

herein referred to is most distressing, whereas, before the homicide the applicant and his brother were able to maintain their father in comfort; that since June, 1924, the condition has become a most distressing condition.

Affiant further says that she is informed and believes that if a hearing of the applicant is had, it will clearly appear that while the defendant plead guilty to voluntary manslaughter, he was in fact innocent of an intentional violation of law and that the offense he committed was one of negligence, carelessness and growing out of a fear for his own life leading him in his anxiety into a mistake in identity as to the person who was killed.

Affiant further says that since June, 1924, the applicant has suffered great mental agony in addition to his imprisonment by reason of the fact that his father to whom the said applicant was most devoted, is suffering for the common necessities of life and that this condition now existing because the said Peter Nickolopoulos, who has heretofore stunted his family in order that he might make it comfortable for the last days of applicant's father, has become unable to prevent the accumulation of debt and unable himself to provide for maintenance and education of his children as they ought to have.

q Applicant respectfully submits that the pain and suffering which the applicant has suffered since June, 1924, in realizing that his father is now suffering for the common necessities of life and that the brother has been brought to a condition in which the welfare of his family is in constant jeopardy because of sacrifices growing out of applicant's conduct and imprisonment have greatly added to the severity of applicant's punishment to an extent that will warrant as speedy a hearing of the application as soon as possible without waiting until December for a disposition of the application.

Mir P. Nickolopoulos

Subscribed and sworn to before me

this 2nd day of September, 1924.

W. D. Ber
UNITED STATES COMMISSIONER