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COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK. PART II.

-----X
T H E P E O P L E :

-vs-

FRANK SINISI.

Before:

HON. JOSEPH F. MULQUEEN, J.,

and a Jury.

-----X
New York, March 3rd, 1913.

Indicted for Robbery in the first degree.

Indictment filed February 21st, 1913.

-: A P P E A R A N C E S :-

ASSISTANT DISTRICT ATTORNEY MILLARD H. ELLISON, for the
People.

NICHOLAS SELVAGGI, ESQ., and M. A. SACHS, ESQ., for the
Defense.

TRANSCRIPT OF STENOGRAPHER'S MINUTES.

Frank S. Beard,
Official Stenographer.

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THE PEOPLE'S TESTIMONY.

P A T R I C K F E E H A N, of 471 East 145th Street, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ELLISON:

Q What do you do for a living, Mr. Feehan? A I attend plasterers; I am a plasterers' helper.

Q Where were you living on the 17th of February, 1913?

A 471 East 145th Street.

BY THE COURT:

Q You mean you are a plasterers' helper? A Yes, sir.

Q When you say you attend plasterers, then, you mean that you are a plasterers' helper? A Yes, sir.

BY MR. ELLISON:

Q About 12:15 on the morning of February 17th, where were you? A At the beginning, I was at 317 East 124th Street.

Q That is in the County of New York? A Yes, sir, Manhattan, New York.

Q Now, at any time while you were in those premises, did you see the defendant? A I certainly did.

Q Now, where was it in the premises that you first saw him?

A He came in through the door where I was. I had my overcoat off.

Q And were you visiting anybody in the house? A I was. I was solicited there by a woman.

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Q And on what floor of the house were you? A One flight up, what they call the parlor floor.

Q And in what room were you? A Well, it was off the -- it would be on the west side of the house.

Q And how long had you been in the room before you saw the defendant? A I was only there about three minutes.

Q Three minutes? A Yes, sir.

Q You had gone up to the room with a woman, you say?

A Yes, sir.

Q Now, I want you to tell the jury just what happened when the defendant came into the room. A I had my coat off, gentlemen of the jury, and this man came in, and he claimed that she was his woman, and I said, "All right," and I went to put on my coat again.

And she came out, and she says --- told him not to get angry, and she said, "Go out and get some whiskey," and he went outside; and no more than he was outside, he was back with this bottle of whiskey --- or I don't know what it was, because I didn't taste it --- and then he commenced to drink it himself, and he insisted upon me taking some of it, and I said, "No, indeed, I'll have none of it." And I picked up my coat to put it on me, and he run his hand in this pocket (indicating the inside pocket on the right side), and took out \$42, three tens, and one of them was a yellow-back, and two fives, and a two dollar bill.

BY THE COURT:

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Q Was the money in your overcoat pocket when you say it was taken? A Yes, sir.

Q That was the coat that you had off? A Yes. I had the coat in my hands, your Honor, in the act of putting it on (illustrating), and he grabbed the money out of my inside pocket, and I dropped the coat and grabbed his hand, and he hit me a welt in the jaw, (illustrating), and that staggered me over; and, when he seen he didn't knock me down with the blow, he made a rush at me and knocked me down, and commenced to kick me all over the floor, and I hollered, "Murder, police," and everything else. And that's the way I got out of the house. And I got out on the stoop, and I commenced to holler, "Police, police," and I met the officer, two officers.

BY MR. ELLISON:

Q And what did you do then, you and the officers? A And they came back to the house, and those parties we couldn't find in the house, not in the same rooms anyway; they might be in the housesomewhere, but not in those rooms; and I couldn't find my hat when I left the house, but, when I came back, I found it laying up against a tree.

BY THE COURT:

Q Against what? A Up against a tree, outside of the door. And that's all I've got to tell.

BY MR. ELLISON:

Q And when next did you see the defendant? A The next

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time I saw him was in the station house.

Q Yes. A Amongst seven or eight men, lined up.

Q And how soon after you had seen him in the house was it that you saw him lined up in the station house? A Well, that was Sunday night, at half past twelve. I suppose you would call it Monday morning.

Q Yes. A And the next morning, Tuesday morning, about half past seven I saw him.

Q Now, how long a time was this defendant in the same room with you, on that night? A He was only about ten minutes altogether.

Q And during that time he was talking to you? A Yes; and trying to insist upon my taking this here stuff he had in the bottle.

Q What was the woman doing while he was taking your money and assaulting you? A She got out of the place altogether, she got outside.

Q She got out of the place? A Yes, sir.

Q When he first came into the room did he address this woman? A No, he addressed me.

Q Did the woman talk to him? A She certainly did.

Q And you say that it was about three minutes after you got into the room that this man came in? A Yes, sir.

BY THE COURT:

Q What time do you say this assault took place? A About

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half past twelve, your Honor.

Q In the night-time? A Yes, sir.

Q Sunday night? A Yes, sir.

Q And then you saw him the following Tuesday morning?

A Yes, sir.

CROSS EXAMINATION BY MR. SELVAGGI:

Q You live at the present time at 471 East 145th Street?

A I do.

Q Are you a married man? A No. Yes. No, I am not.

I was married.

Q And who do you live with? A With my family and myself.

Q What does your family consist of? A Six.

Q What are they? Children? A Well, they are children.

Q Your children? A They are certainly my children.

Q Is your wife dead? A Yes, sir.

Q You are a widower? A Yes, sir.

Q How old are you? A 58 years old.

Q 58 years of age? A Yes, sir.

Q Now, what time did you leave the house, that Sunday?

A What house do you mean?

Q Your home. A About half past seven.

Q In the evening? A Yes, sir.

Q Then you must have had dinner at home; didn't you? A Yes, certainly.

Q And you left the house about half past seven in the

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evening? A Yes, (about that time.

Q Where did you go? A Eh?

Q (Question repeated) A Why, I went down Willis Avenue.

Q Did you visit some friends there? A No, I did not.

Q What did you go to Willis Avenue for? A To walk down Willis Avenue.

Q You took a walk? A Yes, sir.

Q Where did you go? A I walked down through Willis Avenue, down to 28th Street.

Q To 128th Street? A Yes, sir.

Q So that you walked from 145th Street to 128th Street?

A I did.

Q And what avenue? A Lexington Avenue.

Q And what time did you get to 128th Street? A I got there a little after eight o'clock.

