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CASE

CASE 1593

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

----- x
THE PEOPLE OF THE STATE OF NEW YORK, :BEFORE

against
PHILIP FRIEDMAN.

: HON. JOSEPH F. MULQUERN,
: J.

----- x and a Jury.

Tried, New York, July 16, &c., 1912.

INDICTED FOR VIOLATION OF SECTION 1897 PENAL LAW.

INDICTMENT FILED JUNE 7, 1912.

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

ASSISTANT DISTRICT ATTORNEY CHARLES E. COLLIGAN, For the People.

MESSRS ARTHUR GUTMAN and B. L. MITNICK, For the Defence.

TRANSCRIPT OF STENOGRAPHER'S MINUTES.

Frank S. Beard,

Official Stenographer.

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THE PEOPLE'S TESTIMONY.

B E R N A R D P F L A S T E R, of the Detective Bureau, assigned to the 17th Precinct, a witness, called on behalf of the People, being duly sworn, testified as follows:
DIRECT EXAMINATION BY MR. COLLIGAN:

Q. And you were a member of the force on the 29th of May, 1912? A. Yes, sir.

Q. And you arrested the defendant? A. Yes, sir.

Q. Where? A. At Clinton and Houston.

Q. And that is in the City and County of New York, is it?
A. Yes, sir.

NY THE COURT:

Q. What time was he arrested, day or night? A. About 11:30 P. M.

Q. Then it was at night? A. Yes, sir.

BY MR. COLLIGAN:

Q. Was he alone or accompanied by other people? A. No, he was in company with about five or six others.

Q. Men or women? A. Men.

Q. All men? A. Yes, sir.

Q. And did you search him? A. Yes, sir.

Q. And what did you find, if anything, on his person?

A. A gun. I frisked him, and I found a revolver fully loaded (indicating).

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BY THE COURT:

Q. On what part of his person did he have it? A. In his right hand coat pocket. He had a rubber coat on, and a light coat under the rubber coat.

BY MR. COLLIGAN:

Q. And in the pocket of the under coat he had a gun?

A. Yes, sir.

BY THE COURT:

Q. When you say a light coat, do you mean a sack coat?

A. Yes, sir.

Q. A coat like yours? A. Yes, sir, a coat like mine.

Q. And when you say a rubber coat, do you mean a rain coat? A. Yes, sir.

Q. And under the rain coat he had a short, sack coat? A. Yes, sir.

Q. And you frisked him and found it in his pocket? A. Yes, sir.

Q. The gun, you mean? A. Yes, sir.

Q. And what was the condition of the gun? A. Fully loaded

BY MR. COLLIGAN:

Q. And these are the shells with which it was loaded (indicating)? A. Yes, sir.

Q. And this is the five chambered revolver which you found on his person? A. Yes, sir.

The pistol and the cartridges are offered in evidence and admitted without objection, and marked

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respectively People's Exhibits 1 and 2).

BY MR. COLLIGAN:

Q. Who was with you, Officer? A. Detective Liebers was with me at the time we made the arrest.

Q. Did you have a conversation with the defendant at the time of his arrest? A. I asked him what he was doing with the gun, and he denied absolutely having the gun in his possession.

Q. What did he say? A. He said, "I didn't have the gun. I don't know anything about it."

Q. He said, "I didn't have the gun. I don't know anything about it"? A. Yes, sir.

Q. Did his friends remain there? A. No, sir. When we got there I grabbed one, and Detective Liebers grabbed another one, and the rest ran away.

Q. And the rest ran away? A. Yes, sir.

Q. Did you have any further conversation with him, with the defendant? A. (No answer).

BY THE COURT:

Q. When you say you grabbed one which one do you mean? A. The defendant here.

Q. That is, you mean you arrested him? A. Yes, sir; we found the revolver on him.

Q. And you grabbed him first? A. Yes, sir.

Q. And caught hold of him? A. Yes, sir.

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BY MR. COLLIGAN:

Q. Did you have any further conversation with him? A. No, sir; only he denied having a gun in his possession.

BY THE COURT:

Q. Just show the jury how you "frisk" a man, as you say, when you arrest him? A. I grabbed him and went that way (illustrating) , and found a gun in the little sack coat pocket.

