * * *

TESTIMONY OF CHARLES STEWART,

(R. 257)

DIRECT EXAMINATION

BY MR. SPARKS:

Q What is your name, please, sir, and your profession?

A Charles Stewart, I am an attorney, assistant Solicitor General to Lewis Slaton, in Fulton County.

Q You work in the same office as I do for the same boss, is that right, Mr. Stewart?

A Yes.

Q Where do you live, Mr. Stewart?

A 1541 Orlando Street, S.W.

Q Is that in Fulton County?

A Yes.

Q How long — Where is your office?

A On the 3rd floor of the courthouse.

Q How long have you occupied that office or had your office in the Solicitor General's office here in Fulton County, in the courthouse?

A 37 years.

Q 37 years?

(R. 258)

A Yes.

Q I will ask you whether or not you are familiar with the contemporary community standards that exist in Fulton County and in your neighborhood, your area of Fulton County, particularly with reference to decency and morality?

A Yes, I am.

Q Mr. Stewart, were you present when a select group of people viewed film in our office on the 3rd floor of the courthouse on September 16, 1966?

A I was.

Q Did you see the three films shown at that time?

A Yes.

Q Mr. Stewart, I will ask you this question, when considering those three motion picture films as a whole applying the contemporary community standards that exist in Fulton County, which you testified that you are familiar with, I'll ask you whether or not those films, the predominant appeal of those films is to a shameful and morbid interest in nudity and sex?

A It is.

* * * *

DEFENDANT'S STATEMENT

(R. 263)

I am a bachelor. I live by myself. I have a girlfriend. We planned a party for Labor Day. I invited several couples out. Later on in the evening, a friend of mine came by and said, I brought you something I want you to see. He handed it to me. It was three rolls of film. I took the film upstairs and put it in the desk drawer, closed the desk drawer and came back downstairs. And the next day I went to town, came into town, spent the night in town, and had been home only a few minutes when the officers came out. And I had completely forgotten about the film until that time that they informed me they were arresting me for it.

I never saw the film before today. I never had shown them to anyone, so help me.

* * * *

**CHARGE OF THE COURT
REFERRING TO INDICTMENT**

(R. 266)

Gentlemen of the Jury, you are now trying the case of **THE STATE** against **ROBERT ELI STANLEY**, who is charged with a felony (possession of obscene matter).

The Grand Jurors selected, chosen and sworn for the County of Fulton, who are named in this bill of indictment, in the name and behalf of the citizens of Georgia, charge and accuse **ROBERT ELI STANLEY** with the offense of felony (possession of obscene matter) for that said accused, in the County of Fulton and State of Georgia, on the 7th day of September, 1966, did knowingly have possession of obscene matter, to wit: one reel of motion picture film entitled "Young Blood," showing a nude man exhibiting his male organ and a nude woman exhibiting her female organ, the nude man and nude woman being engaged in acts of perversion and sodomy, the nude man having his mouth and tongue upon, against and into the female organ of said nude woman, the nude woman taking and having the male (**R. 267**) organ of the nude man in her mouth, said motion picture film also showing a nude man and a nude woman engaged in an act of sexual intercourse; one reel of motion picture film showing a nude man and a nude woman exhibiting their private parts, said film also showing a nude man and a nude woman engaged in an act of sexual intercourse, said nude man and nude woman engaged in an act of sodomy

the woman having and taking the male organ of said man into her mouth, said reel of motion picture film being a different film from others alleged in this indictment; one reel of motion picture film showing a nude woman and a nude man exhibiting their private parts engaged in an act of sexual intercourse, and in an act of perversion the woman taking and having the male organ of said man in her mouth, said reel of motion picture film being a different film from other alleged in this indictment; said accused having knowledge of the obscene nature of such motion picture film and matter; said motion picture films when considered as a whole and applying contemporary community standards that exist in this county, being obscene matter whose predominant appeal is to a shameful and morbid interest in nudity and sex; and accused should reasonably have known of the obscene nature of said matter; said act of accused being contrary to the laws of said State, the good order, (R. 268) peace and dignity thereof.