Q A little after eight? A Yes, sir.

Q It took you half an hour to walk that distance? A Well, as near as I can think.

Q Did you stop on your way down? A No, sir.

Q Did you go into any saloon? A No, sir.

Q Did you have any drinks whatever anywhere? A No, sir.

Q Did you drink during the day, that Sunday? A Yes, sir; at home I had a couple of glasses of beer.

Q Where? At home or in a saloon? A I had it in a saloon.

Q In what saloon? A At 145th Street and Brock Avenue.

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Q So that you had had several drinks before you left home?

A I had two or three drinks of beer.

Q And did you drink any whiskey? A Later on I did.

Q You did drink whiskey later on? A Yes, sir.

Q Now, on your way down from 145th Street to 128th Street, did you stop into any saloon? A I did not.

Q Where did you go when you reached 128th Street? A I went back again to Third Avenue and 128th Street, and I met this here woman there.

Q You met this woman where? A At 128th Street and Third Avenue.

Q And this was about a little after eight o'clock? A Well, it was later than that.

Q Well, what time did you meet her? A I guess it was nearly nine o'clock that I met her.

Q Nearly nine o'clock? A Yes, sir.

Q Where did you go with her? A I went down to 32nd Street with her.

Q 32nd Street? A Yes, sir; to a saloon.

Q Yes. Shesolicited you; did she? A She did.

Q And you went there for the purposes of prostitution?

A Well, I suppose so.

Q Did you go into any saloon with her? A I did, in that saloon, yes. She brought me down. This is a place where he is acquainted, where he hangs out. It's a Ginny saloon, and he

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hangs out there.

Q How do you know that? A Because I know the proprietor is a Ginny, an Eyetalian, the man that keeps the place.

Q And is that the reason you say this man hangs out there, because the place you went to was an Italian place? A Well, I seen him in there.

Q When? A That night.

Q Then you met him before? A No, I didn't meet him, but he was in there. I didn't have no acquaintance with him at all, just the same as if I met you now.

Q And then at nine o'clock you went into a saloon with this woman at 122nd Street? A Yes, 122nd Street.

Q And what avenue? A Second Avenue, the northeast corner.

Q Did you go into the backroom? A Yes, back of the saloon.

Q It was Sunday? A Yes, sir.

Q And did you have any drinks with her there? A One or two drinks.

Q Did you have more than two? A No, sir. I wouldn't take no more, because I'll tell you the reason why -----

Q No, we don't want to know the reason. A Well, if you so, I'll tell you.

Q Did you drink whiskey? A Yes, I did. I had two very small drinks.

Q And you are sure you did not have five or six whiskeys?

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A I'm positive I didn't, because I don't drink much of it.

Q How long did you stay in the saloon with this woman?

A Well, I might have been in there an hour or over an hour.

Q Do you remember how long you stayed there? A Well, I couldn't say the exact time. That's about the time we stayed in there.

Q Might it not have been over an hour? A Well, it might be an hour and a half.

Q And that brings you down to half past ten? A Yes, sir.

Q And you had only two drinks? A Yes, I did, and maybe more. I don't know exactly how long I stayed there.

Q When did you leave there? Was it eleven o'clock? A I don't know, because there was no clock in the place.

Q Did you take out your pocketbook in the saloon? A Yes.

Q And the people in the saloon knew that you had the money?

A It was only her that knew it.

Q It was only her that knew it? A Yes, sir.

Q Where did you have the money in the saloon? A Right in this pocket here (indicating the right side trousers pocket).

Q And when did you put it in your coat pocket, as you claim?

A In the saloon.

Q In the saloon? A Yes, sir.

Q You remember that? A Yes.

Q And you paid for the drinks out of this pocketbook; didn't

you? A No, sir, I paid it out of my pocket.

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Q You never met this woman before, did you? A I never spoke to her, to speak to, in my life before, but I seen the woman on the avenue, and never had no acquaintance with her, and never met her before in my life to speak to.

Q When you left the saloon where did you go? A Well, I walked up in this house where I got robbed.

Q Well, where is the house? Do you know? A 317 West 124th street.

Q Do you remember the number? A 317.

Q Did you look at the number? A I certainly did. It is as plain as possible marked outside on the house.

Q And what time was it when you went into the house? A Well, it was a little after twelve o'clock. It might be twenty minutes after twelve o'clock.

Q Well, what did you do between half past ten or eleven o'clock and twelve o'clock? A I was down in that saloon. I don't remember what time I stayed in the saloon. There was no time in the saloon, no clock.

Q How long did it take you to walk from the saloon to 124th Street? It is only two blocks. A Well, I couldn't tell you how long. It wouldn't take very long to walk that far.

Q Well, then, you can't account for the time that intervened between 10:30 and the time you went to the house? A I certainly can.

Q Where were you then? A I was in the saloon in 123rd

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Street, and I walked up Second Avenue with the woman to 124th Street.

Q Well, from the time you left the saloon, we want to know where you walked? A I went directly to the house.

THE COURT: He has answered the question.

BY THE COURT:

Q You said you went directly from the saloon to the house with the woman; didn't you? A Yes, sir.

BY MR. SELVAGGI:

Q And you left the saloon about twelve o'clock? A Yes, sir, I think so.

Q And so you were in the saloon about two hours? A Yes, sir.

Q And you only had two drinks in that time, in three hours? A Yes, but I treated her several times, and she spilled the drinks on the floor, because she was up to the game to rob me.

Q How do you know that? A Well, she had her friend ready to do it; didn't she?

Q And did she attempt to take your pocketbook from you in the saloon? A Well, she would feel my pocket (illustrating), and I would cast off her hand every time she did it. She did that once or twice, and I told her to keep away from me (illustrating).

Q Now, what kind of a house was it that you were brought into? A Well, now, that I can't tell you.

Q You remember the number? A Yes. Do you mean what

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kind of parties were there?

Q No. Was it a flat house or a tenement house or what, or a private house? A It's a flat house. I suppose it's let out to people like them, furnished rooms, but I don't know what kind of people is living there.

Q Well, I don't want to know that. Was it a tenement house, or flat house or private house? A It was a big five story house --- I think it was five stories. It has a brown-stone front. It's a five story building.

Q And what floor were you taken to? A On the parlor floor.

Q Was the door open, or did the lady open it? A The lady opened it.

BY THE COURT:

Q Which lady opened it? The lady with you? A Yes, sir.