Q. That is, you ran your hands up and down rapidly over the clothing and the pockets of the defendant? A. Yes, sir.

Q. And you found a hard substance there in one pocket?

A. Yes, sir.

Q. And you put your hand in there, and found the gun?

A. Yes, sir.

Q. And he said he never had it? A. Yes, sir.

CROSS EXAMINATION BY MR. MITNICK:

Q. Now, what time of night did you say you first saw the defendant? A. About eleven o'clock.

Q. And where was he standing? A. On Clinton near Houston Street.

Q. And what was the first thing you did when you saw the defendant and others standing there? The two of us ran up and we grabbed him -- I grabbed the defendant, and my partner grabbed the other fellow.

Q. And you know this defendant; don't you? A. No,

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sir; I never saw him before.

Q. You didn't see the man doing anything at the time; did you? A. No, sir.

Q. And notwithstanding that fact, you ran up and grabbed one man and that was this defendant? A. Yes, sir.

Q. Now, you say you frisked him; did you? A. Yes, sir.

Q. Now, which side of the body did you frisk him on? A. On both sides.

Q. And on which side did you find the revolver? A. On the right hand side.

Q. And you didn't feel his back pocket at all; did you? A. I frisked him on both sides and then put my arms around his body right down (illustrating).

Q. And when you asked him what he was doing with the revolver, didn't he accuse you of placing it in his pocket? A. No, sir; not at the time, not at that time, but when we got to the station house, he accused me that I framed him up.

Q. What did he say? A. That is what he said. "You are framing me up."

BY THE COURT:

Q. What did you understand by those words, officer? A. Well, I understood that I placed the gun myself into his pocket.

Q. That he charged you with that? A. Yes, sir.

Q. But you had never seen him before that night; had you?

A. No, sir.

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BY MR. MITNICK:

Q. Did you go alone or was any one accompanying you at the time? A. Detective Liebers was with me.

Q. Well who was in front, you or Liebers, at the time you came around the corner? A. We were both abreast, walking abreast.

Q. And were you abreast at the time you arrived on the scene where these men were standing? A. Yes, sir; we turned around the corner, the two of us, abreast and we ran up to them together.

MR. MITNICK: That is all.

MR. COLLIGAN: That is all.

C H A R L E S A. L I E B E R S, of the 17th Precinct, a witness called in behalf of The People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q. You assisted in the arrest of this defendant; did you not? A. Yes, sir.

Q. Will you state to the jury the circumstances surrounding the arrest? A. While Detective Pflaster and myself came around from Suffolk to Houston Street, and at Clinton and Houston Street we found the "gang".

MR. MITNICK: I object to the word "gang" and move to strike it out.

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THE COURT: Objection sustained. Strike that out.

Q. Go on, Officer? A. We found a crowd of about six men, and in the crowd of men we saw this defendant; and we went to this crowd, and started to search them. I searched two men and Officer Pflaster searched the defendant, and I got through with my two men, and Officer Pflaster called to me, "He has got a gun," and I turned around, and saw him pull a gun out of his pocket, out of his coat pocket (illustrating).

Q. And how was the defendant dressed? A. I believe he had on a brown suit and a mackintosh raincoat over that brown suit, and the gun was in the right hand coat pocket of the brown suit.

Q. In the pocket of the under coat? A. Yes, sir.

Q. Do you recognize this gun (indicating People's Exhibit 1)? A. Yes, sir; that's the gun.

Q. And state whether or not the gun was loaded at that time? A. Yes, sir; it was fully loaded.

Q. Did you have any conversation with the defendant? A. No, sir. I walked down behind Officer Pflaster to the station house. There were six or eight men started to go on down behind us, and I kept behind, so that they would not do anything.

CROSS EXAMINATION BY MR. MITNICK:

Q. Did you put any mark on this gun? A. I didn't; no, sir.

Q. Did you see anybody else put a mark on this gun? A. No, sir.

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Q. Now, was there any mark put on this gun at the time it was taken from the defendant? A. Not that I know of.

