

Fleming's Case to U. S. High Court

[Chicago Defender Press Service]

CLEVELAND, Ohio, May 30.—Alexander H. Martin, counsel for former Councilman Thomas W. Fleming, filed a motion in the United States supreme court at Washington Monday asking that the prison sentence of two years and nine months be vacated and Fleming granted a new trial. Filing of the appeal was unexpected and caught County Prosecutor Ray T. Miller off his guard. It had been said that Martin would file a plea for a writ of certiorari asking the high court to assume jurisdiction in the case. Such a motion would have been disposed of within a week, it was said.

The clerk's office of the Ohio supreme court stated that the filing of the appeal would suspend execution of the sentence until the final ruling is handed down. According to the best legal authority and Martin, Fleming gets an additional six months stay.

Martin cited eight reasons why Fleming should be given a new trial in a lengthy brief filed with Supreme Court Justice James Clark McReynolds.