Q Your companion opened it? A Yes, sir.

BY MR. SELVAGGI:

Q How long did you stay in the house, in this room? A Well, I stayed about fifteen minutes, I guess.

Q Was there a bedroom there, was there a bed? A Yes, there was a bed there, but no bedroom. They had it partitioned off with a curtain there.

Q And you stayed in there about fifteen minutes in all? A Yes, and maybe a couple of minutes more, but I didn't stay in there very long. I was very glad to get out of there, I tell you.

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Q Did you go to bed with the woman? A I did not.

Q Did you take off your clothes? A No, I took off my coat and put it on the back of a chair.

Q Where were you then? A I was right in front of it like that (illustrating).

Q And what became of the woman? A She made a skip out of the place when this party came in (indicating the defendant).

Q Where was the woman sitting when you were in there?
A she didn't sit down at all.

Q She was walking around all the time? A Yes, sir.

Q Did she come near your overcoat? A No, sir, she didn't, because I kept a pretty good eye on her. I took pretty good care that I wouldn't let her come near it.

Q Are you sure that it was in your overcoat pocket, or in your pants pocket, in the room, the money? A I'm sure it was in the coat pocket, because it would be in my pants pocket now, if I put it there.

Q Did she see you put the pocketbook in your coat pocket in the saloon? A That I couldn't swear.

Q She could easily get at your overcoat, couldn't she?
A Well, she could, if I was to allow her, but I cast her hand off several times.

Q You were perfectly sober when you went in those rooms?
A I was as sober as I am now, sir, every bit.

Q How long did you see the young man come in? A Well,

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it was about three minutes after I came in that he came in there.

Q You don't remember what time it was? A Eh?

Q (Question repeated) A It was nearly half past.

Q Half past twelve? A Yes, sir.

Q Who let him in? A Himself walked in through the door.

Q What was the woman doing at that time? A She was standing right up on the floor.

Q Did she introduce him to you? A Well, indeed she didn't.

Q She didn't? A No, sir.

Q Did she tell you who he was? A Not a thing.

Q What was the first thing that he did when he got into the room? A Well, the first thing that he said to me was that she was his woman, and I says, "All right, you can have her," and I wanted to take up my overcoat, and she said to him, "Oh, stop. Go and get some whiskey," and he went outside of the door, and no more than he was out he was back again.

Q Did he bring back some whiskey? A I couldn't tell you now whether it was whiskey or what it was.

Q Well, he came back with a bottle, anyway? A Yes, sir.

Q Did you give him the money to buy it? A Me?

Q Yes. A Certainly not.

Q How long was he away? A He only ^{just} went out through the door, and, in about two or three seconds he was back with it.

Q Was there a light in the room? A Yes, the gas was lit.

Q One gas jet? A Yes, sir.

Q Did you take notice of the man, look at him? A I certainly did.

Q What kind of a looking man was he? A Well, he was a little taller than I am.

Q Taller than you? A Yes, sir. Dark complexion, stout in the face.

Q Stout in the face? A Yes. Willing to be stout; not very stout, though.

Q Well, how old, about? A Well, I should judge he would be about 23 or 24 years of age.

Q Clean shaven man? A Clean shaved.

Q Sure of that? A Yes, sir. A brown hat on him, and a black suit of clothes.

Q You took notice of all that? A All of it.

Q Was there anything on the man's face that drew your attention, so that you could remember him again? A Why, I seen him right in front of me, trying to make me drink this here whiskey, or whatever it was.

Q And you didn't drink any of it? A No, I didn't.

Q Did you put your coat on? A I did; after he skipped out of the room, after he kicked me around, all over the room.

Q When did he take the pocketbook away from you? A When I had my overcoat in my hand, like this (illustrating).

Q You were putting it on? A I was in the act of putting

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it on when he ran his hand down here, and pulled it out (illustrating).

Q Did you tell him that you had a pocketbook there? A No, I didn't.

THE COURT: Just take off your coat, and show the jury what you were doing when he got the money. Now, stand down there, in front of the jury.

THE WITNESS: There is the way, gentlemen of the jury, (illustrating). I picked up my coat like that from the chair, and I was in the act of putting it over on my back, when he shoved his hand in my pocket --- there is the pocket right there (indicating) --- and pulled out my pocketbook.

BY THE FOREMAN:

Q In which side of the coat was the pocket? A Right there on the right side (indicating).

Q Are you sure that you had it in that pocket, the pocketbook? A Yes, sir; and, after he took the money out of the pocketbook he fired it in through the door to me.

BY MR. SELVAGGI:

Q Did you see him take the pocketbook out? A Didn't I grab ahold of his hand? And then he hit me. I saw the pocketbook in his hand, and tried to grab it out of his hand. And there was \$47 in the pocketbook, and I got a five dollar bill through grabbing it.

Q Was it open, the pocketbook? A No, sir, not until it

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was stuck between the two of us, it opened in that way, through the two of us grabbing it.

Q What kind of a pocketbook was it? A That's the pocketbook right here (indicating). I've got it here.

Q How did you get it back? A He fired it into me, after he took the money out.

Q Where was the girl that you were with? A Now, I couldn't tell you where she made her exit at, or where she went to. I wish I could. I would have brought her here as well as him.

Q What did you do after that? A Eh?

Q (Question repeated) A I went down and met the policeman; there was two policemen I met.

Q How long did you stay in the room before you went out?

A About fifteen minutes.

Q No. After this thing happened? A Oh, no, not at all. The quicker I could get out the better I liked it.

Q Well, how long did you stay? A Not three seconds, I don't believe.

Q Did you holler, at all? A Yes, I hollered, "Murder, murder," and I picked up the bottle that he had the whiskey or the dope in, to protect myself, and he said, "Leave my whiskey there," and I went towards him and he was right out of the door, and I couldn't say where he went.

Q Where was he when he said that? A He was right there when I was going out of the door, through the hall. He

hollered out from some dark corner.

Q Did you pick up the whiskey bottle? A Yes, I did, for protection, I picked it up. I had to have some weapon to get out of a place like that.

Q Did you meet any policemen in the street? A I met two of them.

Q And did you go back to the house? A Yes.

Q And did you go into the house? A Yes, into this room.

Q Anybody there? A No, sir, not a soul there.