Q. Do you know whether your associate put any mark on this gun? A. I don't know.

Q. You were with him; weren't you? A. Yes, sir; I was with him at the time of the arrest.

Q. And you accompanied him to the station house? A. Yes, sir.

Q. And then to the police court? A. Yes, sir.

Q. And this gun was in the possession of the police from the time it was taken, as you say, from the defendant until it was produced here in court, wasn't it? A. Yes, sir.

Q. Well, isn't it customary to put marks on property taken from a prisoner? A. Not unless they are homicide cases.

Q. Now for the purpose of identification? A. No, sir.

BY THE COURT:

Q. Well, you didn't have the gun; did you? A. No, sir; Detective Pflaster had the gun.

BY MR. MITNICK:

Q. Now, how many men were on the scene when you arrived there? A. Six.

Q. Did you search them all? A. No, I searched two of them, and some of them ran away.

Q. And you did not search the defendant at all? A. No, sir.

Q. And you did not see the gun on him, except that you saw

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the officer who had him in charge produce the gun? A. He called to me, "He has got a gun". And, as I turned around I seen him pulling the gun out of his pocket.

Q. Did the defendant make any statement to anybody after his arrest? A. He made none to me.

BY THE COURT:

Q. Well, did you hear him make any to anybody else? A. No, sir, I didn't.

BY MR. MITNICK:

Q. Did he make any in the station house or in the police court? A. In the station house he said something about he didn't have the gun in his pocket; that somebody put it in there, he said.

Q. Did he make any accusation against any one who had ^{him} ~~been~~ in custody? A. No, sir.

Q. Now, did he say that Pflaster put the gun in his pocket? A. No, sir; I didn't hear him say that.

REDIRECT EXAMINATION BY MR. COLLIGAN:

Q. He might have made some statement when you weren't within hearing; mightn't he? A. Yes, sir.

Q. You were not within hearing all the time; were you? A. No, sir.

BY THE THIRD JUROR:

Q. Under what circumstances did you go up and search anybody there? A. Well, a little boy came running up to us

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and daid that a crowd was going to shoot up his brother John's place, and I went around there and recognized it as the "Little Doggie" crowd.

MR. MITNICK: I object to that, if your Honor please, and I move that all that be stricken out, about the "Little Doggie" crowd.

THE COURT: Yes. Objection sustained. Strike it out. And the jury will disregard it. You see, gentlemen of the jury, the officer has a right in the discharge of his duty, to do certain things, but we are not concerned with his reasons here. The question here is whether he did them or not. Now that answer is objectionable, because it is hearsay, and it is not binding on the defendant, if somebody said something in his absence, and, when the objection is made, of course I have to sustain it, and strike it out.

B E R N A R D P F L A S T E R, being recalled by Counsel for the defendant, for further cross examination, testified as follows:

BY MR. MITNICK:

Q. Did you put any marks on this revolver when you found it, as you say, on the defendant? A. No, sir; but I put a tag on it.

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Q. Will you tell us what the scratching of numbers in the revolver means (indicating)? A. I don't know anything about it.

Q. You see that there, don't you? A. There is some scratching there.

BY THE COURT:

Q. Well, you didn't make that there; did you, officer?

A. No, sir.

Q. And it means nothing to you? A. No, sir.

Q. And did you ever say that you made scratches there?

A. No, sir.

BY MR. MITNICK:

Q. But you don't know whether that was put in there for identification, by you or some other officer; do you? A. I didn't do it. That is all I know.

Q. And it might have been, before that, in the possession of some police officer, and that mark put in there for identification; might it not? A. That I don't know anything about; not as I know of.

MR. COLLIGAN: The People rest.

THE COURT: Now, Mr. Mitnick, if your client wants an adjournment I will give him one, to procure the attendance of witnesses, if he has any.

MR. MITNICK: Very well. I will find out if his witnesses are outside or not. I understand that they

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were here, but have gone away. They were told to leave the court room, all of the witnesses in the case, and they may have understood that they were to go home.

THE COURT: Well, under the circumstances, I will grant an adjournment until tomorrow, and I think we can take up this case at half past ten and finish it.

The Court then admonished the jury in accordance with section 415 of the Code of Criminal Procedure and took an adjournment until tomorrow morning, July 17th, 1912, at 10:30 o'clock).