* * * *

**THE COURT'S CHARGE UPON
CIRCUMSTANTIAL EVIDENCE
(R. 269)**

“Now, gentlemen of the jury, evidence is of two kinds. I charge you that direct evidence is that which immediately points to the question at issue. Circumstantial evidence is that which only tends to establish the issue by proof of (R. 270) various facts sustaining, by their consistency, the hypothesis claimed. To warrant a conviction upon circumstantial evidence, the proved facts must not only be consistent with the hypothesis of guilt, but must exclude every other reasonable hypothesis save that of the guilt of the accused.”

* * * *

**THE COURT'S CHARGE ON THE
TEST OF OBSCENITY**

(R. 271)

“Now, the law of this State provides that any person who shall knowingly have possession of, any obscene matter, shall, if such person has knowledge or reasonably should know of the obscene nature of such matter, be guilty of a felony, and, upon conviction thereof, shall be punished by confinement in the penitentiary for not less than one year nor more than five years: Provided, however, in the event the jury so recommends, such person may be punished as for a misdemeanor. As used herein, a matter is obscene if, considered as a whole, applying contemporary community standards, its predominant appeal is to prurient interest, i.e., a shameful or morbid interest in nudity, sex or excretion.

I charge you that the test of obscenity is not whether the alleged obscenity would arouse sexual desires or sexually impure thoughts in those comprising a particular segment of the community, the young, the immature or the highly prudish or would leave another segment, the scientific or highly educated or the so-called worldly-wise and sophisticated, indifferent and unmoved.

(R. 272)

The test in each case is the effect of the films considered as a whole, not upon any particular class, but upon all those whom it is likely to reach. In other words, you determine its impact upon the average person in the community. The films must be judged as a whole, in their entire context, and you are not to consider detached or separate pictures in reaching a conclusion. You judge the films which have been put in evidence by present-day

standards of the community. You may ask yourselves does it offend the common conscience of the community by present-day standards.

In this case you and you alone are the exclusive judges of what the common conscience of the community is, and in determining that conscience you are to consider the community as a whole, young and old, educated and uneducated, the religious and the irreligious — men, women and children.”

* * * *

**THE COURT’S CHARGE TO THE
JURY ON KNOWLEDGE**

(R. 272)

“Now, gentlemen, I charge you that if you believe beyond a reasonable doubt that this defendant did, in the County of Fulton, State of Georgia, at any time within four years next preceding the date that this bill of indictment was returned by the Grand Jury into this Court, did knowingly have possession of obscene matter, to wit: one reel of motion (R. 273) picture film entitled “Young Blood”, showing a nude man exhibiting his male organ and a nude woman exhibiting her female organ, the nude man and nude woman being engaged in acts of perversion and sodomy, the nude man having his mouth and tongue upon, against and into the female organ of said nude woman, the nude woman taking and having the male organ of the nude man in her mouth, said motion picture film also showing a nude man and a nude woman engaged in an act of sexual intercourse; one reel of motion picture film showing a nude man and nude woman exhibiting their private parts, said film also showing a nude man and a nude woman engaged in an act of

sexual intercourse, said nude man and nude woman engaged in an act of sodomy the woman having and taking the male organ of said man into her mouth, said reel of motion picture film being a different film from others alleged in the indictment; one reel of motion picture film showing a nude woman and a nude man exhibiting their private parts engaged in an act of sexual intercourse, and in an act of perversion the woman taking and having the male organ of said man in her mouth, said reel of motion picture film being a different film from others alleged in this indictment; said accused having knowledge of the obscene nature of such motion picture film and matter; said motion picture films when considered as a whole and applying contemporary community standards that exist in this county, being obscene matter whose predominant appeal is to a shameful and morbid interest in nudity and sex; and accused should reasonably have known of the obscene nature of said matter, and you believe all that beyond a reasonable doubt, you would be authorized to convict the defendant of the offense charged."

CERTIFICATE OF SERVICE

I do hereby certify that I, a member of the Bar of the Supreme Court of the United States, have this day mailed 3 copies of this Appendix by first class prepaid mail to Lewis R. Slaton, Solicitor General, counsel for Appellee, care of Fulton County Courthouse, Atlanta, Georgia 30303.

Thisday of November, 1968.

WESLEY R. ASINOF
Attorney for Appellant