Q Was it locked with a key? A The front door was locked, and it was the housekeeper opened the door for us. The officer went down to the housekeeper, and demanded for her to open the door, and see if there was any persons in there.

Q Where did you go after that? A To the station house.

Q With the policemen? A With one policeman, yes.

Q And did you tell the policeman what kind of a man had robbed you? A Yes.

Q You gave him a description? A Yes.

Q And then you went home? A I went home.

Q What did you tell the policeman? A I told him the same thing that I told you; that I was solicited in there by a woman, and this party here (indicating the defendant) followed me right up, followed me in there, and that I lost \$42 there.

Q What time did you land home, that night; when did you arrive home? A I arrived home about three o'clock in the

morning, somewhere about that time.

Q Did you have any drinks on your way up? A Well, I should say not. There is no place open in the Bronx, when you are going up.

Q When did you see the young man again? A I seen him the next day at seven o'clock.

Q In the morning? A In the morning, or thereabouts. It might be half past seven. I couldn't tell you.

Q Monday morning? A I'm not exact on the time, I'm telling you.

Q Monday morning? A No, not Monday morning. Tuesday morning.

Q Well, you claim that you were robbed at half past seven o'clock? A I was robbed on Monday morning, at half past twelve, and this party was arrested on Tuesday morning, about three o'clock, so I heard; at least, I was called up by a policeman to come down to identify him.

Q Then you saw him on Tuesday? A Yes, Tuesday morning. And he was lined up with seven or eight or nine men.

Q When was that? A Around half past seven.

Q Where? A In the station house.

Q And other people were lined up with him; were they? A They were.

Q And you didn't pick him out first; did you? A The officer told me to walk down the line and pick out my man, and I walked down

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the line and I said, "There's my man."

Q And didn't you pick out another man than this defendant?

A No, sir.

Q Didn't you put your hand on another young man and say that was the man? A No, sir, I didn't.

Q Didn't you pick out a slim young man? A No, sir. There was a young man like that in the line, and he laughed at me, and I said, "I'm not saying anything to you; am I?"

Q And didn't you pick him out first? A No, sir, I didn't. I couldn't pick him out. He was taller than this man altogether, a darkcomplexioned fellow. No, I didn't pick him out. This is the man I picked out (indicating the defendant).

WILLIAM PRANTNER, of the 43rd Precinct, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ELLISON:

Q Now, you are a member of the Police Department of the City of New York? A Yes, sir.

Q And were such on the 17th of February, 1913? A Yes, sir.

Q What precinct were you attached to on that day? A 43rd.

Q And where is that station house located? A 148 East 126th Street.

Q Were you out on post on the early morning of February 17th?

A I was.

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Q And while you were on post did anything attract your attention? A Well, while I was on post Patrick Feehan came to me and said -----

Q No. He came to you and you had a talk with him? A Yes, sir.

Q And what did you and Feehan do? A Well, the sergeant came along then and we went to 317 East 124th Street.

Q And on what floor of that house? A The first floor.

Q And did you go into any room there? A Yes, sir.

Q Did you find anybody there at all? A No, sir.

BY THE COURT:

Q Was it up one flight from the street? A No, sir; it's a high stoop house, a basement and a first floor.

BY MR. ELLISON:

Q What is commonly called a parlor floor? A Yes, sir.

Q Did the complaining witness give you a description of a man? A Yes, sir.

Q And did you subsequently arrest this defendant? A Yes, sir.

Q When and where did you arrest him? A I arrested him in a restaurant, between 120th and 121st Street, on Third Avenue.

Q When? A It was the 18th of February, and I think it was 1:30 A. M.

Q About 1:30 in the morning? A Yes, sir.

Q Now, had you ever seen the defendant before the time you

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arrested him? A I did, yes.

Q And do you know those premises 317 East 124th Street? A I do.

Q And had you ever seen the woman that lives in that house? Are you acquainted with any of the occupants?

MR. SELVAGGI: I object to that question as immaterial, irrelevant and incompetent.

THE COURT: Objection overruled.

MR. SELVAGGI: Exception.

BY MR. ELLISON:

Q Have you ever seen any women that live in that house, 317 East 124th Street? A Yes, sir.

Q Have you ever seen the defendant going in and coming out of that house with any woman living in that house? A I have seen him on the avenue with a woman that I knew lived in the house, but I've never seen him going in and out of there. I've been working on that post over a month now, and I saw him every night.

Q And did you see him alone or with anyone? A Yes, with a certain woman.

Q Can you give me a description of that woman?

MR. ELLISON: Now, just a moment. I will be fair to the defendant, and I will ask the complainant to step outside for a moment.

BY MR. ELLISON:

Q Now, just give me a description of that woman? A She is

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a woman between five foot seven and nine, I should judge.

couldn't say exactly when she has her hat on.

BY THE COURT:

Q She was a tall woman then? A Yes, sir.

Q That would be a pretty tall woman, wouldn't it? A Yes, sir, a pretty tall woman. And she is stout, and wears fox furs, and every time I've seen him I've seen her with him. And she's got an Irish accent when she talks.

BY MR. ELLISON:

Q And what color hair has she? Did you notice that?

A No; the only time I ever seen her was at night, or the early hours of the morning.

Q And you have seen him with her, you say, every time you have seen either of them? A Yes, sir.

Q Now, when you arrested the defendant, did you have any conversation with him? Just yes or no? A I did.

Q Now, will you kindly tell the jury, what, if anything, you said to the defendant and what he said to you? A Well, he was sitting in the restaurant when I first seen him, and I went up to the sergeant, and I said -----

Never mind what you said to the sergeant.

BY THE COURT:

Q No. What did you say to the defendant? A When he came out of the restaurant I searched him and placed him under arrest. And I didn't tell him why I put him under arrest, at that time,

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and started with him to the station house. And, when we got to 125th Street, he said, "Officer, can't you let me go?" And I said, "Why?" And he wouldn't say anything more. And I brought him to the station house, and I searched him, and I found \$25.50 on him.

BY MR. ELLISON:

Q Was this yellowback \$10 bill on him at the time you searched him (indicating)? A Yes, sir. I found some money in his little pocket (indicating the fob pocket of the trousers).

BY THE COURT:

Q Now, you were asked what he said to you, officer. A Well, he asked me would I let him go; that is all.

BY MR. ELLISON:

Q Now, I show you these cards, and ask you whether they were found in his possession? A This here card I got from Mr. Patrick Feehan, that night (indicating), and these here other cards (indicating) were found in his possession when I searched him.