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Trial Resumed.

New York, July 17, 1912.

(Mr. Arthur Gutman appeared, and relieved Mr. Mitnick).

MR. COLLIGAN: The People, rest, your Honor.

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THE DEFENCE.

P H I L I P F R I E D M A N, the defendant, of 774 Lafayette Avenue, Brooklyn, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. GUTMAN:

Q. How old are you? A. 22.

Q. Do you remember May 29th, 1912? A. Yes, sir.

Q. Did you meet Detectives Pflaster and Liebers, or either of them on that day? A. No, sir; I had met them in the evening, or the latter part of the night, standing in front of Houston and Suffolk Street, having a conversation with one man known as "Dollar John", and another known as Harry Shea.

Q. Who is "Dollar John"? A. He conducts a gambling house at 282 East Houston Street, and another at 188 Suffolk Street, and also --

Q. What kind of a gambling house is that at 282 East Houston Street? A. Those are two stuss gambling houses.

Q. Have you ever been in them? A. I have been in 282

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East Houston Street.

Q. And played there? A. Yes, sir.

Q. And who are the reputed owners and proprietors of the place? A. "Dollar John" and Harry Shea.

Q. Did you have any trouble with them or either of them?

A. I had lost money there, and after making some complaint, they told me to keep out of the place, and I had made statements to them that I would disclose to the District Attorney's office that they run gambling houses. He has five in operation at the present day.

Q. Who has? A. "Dollar John".

Q. Well, what was the trouble? A. Well, after I made statements to him, I walked out, and in company with two friends I walked down Clinton Street, to Stanton, and, as we turned the corner, two detectives jumped on us and searched us. And he told me I had a revolver, and they forced me into a hallway and forced me to run upstairs, and chased me to the roof, and there they searched me again, and told people in the yard -- asked them did I throw a revolver away, and, seeing that I didn't have a revolver, and the people did not give them any satisfactory statements, they let me go, and I returned to Houston Street, and seen these two detectives in conversation with "Dollar John". But they were not the detectives that arrested me.

Q. Now, what detectives were in conversation with Dollar

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John"? I don't understand you? A. One I know by the name of Kemp.

Q. Were Pflaster and Liebers there at the time? A. No, sir.

Q. Now, ~~at~~ the time you were arrested by Pflaster and Liebers, the two detectives in this case, had you seen those two detectives immediately before you were arrested? A. About fifteen minutes previous to my arrest, I had seen them.

Q. Where did you see them? A. Corner of Houston and Suffolk Street.

Q. What were they doing? A. Talking to "Dollar John" and Harry Shea.

Q. Who was with you at the time immediately prior to your arrest? A. There were three fellows with me.

Q. Who were they? What were their names? A. One was Otto Campbell, and one was Paul Tobias, and another fellow that I know as "Delly".

Q. And where had you been? A. I had been in an ice cream parlor in Houston Street, near Avenue B., and as I left that ice cream parlor I looked up the street to the corner of Suffolk and Houston, and saw these two detectives in conversation with "Dollar John" and Harry Shea.

Q. Now, how soon after you saw the detectives in conversation with "Dollar John" and Harry Shea did they come up on you? A. About ten minutes afterwards.

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Q. Where did they meet you? A. They met me about six feet around the corner of Houston Street, on Clinton.

Q. Is that in front of Goldberg's liquor place? A. Yes, sir; right in front of that place.

Q. Now, who jumped on you, which of the detectives? A. Detective Liebers grabbed me, and twisted me around (illustrating), and threw me into Detective Liebers' arms, and Detective Pflaster tried to force a revolver into my left pocket of my rain coat.

Q. How were you dressed that night? A. I had the suit on that I have at present, with the rain coat over it.

Q. Is that rain coat here? A. No. It is at the house that I was boarding at.

Q. Into what pocket did they attempt to put this revolver? A. In the left hand pocket of my rain coat.

Q. How were you facing at the time? A. I was facing north on Clinton Street.

Q. Facing north on Clinton Street? A. Yes, sir.

Q. That is, you were looking in the direction of Avenue B.? A. Yes, sir.

Q. And how did Liebers come up to you? A. He came up and grabbed me by the lapels of the coat. (illustrating), and swung me around and threw me right into the arms of Pflaster, and he put his arms around me and tried to force the revolver into my left hand raincoat pocket.