Q Found by you? A Yes.

Q Were they in this condition then? A No, sir. When he got to the station house we asked him to write on them cards.

Q Did any of them have any marks on the back, or is that all your writing? A No, sir, that isn't my writing. That's the defendant's writing.

Q Was that writing on the cards when you found them on him or did he write it on afterwards? A Afterwards.

Q I offer these cards in evidence.

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MR. SELVAGGI: I object to that as immaterial, irrelevant and incompetent.

THE COURT: I will admit them in evidence.

MR. SELVAGGI: I except.

(They are marked People's Exhibit No. 1).

BY MR. ELLISON:

Q That is the saloon in which this man said he met that woman, the saloon that is mentioned on the cards? A Yes, sir.

MR. SELVAGGI: What has that to do with the case?

MR. ELLISON: Well, that's the theory upon which I offer them in evidence.

BY MR. ELLISON:

Q And these cards were found in the defendant's pocket?

A Yes, sir.

Q Now, was there any further conversation between you and the defendant? A I asked him what was the matter with his hand — I seen a lot of iodine painted on it — and the complainant said that he had been punched in the mouth by the defendant, and so I said, "What's the matter with your hand?" And he said, "A cake of ice fell on my hand."

Q Now, when you saw Feehan, on the night of the robbery, was he intoxicated? A Well, you couldn't say he was intoxicated. He could walk.

Q He walked; did he? A Yes, sir.

Q Did he come alone; did he? A Yes, sir.

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CROSS EXAMINATION BY MR. SELVAGGI:

Q Officer, what time was it when you first saw this fellow Feehan? A When I saw who?

Q The complaining witness, Feehan? A It was about half past twelve.

Q Where did you see him? A 123rd Street and Second Avenue.

Q 123rd Street and Second Avenue? A Well, between 122nd and 123rd, on Second Avenue.

Q You were patrolling your beat there, or were you on fixed post? A I was just coming to the fixed post then.

Q What was his condition? A Well, in my estimation, he was practically sober. I wouldn't pronounce him drunk. He could walk.

Q Well, but did he show that he had been drinking? A No, but you could smell that he had a couple of drinks, but I wouldn't say he was drunk.

Q How did he speak? Did he speak correctly? A Oh, he spoke all right.

Q What did he tell you? That he had been robbed? A Yes, that he had been robbed.

Q And did he give you the number of the place? A Yes; and took me there.

Q And did he tell you the number of the house? A Yes.

Q And did he tell you when he had been robbed? A Yes, sir.

Q Did you go back with him? A I went back with him.

Q What kind of a building is that? A It's a three story house; all furnished rooms in it.

Q And that building is on your beat; is it? A No, it isn't on my beat, but I get it on the day tour, when I work in the day.

Q Are you acquainted with many of the people that live in that house? A I see them walking along the streets.

Q And are they fat women? A Yes.

Q And you have seen them go into this house? A Yes.

Q Bringing in men with them? A Well, I won't say that I have seen them bringing them in, but I have seen them in there.

Q Have you ever visited the house on your official business?

A Only that night.

Q That's the only time you ever entered the house? A Yes.

Q Now, did he describe to you the man? A Yes, he described the man and the woman.

Q What description did he give you of the man? A He said that the man had a brown cap on, and a dark blue suit; a slim fellow, about five foot eight or nine.

Q He told you he was a slim fellow? A Yes.

Q And what else? A And the woman as I described before.

Q He described the woman to you? A Yes.

Q And when you received the description of the woman you knew right away who it was? A Yes, I did.

Q Is that the only woman that looks like that around that

street? A Yes.

Q A very stout woman? A Well, a woman of about 200, I guess, or a little over.

Q About 200? A About that. I won't say any more than that, because I'm not a judge of weight.

Q Did you ring a bell when you went to the house? A Well, we woke up the landlord --- that is, the woman that runs the house --- we woke her, so that we could get in the room there. And, when we got into the room, we asked Patrick Feehan if that was the place, and he said, "Yes. There's the bed that I was to going to go to bed with the woman, and he walked in and took my money from my overcoat pocket, and punched me."

Q How much did he say he had lost? A \$42.

Q Did the complainant say anything about any other money?

A No, he didn't say anything else to me.

Q He said he was robbed of all the money he had? A \$42.

Q Did he say anything about any \$5 bill? A No, sir; three tens, two fives, and a two, I think he said, he lost.

Q Did he tell you anything about getting back a \$5 bill?

A No, sir, I don't remember him saying anything about that.

Q Have you seen that woman since that night? A No, sir.

Q Did you look for her? A Yes; I have been watching around for her, and I've gone to several other places, but I couldn't locate her.

Q What time in the morning did you arrest the defendant?

A February 18th, at about 1:30 in the morning.

Q And you arrested him because the description fitted this young man; is that it? A Yes, sir.

Q And you were told that he was a slim young man? A When I got him, we telephoned —

Q Answer my question. (Question repeated)

THE COURT: Well, let him finish his answer, and, if it is not proper, you may move to strike it out.

BY THE COURT:

Q Was there any other reason why you arrested him? A Because I seen him with this woman often. And Officer Gavegan who was on that post, that night, said that he seen Feehan going along the street to this house with this very woman, this fat woman.

BY MR. SELVAGGI:

Q Now, you say that this woman, this 200 pound woman, is the woman that Feehan, the complainant, went up into the house with, judging from his description? A Yes, from the description, and from what Officer Gavegan said to me.

Q Was the defendant with anyone in the restaurant? A I don't know whether he was with anybody, but there was a young man and a girl at the same table.

Q And were they eating in the restaurant? A Yes.

Q Did he tell you where the \$25 came from that you found on him? A He said that his father had given it to him to pay

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for two tons of coal.

Q Two or four tons of coal? A Two.

Q Did you tell him what he had been arrested for? A Not until we got to the station house.

Q And when you got to the station house did you tell him?

A The lieutenant told him then.

Q And what did he say to that? A He said, "I'm not the man."

Q He told you he wasn't the man? A Yes, sir.

Q What time in the morning was it that you went after Mr. Feehan? A Why, we telephoned to the 61st Precinct, and he came there about eight o'clock. It was half past eight when I got in.

BY THE COURT:

Q Hewas there before you got there? A Yes, sir.

Q And you got there at half past eight? A Yes, sir.