He had the revolver in his right hand sleeve (illus-

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trating), and I saw the revolver there, and caught his right wrist, and he assaulted me with his left hand. I saw the revolver flashing from his sleeve, and, as he attempted to force it into my pocket, I immediately caught him by the wrist, and he assaulted me with his left hand.

Q. Well, what happened then? A. He then told me that I was a shooter, and I told him not to try to put that revolver in my pocket, and he says that I had it, and walked me to the station house.

A friend accompanied me to the station house, and complained that I didn't have that revolver, and that he saw this officer attempt to put it in my pocket.

And he tried to have the officers arrest him, and hold him as an eye witness, which they refused to do.

He asked the police sergeant to enter him on the blotter that he was an eye witness, and had witnessed everything, and he told him to appear in court in the morning. He immediately begged them to arrest him.

Q. Now, did you ever carry a gun? A. No, sir.

Q. Now, did you have a gun in your possession at the time?

THE COURT: Well, he says he never had one. Please get along as fast as you can. Our time is valuable.

BY MR. GUTMAN:

Q. Have you ever been convicted of a crime? A. I pleaded

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guilty in Brooklyn of Grand Larceny, and Judge Fawcett sent me to Elmira.

CROSS EXAMINATION BY MR. COLLIGAN:

Q. And you violated your parol, and you were brought back to Elmira a second time; weren't you? A. I villated my parol by refusing to make reports, and was sent back to Elmira.

Q. You violated your parol by refusing to make reports, and were sent back to Elmira? A. Yes, sir.

Q. How old are you? A. 22.

Q. What is your business? A. I am a machinist.

Q. Machinist? A. Yes, sir. At the time I was arrested, I was out of employment, and I was peddling with fruit.

Q. You were a peddler when arrested? A. Yes, sir.

Q. And now you are a machinist? A. I was out of employment as a machinist, and was peddling fruits.

Q. Now, how many years did you go to school? A. I went to school from the time I was six years old until --

Q. And when did you leave after going to school? A. When I was fifteen.

Q. When you were fifteen? A. Yes, sir.

Q. What did you do then, when you left school? A. I went to work.

Q. You went to work? A. Yes, sir.

Q. For whom? A. D. Jones and Company.

Q. What line of business? A. Shirt manufacturers.

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Q. Where is their place of business? A. I think it is 530 Broadway; I am not sure. I forget now.

Q. How long did you remain there? A. About three months

Q. Where did you go then? A. I went to the Baron de Hirsch Trade School.

Q. How long were you there? A. Six months.

Q. What trade did you learn there? A. Machinists' trade.

Q. Machinist's trade? A. Yes, sir.

Q. You learned that in six months? A. Yes, sir.

Q. What did you do then, after you left that school? A. I went to work for the Long Island Railroad Company.

Q. What year was that? A. It was 1909.

Q. How old were you then? A. A little past nineteen.

Q. Now, in what department of the Long Island Railroad Company did you work? A. In the machine shops.

Q. In the machine shops? A. Yes, sir.

Q. How long were you there? A. One month.

Q. One month? A. Yes, sir.

Q. What part of 1909 was that? A. I think it was April.

Q. April, 1909? A. Yes, sir.

Q. You are sure it was 1909? A. Yes, sir; I think so.

Q. And you worked there until May, 1909? A. No, sir; I went through the month of April.

Q. All right, then. You worked during the month of April there? A. Yes, sir.

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Q. And then where did you go? A. I left that position, and I was arrested then, and was sentenced to Elmira, during the month of May.

Q. During the month of May? A. Yes, sir.

Q. So that how many years have you worked in the machinist's business? A. I worked about a year and a half altogether, in various places.

Q. You worked about a year and a half altogether in various places? A. Yes, sir.

Q. Now, you worked one month for the Long Island Railroad Company? A. Yes, sir.

Q. Where else did you work? Anywhere else? A. Then I worked for the Manufacturing Bottles Supplies Company, 368 Cherry Street.