BY MR. SELVAGGI:

Q How many men were in the line-up? A Five or six, I think.

Q Were the men in uniform or civilian clothes? A All in civilian clothes.

Q Picked up from the street, or did you have them in the station house? A Oh, we took the bootblack and a couple of other policemen, dressed in civilian clothes.

Q And there was a slim young man in the crowd; wasthere not?

A Yes.

Q Did Mr. Feehan identify this man immediately (indicating the defendant)? A Well, he walked along the line, and looked at one fellow, and then he walked along the line again, and picked this man out (indicating the defendant).

Q Didn't he hesitate before that other young man? A Yes, about a minute, and gave him a good look.

BY THE COURT:

Q But he didn't pick him out? A No, sir.

Q This is the only man he put his hand on (indicating the defendant)? A Yes, sir.

BY MR. SELVAGGI:

Q Didn't he put his hand on the other young man? A No, he didn't.

Q Did he tell you that he thought probably the other young man was the man? A No, sir; he stood there for a minute or so, and gave him a good look, and then walked on.

Q Did he say that he wasn't sure whether he was the man or not, that young man that he looked at? A No, sir.

Q And did he tell you he was positive this was the young man (indicating the defendant)? A Yes, when he picked him out.

Q Before he picked him out he came over and spoke to some officer; didn't he? A I don't know.

Q Did he speak to you? A No, sir. I came in at half past eight, and the identification took place prior to I coming in.

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Q Did he speak to the sergeant? A Well, I don't know. I wasn't in there when he came in. He was in there before I was.

BY THE COURT:

Q Well, were you present at the time of the identification?

A I was.

BY MR. SELVAGGI:

Q Now, isn't it a fact, officer, that when he was lined up with the rest of the men that Feehan walked up to this other young man, and put his hand on him, and somebody said, "Are you sure

that's the young man?" And then he walked further along the

line, and changed his mind? A No, sir, I didn't see him do that. I saw him stand in front of him for about a minute, perhaps not a full minute; and then he just stood there and looked at him, and then walked along the line again.

MR. SELVAGGI: That's all.

MR. ELLISON: That's all. The People rest.

MR. SELVAGGI: I move to dismiss, your Honor, on the ground that the People have failed to make out a case.

THE COURT: Denied.

MR. SELVAGGI: Exception.

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THE DEFENSE.

F R A N K S I N I S I, the defendant, of 33 East 111th Street,
being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SACHS:

Q Now, your name is Frank Sinisi? A Yes, sir.

Q And how old are you? A Going on 19.

Q And whom do you live with? A My father and step-
mother.

Q And how long have you lived where you say you live?

A About five years.

Q And what did you do before you were arrested? What did
you work at? A I was working with my father; but, last winter,
I worked for the Sheffield Farms.

Q And where is their place of business? A 170 Manhattan
Street.

Q And how long did you work for them? A About for months.

Q In what business is your father engaged? A Ice business.

Q And where is your place of business? A 33 East 111th
Street.

Q How long did you work for him before your arrest? A Oh,
I always worked with him.

Q You always worked with him? A Yes, sir.

Q And how long before your arrest did you stop working for
the Sheffield Farms? A Well, stopped in the summertime, because
my father was busy, and I had to help him out.

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Q And then you started working for your father again? A Yes, sir.

Q Do you remember the night of your arrest? A Well, I don't remember the date, but I know it was Monday night.

Q At what time? A About twelve o'clock.

Q At night? A Yes, sir.

Q And at what place were you arrested? A In a restaurant.

Q What restaurant? A Joe's Restaurant.

Q On what street or avenue? A 20th and 21st, on Third Avenue.

Q 20th and 21st? A Yes, sir.

Q Or do you mean 120th and 121st? A Yes, 120th and 121st. And I was arrested just as I was coming out of the door of the restaurant.

Q When did you go in there? A About a quarter of twelve.

Q What time did you stop working, that day? A About four o'clock.

Q And what did you do between four o'clock and the time you went into the restaurant? A My uncle's son came over, and said the baby was very sick, and I went over and stayed there until half past eleven.

Q Where does your uncle live? A 92nd Street, between First and Second Avenue.

Q What time did you go to work on that Monday? A About seven o'clock.

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Q And worked until four? A Yes, sir.

Q Did you work on the day before that? A No, sir.

Sunday was a holiday and we keep the place closed.

MR. ELLISON: You have the wrong day, Mr. Sachs, I think.

BY MR. SACHS:

Q At the time you were arrested where were you taken?

A 126th Street.

Q What place? A The station house.

Q And at the station house did you see anyone other than the officers? A Yes; I seen a lady come there to identify me, and she said she had never seen me; she said she had seen a fellow slimmer than me, with a brown cap on, but it wasn't me.

Q Is that lady in court? A I don't know. If I see her I'll her. She's the janitor in 319.

Q Do you see her in court? A No, sir.

Q Did you see a man when you were in the station house?

A I seen a man, at seven o'clock, the following morning.

Q Did that man identify you or pick you out? A He identified another fellow first.

Q (Question repeated) A Yes.

Q Did you ever see that man before the time you saw him in the station house? A No, sir, I never seen him before.

Q Now, you were standing in a line with other men? A Yes.

Q How many others were there? A There was five, and me

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was six.

Q And you saw this man --- he was brought into the room; was he not? A Yes, sir.

Q And did he walk up and down the line? A He walked straight over to this slim fellow, with the slouch hat on.

Q And how long did he stand in front of the other fellow? A About two minutes. And the fellow laughed at the old man when he put his hand on him.

Q Well, did he put his hand on the young man? A Yes, sir.

Q And how far was this other young man from you? A Two more fellows between us.

Q There were two young men between you and the other person? A Yes, sir.

Q And you saw the old man put his hand on him? A Yes, sir.

Q And then the young man laughed? A Yes, sir.

Q And what did the old man do after he placed his hand on the other young man? A Then he turned around, and the officer there asked him, "Are you sure it was him?" And then he turned around and looked at me, and he said I was the man.

Q Was that the officer that testified here that said that to him? A No, sir; another officer.

Q And after he had placed his hand on the other young man, as you have related, he came over to you? A Yes.

Q Had you ever seen that old man before that time? A No,

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sir.

Q Had you ever taken any money from him? A No, sir.

Q Were you at any time in any room or any place where money was taken from this old man? A No, sir.

Q Did you --- were you at any time between midnight of Sunday and the time of your arrest on 124th Street, New York City?

A No, sir.

Q Did you ever take a man to a room? A No, sir.

Q Did you, on that day, or any other day or night, tell a man to go to any room? A No, sir.

Q Do you know any woman who lives on 124th Street? A No, sir.

MR. SACHS: That is all.

CROSS EXAMINATION BY MR. ELLISON:

Q Now, do you hang around the neighborhood of East 124th, Sinisi? A No, sir.

Q Well, the night that you were arrested you were between 120th and 121st Street; weren't you? A Yes.

Q And you live in East 111th Street, you say? A Yes.

Q Now, what were you doing up in that neighborhood of 120th Street, at that time of night? A Well, I took the car from my uncle's house in 92nd Street.

Q And you were going home from 92nd Street to 111th; is that right? A Yes; but I fell asleep on the car, and the conductor woke me up at 125th Street.

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Q And what did you do then? A Well, then, I walked back; I started walking back, and I seen it was too late to go and eat at home, so I stopped in the restaurant, and met two friends of mine in there.

Q So that you just happened to meet two friends of yours in the restaurant at 121st Street? A Yes.

Q Well, you were very tired, weren't you? A No, not very tired.

Q What time was it? After one o'clock; wasn't it? A No, sir; it was about twelve o'clock I was arrested.

Q How do you know it was? A Well, I know I left my uncle's house about half past eleven. He said it was half past eleven, and "I said I must get home," and I started for home.

Q Now, do you frequent the "Homestead Cafe" at 122nd Street and Second Avenue? A No, sir, but I've been in there a couple of times.

Q You know the proprietor, Mr. Santoro, don't you? A I know who the owner is.

Q Who is he? A They called him "Andy."

Q Well, you knew him pretty well, didn't you, when you were willing to give out his cards? A Well, he gave cards to everybody, because he just opened up.

Q Now, you heard Mr. Feehan testify on the stand here, didn't you? A Yes.

Q And you heard him state on the stand here that he met this

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woman in the very cafe of which you have the cards; you heard him say that; didn't you? A Yes.

Q And you heard him say that he was in that cafe, that night, and met this woman? A Yes.

Q Of course, you never met the woman in this cafe; did you? A No, sir.

Q Now, is your memory pretty good as to what happened, what you do with your time? A Sure.

Q Now, on Sunday night that this man says he was robbed, where were you that night? A I was home.

Q Didn't you go out at all, that day? A Yes, I went out.

Q What time did you leave your home, on Sunday? A About three o'clock.

Q And you were home all day until then? A Yes, sir.

BY THE COURT:

Q You didn't go out in the morning at all? A No, sir. I got up at eleven o'clock in the morning, and eat home, and dressed up, and went out.

BY MR. ELLISON:

Q Now, where did you go then? A To my uncle's house, in 92nd street.

BY THE COURT:

Q That is the same uncle that you spoke of before? A Yes, sir.

BY MR. ELLISON:

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Q Didn't you say he lived in 99th Street? A No, 92nd Street.

Q What did you do over there at your uncle's house? A The baby was sick.

Q What is the uncle's name, by the way? A John Regino.

Q And what is the number at 92nd Street? A 305.

Q Of course, he is here today; isn't he? He is a witness for you; isn't he? A I don't know if he's here or not.

Q His baby was sick? A Yes, sir.

Q You have sisters; haven't you? A Yes.

Q Well, why did you go over there, when your uncle's baby was sick? What were you supposed to go over there for? A Because my father and mother went over there, too.

Q And how long did you stay there at your uncle's? A We stayed there until ten o'clock, and then we came home.

Q Now, you can't be mistaken about that, that you stayed at your uncle's from three o'clock in the afternoon until ten o'clock at night? A Yes.

Q And you came home then with your father and mother?

A Yes, and my brother.

Q And did you go to bed then, at ten o'clock? A Yes.

Q Now, who was home when you came home at ten o'clock at night? A Nobody was home.

Q Well, who lives with you? A Well, we live there; my father and mother and brother.

Q Now, what is your brother's name? A Dominick.

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Q What is the last name? A Dominick Sinisi.

Q And was he at home when you got home at ten o'clock?

A No, sir; we all went over to my uncle, because the baby was very sick.

Q Now, when you got home at ten o'clock at night was he at home? A No, he couldn't be. He came home with us from my uncle's.

Q Now, when you were arrested what address did you say you lived at? A 33 East 111th Street.

Q Now, do you remember this key being found on you (indicating a key)? A Yes.

Q And do you remember when they asked you what door this key fitted, what address you gave? A My house, 33 East 111th Street.

Q Didn't you say 98 East 120th Street? A No, sir, I didn't say that.

Q You are positive about that? A Yes. That key fits my door.

Q Do you know any premises at 98 East 120th Street? A Yes, sir.

Q What premises are those? A It's a house.

Q A house? A Yes, sir.

Q Did you ever live there? A No, sir; I stopped there a few nights.

Q Oh, well, now, we have got the right address. And this

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is the key to 98 East 120th Street? A No, sir.

Q Well, now, weren't you asked what premises this key belonged to, and didn't you say 98 East 120th Street? A No, sir; I said 33.

Q Now, will you tell me whether you gave the address of 98 East 120th Street? A Well, they asked me where the other parties lived. There was an officer said he saw me coming out of 98 East 120th Street, and so I said I went up there to see a friend of mine.

Q Now, they were asking about Sunday night; weren't they? A No. They asked me where I lived, and I told them 33 East 111th Street.

Q Yes. And what did they say? A And they found this key, and asked me what it was for, and I said, "For my house;" and that's all.

Q And didn't they ask you what the address of your house was, and didn't you say 98 East 120th Street? A No, sir.

Q And didn't you say that you had been living thereover a year? A Where?

Q At 98 East 120th Street? A No, sir, I never said nothing of the kind.

Q Now, who is your friend who lives there? A His name is Joseph Pearl.

Q How do you spell that? A I don't know how you spell it.

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Q And don't you and he have a couple of women there? A No, sir.

Q Now, isn't it a fact, Sinisi, that your only occupation in life is to live off the earnings of women in the street? A No, sir.

MR. SACHS: I object to that, if your Honor please, on the ground it is immaterial, irrelevant and incompetent.

THE COURT: Well, he can ask him the question.