Q. How long did you work there? A. Five months.

Q. In what year was that? A. 1911.

Q. From which month until which month did you work there in 1911? A. I think it was in January I went to work.

Q. In January, 1911? A. Yes, sir.

Q. And for the next five months you worked where? A. For the Manufacturing Bottling Supplies Company.

Q. And where is their place of business. A. 368 Cherry Street, New York.

Q. And what did you do there? A. I was a machinist helper there.

Q. And what did you do when you left there? That would

be upon the month of May, 1911? A. Well, I was idle for about a month and a half, and was returned for a violation of parol to Elmira.

Q. Yes, you went back to the reformatory? A. Yes, sir.

Q. And you swore in your affidavit that you were a peddler when you were arrested? A. Yes, sir.

Q. Now, where did you reside in 1909? A. At 256 Kosciusko Street, Brooklyn.

Q. At 256 Kosciusko Street, Brooklyn? A. Yes, sir.

Q. And how long did you reside there, from January 1st, 1909? A. Until the time of my arrest, in May, when I was sent to Elmira.

Q. And where did you reside when you left Elmira? A. At the same place.

Q. What is the name of the place? A. 256 Kosciusko Street, Brooklyn.

Q. Now, how long did you remain there? A. Until the time of my arrest, when I was sent back to Elmira.

Q. And why did you tell them in the Police Court that you resided at 774 Lafayette Avenue, Brooklyn? A. When I was released a second time from Elmira, my folks had removed from Kosciusko Street to Lafayette Avenue, and I lived with them.

Q. And you lived with them at the time of your arrest? A. No, sir.

Q. How long did you live with them? A. I lived with them about a month.

Q. One month? A. Yes, sir.

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Q. And then where did you go? A. 24 Avenue B., boarding with some people.

Q. Boarding with some people? A. Yes, sir.

Q. Now, when did you go to 24 Avenue B.? A. Well, about a month or five weeks after I was released from Elmira.

Q. Now, when would that make it? A. Well, I was released on March 3, and probably about March 15 I went to live at 24 Avenue B.

Q. At 24 Avenue B.? A. Yes, sir.

Q. March 15th you say? A. Yes, sir.

Q. Well, how long did you live at 24 Avenue B. A? Until the time of my arrest.

Q. Until the time of the arrest in this case? A. Yes, sir.

Q. Well, then, if you were living at 24 Avenue B. at the time of your arrest why did you say that you were living at 774 Lafayette Avenue, Brooklyn? A. I give the address of my folks.

Q. Oh, yes. Now, what is your name? A. Philip Friedman.

Q. What other names have you travelled under? A. I have not travelled under any other names, but people called me "Monk".

Q. Yes, "Monk" is one of your aliases? A. No. I never traveled under that name, I give that name to anybody.

Q. Did you ever give that name to the police department

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when you were arrested? A. No, sir.

Q. Now, are you sure you never used another name than Friedman? A. No, sir.

Q. Do you recollect June 23, 1912? A. Yes, sir.

Q. You used another name that day, when you were arrested for a crime; didn't you? A. I was not arrested on that day.

Q. You were not? A. No, sir.

Q. You were not arrested for burglary, on that day? A. No, sir.

Q. You were not arrested in front of 30 Clinton Street, charged with attempting to burglarize the premises of the Berlin Waterproof Company? A. No, sir.

Q. And didn't you give the police, at that time, the name of Philip Fein? A. Oh, no, sir; I did not.

THE COURT: What was that. An arrest or a conviction?

MR. COLLIGAN: An arrest, if your Honor please. But he said that he had not travelled under any other name, and I asked him if he did not give another name then.

BY MR. COLLIGAN:

Q. Now, on the 23rd of June, 1912, when arrested, what were you doing at 3:55 A. M. on the street? A. I was not on the street at that time.

Q. Where were you that day? A. I was at home.

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Q. Where? A. 24 Avenue B; sleeping.

Q. Do you remember saying anything to the officers in this case in the Magistrates' Court to the effect that you knew they did not put a gun in your pocket? A. No, sir.

Q. Do you remember your lawyer admitting that on the witness stand? A. The lawyer admitted that, that he says someone put the revolver in my pocket, but he would not accuse these officers. I made no statement whatever.