MR. ELLISON: I can ask him the question?

THE COURT: Yes.

MR. SACHS: I except to your Honor's ruling.

THE COURT: Of course, the jury understand that, when a witness takes the stand, they must pass upon the weight to be given to his or her testimony, when he is contradicted by other witnesses, or whether contradicted or not, and the counsel may ask about any criminal, immoral or vicious act in his life, for the purpose of affecting his credibility; and the person who asks the question is bound by the answer.

BY THE COURT:

Q What is your occupation, did you say? A Ice dealer.

BY MR. ELLISON:

Q Well, you don't run an ice place yourself, do you?

A Well, my father runs it.

Q How long have you been working for your father? A Four years. And last winter I was working for the Sheffield Farms, in

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the winter time.

Q Now, what months did you work for the Sheffield Farms?

A From November to about March --- from December to March.

Q Where? A 170 Manhattan Street.

Q Now, what did you do from March on? A I worked for my father. That's why I chucked up the job.

Q How much did you get from your father? A I didn't get nothing.

Q Did you work for nothing? A Yes. Well, I eat there; I get board and everything there.

Q Did you have these two ten dollars bills and one five dollar bill on you when you were arrested (indicating)? A Yes.

Q When did you get that money? A I got it to pay the coalman, from my father.

Q When did he give you that money? A Monday morning.

Q Where, and at what time? A Up in my house, about seven o'clock, when I went downstairs.

Q Seven o'clock, on Monday morning? A Yes.

Q How much did he give you? A He gave me \$27.

Q For what? A To pay four tons of coal.

Q Where? Where were you to pay for the coal? A Frank Marino, when he came around with the wagon.

Q Frank Marino? A Yes.

Q What address? A I don't know his address, but I know his stable.

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Q Where is that? A 339 East 109th Street. I don't know his right number though.

Q Well, your father is there all day, isn't he? A Yes.

Q And yet he gave it to you to pay? A Well, he aint there all day, because he gets up always late.

Q Well, how much was the coal? A It was about \$26.25.

Q Well, he told you, if you were to pay the bill, how much it was; didn't he? A Yes.

Q Well, how much did he say the bill was? A Well, he didn't know it himself so good. The wagon man knows it. He said I was to pay him what it was.

Q And so that whatever the wagon man said it was you would pay? A Yes.

Q Well, how do you know that he wouldn't ask you too much?

A No, sir, he wouldn't do that, because we deal with him for four years.

Q And is that the way your father carries on business, to pay whatever is asked of him? A No, sir; he told me to pay him \$26.25.

Q Well, a moment ago you told the jury that you didn't know how much it was? A No; I said it was \$26.25 before.

Q Well, did you spend any of that money during the day?

A Yes.

Q You didn't pay this coal bill, did you? A He didn't come around.

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Q Well, now, how much of it did you spend? A Well, I spent about \$1.20.

Q Of course, you told your father about that, didn't you?

A Told him about what?

Q That you had spent some of the coal money? A I told him I was going to spend a dollar of that. I was going to pay him \$26., and leave a quarter balance.

Q You were going to pay him \$26., and leave a quarter balance? A Yes.

Q Well, as matter of fact, you even spent more than that? You had only \$25 left, didn't you? A No, sir, I had \$25.50.

Q Oh, \$25.50.? A Yes.

Q But you never paid the coal bill, did you? A No, he didn't come around.

Q And how long had that bill been owing? A From last week. We paid every week. We were supposed to pay it every Monday.

Q You have never had any trouble with this officer, have you, that testified on the stand, and said that he had seen you around that neighborhood with a woman, all the time? A No, sir, I never seen him before, that I know of.

Q Did you ever have any trouble with the complaining witness? A No, sir, I never seen him before.

Q Did you ever see any women in this "Homestead Cafe", when you were in there? A Yes, I did.

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Q Did you ever see a stout woman in there? A Well, I seen a lot of stout women in there.

BY THE COURT:

Q What kind of women did you see in there? Prostitutes?

A Yes, sir.

Q You know what a prostitute is; don't you? A No, sir.

Q You don't know what a prostitute is? A No, sir.

Q Well, then, why did you say they were prostitutes, the woman that you saw in that saloon? A I know what it means.

Q Well, what does it mean? A Well, something like a bad woman.

Q Well, what do you mean by a bad woman? A Well a bad woman.

Q (Question repeated) A Well, a woman that goes around doing all kinds of bad business.

Q Yes, with men? A Yes, sir.

Q Solicits men? A Yes, sir.

Q And takes them to her room? A Yes, sir.

Q Now, those bad women, those prostitutes make that saloon their headquarters; don't they? A Well, I couldn't say that, but I've seen them there.

Q And you have associated with them there; haven't you?

A No, sir, I didn't.

Q Well, did you have the cards of this saloon in your pocket when you were arrested? A Well, he has been open only

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a short time, and his partner is an iceman, and he gives me the cards, and gives everybody his cards, to send our friends there, everybody's friends, too. He said, "Just tell them I'm running this saloon," because this fellow has a lot of friends, this iceman.

BY MR. ELLISON:

Q Have you ever been convicted of any crime? A No, sir.

Q Haven't you been convicted in the Police Court or here?

A No, sir.

Q In this court? A No, sir.

RE DIRECT EXAMINATION BY MR. SACHS:

Q Did you ever ask any women to go into that cafe? A No, sir.

Q Did you ever leave that cafe in the company of any women? A No, sir.

MR. SACHS: The defense rests, if your Honor please.

THE COURT: Any rebuttal, Mr. District Attorney?

MR. ELLISON: No, sir. We rest.

MR. SACHS: The defendant, if your Honor please, respectfully asks that your Honor take from the consideration of this jury the count charging robbery in the first degree, on the ground that the People have not made out or proven that count.

THE COURT: Denied.

MR. SACHS: Exception. We make the same motion in

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relation to the count charging grand larceny in the first degree.

THE COURT: Denied.

MR. SACHS: Exception. And assault in the second degree and receiving, if your Honor please.

THE COURT: Denied.

MR. SACHS: Exception.

MR. ELLISON: We consent to having the receiving count withdrawn.

THE COURT: Yes, I will, take the receiving count from the jury.

(Mr. Sachs summed up for the defense, and Mr. Ellison closed the case for the People, and the Court charged the jury).

(The jury found the defendant guilty of robbery in the first degree).

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