Q. Now, you had spoken to your lawyer before you went into court; hadn't you? A. If you will let me explain, I will explain how this was brought about.

Q. Never mind how it was brought about. Your lawyer said that ; didn't he? A. Yes, sir; but he didn't state it to me, and he didn't state it for me. He stated it on his own word.

Q. But he did state it; didn't he; that the officers -- he admitted that the officers did not force the gun in your pocket? A. He stated that he would not accuse these officers.

Q. Well, we will let it go at that. Now, had you been peddling this day of your arrest? A. No, sir.

Q. What were you doing? A. I don't do anything on Wednesdays. I peddle Monday, Thursday and Saturday.

Q. What do you peddle? A. Fruits, oranges and bananas.

Q. And what were you doing during the entire day of your arrest? A. Well, I didn't do anything particular. I

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just go around when I don't peddle, and look at some stocks, during the day, to see the prices of goods, to prepare for my next day's work.

Q. Now, what did you do from six o'clock up that night, until your arrest? A. Six o'clock up?

Q. Yes? A. I was not on the street from about four o'clock on. I went up to the house after I was searched on Stanton Street, by these officers. I went to the house and stayed there until about 9:30.

Q. Well, what time did these officers search you on Stanton Street? A. Well, I should judge it was between three and four.

Q. Was it either of these officers who searched you? A. No, sir.

Q. Well, what did you do after you were chased by the officers on Stanton Street, as you say? A. I immediately went home.

Q. Do you mean to tell this jury that the officer searched you there in the street? A. Yes, sir; in the hallway.

Q. Now, isn't it a fact that an officer chased you and that you ran up on the roof to get away from him? A. He grabbed me, and forced me into a hallway, and chased me up the stairs to the roof.

Q. Now, didn't you run up to the roof to escape from him? A. No, sir; he forced me to run; he pushed me into the hallway,

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and he pushed me to the stairs, and he forced me to run.

Q. Now, what did you do after he chased you away, and you got back to your room? A. I stood there until about 9:30.

Q. 9:30? A. Yes, sir.

Q. Why did you go out at 9:30? A. I went to a moving picture show.

Q. You went to a moving picture show? A. Yes, sir.

Q. With whom? A. With this friend who was with me at the time of my arrest.

Q. What was his name? A. Otto Campbell.

Q. Is he here, today? A. He was supposed to be here.

Q. Is he here? A. I don't know; I don't see him. And there we met a few friends. And we left the moving pictures, and crossed the street to the ice cream parlor.

Q. Now, who was with you on the corner when the officers came along? A. Otto Campbell, Paul Tobias, and a fellow by the name of "Delly"

Q. Now, what is "Delly's" right name? A. I don't know him. He was an acquaintance of one of these boys, this Paul Tobias that was with me.

Q. Now, what does Paul Tobias do for a living? A. I think he is a grocer.

Q. And what does Campbell do? A. He works for a tailor establishment.

Q. Don't you know, as a matter of fact, that he is a bum?

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A. No, sir.

MR. GUTMAN. Oh I object to that statement, and move to strike it out.

THE COURT: Objection sustained.

Strike it out.

BY MR. COLLIGAN:

Q. And wasn't his brother there too? A. No, sir.

Q. Wasn't his brother, the pickpocket, there? A. No, sir.

MR. GUTMAN: I object to the characterization of another person in this case as a "pickpocket", as not binding on the defendant.

MR. COLLIGAN: Well, if your Honor please, I have a good foundation for my question, or I wouldn't ask it?

THE COURT: Well, he has answered the question.

BY MR. COLLIGAN:

Q. Now, wasn't Campbell's brother there with you? A. No, sir.

Q. Do you know a man by the name of Edward Ginsberg? A. No, sir.

Q. You don't? A. No, sir.

Q. Now, Edward Ginsberg travels under the name of "Doggie"; doesn't he?

MR. GUTMAN: I object to that as absolutely improper and immaterial, irrelevant and incompetent.

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MR. COLLIGAN: Well, I will withdraw that question.

Q. Now I ask you if "Doggie" was not there, with you that night? A. He wasn't with me, at the time of the arrest. He saw his happening, and following^{ed} the officers, but he wasn't with me.

Q. And his right name is Edward Ginsbergm isn't it? A. I don't know. I know a person by the name of Doggie, but I don't know his real name.

Q. And he is behind the bars now, for crime; isn't he?

MR. GUTMAN: I object to that, as immaterial, irrelevant and incompetent and improper, and now ask for the withdrawal of a juror.

THE COURT: I sustain the objection, and instruct the jury to disregard the remark of the District Attorney. The defendant is charged here with one specific act only, that is, he is charged with having this weapon on his person, and he may be interrogated by the District Attorney, if he takes the stand, as he has done here, concerning any criminal or disgraceful act in his career, not for the purpose of proving that he had a revolver in his pocket on that night, but solely as affecting his credibility. You may consider that on the question of credibility alone, gentlemen.

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MR. COLLIGAN: And on the question of his credibility I assume that I can show his associates, on that night, and show that he was with a man named "Doggie".

THE COURT: But you say that, since that time, he is behind the bars, and I sustain the objection to that, and direct the jury to utterly disregard that. Now, the jury understand the reason why these questions are allowed. And I sustain the objection as to "Doggie" being now behind the bars.

BY MR. COLLIGAN:

Q. And you say you never carried a gun before the night in question? A. No, sir; never.

Q. Now, isn't it a fact that you shot a man in "Dollar Hohn's" place, two nights before that? A. No, sir.

Q. And is it not a fact that you shot Harry Shea in Dollar John's place, two nights before that? A. No, sir.

Q. And is it not a fact that you wrote a letter to Shea, with regard to the shooting, since you have been arrested now? A. No, but I have wrote a letter to "Dollar John".

Q. And what did you state in the letter? A. I stated in the letter that he framed me up, and he agreed to have the detectives turn me out, and that I postponed the case in the magistrates' court two times, to give him time to make up with these detectives, to correct their error in arresting me. Then

Detective Pflaster told me personally to waive

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examination on account of him fearing Magistrate Appleton, and he would turn me out in the grand jury room.

BY THE COURT: Now,

Q. Now, did you say all that in the letter? You were asked what you said in the letter? A. Yes, sir; I wrote all that in the letter.

BY MR. COLLIGAN:

Q. And you have not been reading the newspapers, this morning, have you?

THE COURT: No, never mind that. He need not answer that question.

Q. And so that "Doggie" was in the immediate vicinity and followed you, and Otto Campbell was there, and Tobias was theretoo? A. Yes.

Q. Now, were there any other fellows there that you knew? A. Well, there was a crowd of people there at the time of the arrest.

Q. But who was with you? A. Otto Campbell, Paul Tobias and a fellow by the name of "Delly".

Q. And you three fellows had been to a moving picture show? A. Yes, sir.

Q. And left that picture show to go over to the corner, in front of "Dollar John's" place, didn't you? A. No, sir; to the ice cream parlor. We crossed over to that, and that is six doors from his place.

Q. And you fellows have been together since nine o'clock?

A. No, sir. Otto Campbell had been with me since about nine o'clock, and we met these two fellows in the moving picture house, and about ten after eleven, we went across to the ice cream parlor.

Q. Now, did you write that letter to the District Attorney (indicating letter)? A. Yes, sir.

MR. COLLIGAN: I will offer that letter in evidence, if your honor please.

THE COURT: Well, if it contradicts any statements that he made here.

MR. COLLIGAN: Yes, sir, it does contradict statements that he has made here.

THE COURT: You may confront him with any statement which contradicts any part of his testimony here.

MR. COLLIGAN: Yes, sir, that is my object. I offer it in evidence for that purpose.

(It is admitted, without objection, and marked People's Exhibit "3").

MR. COLLIGAN: I won't read all the letter. I will let the attorney read the letter later if he wishes.

THE COURT: You may read any part you wish. It is all in evidence. But I think you had better read it all.

MR. COLLIGAN: Very well, sir.

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(The District Attorney reads from the exhibit to the jury).

BY MR. COLLIGAN:

Q. Now, you wrote this letter to District Attorney Whitman; didn't you? A. Yes, sir.

Q. Who were the lady friends?

THE COURT: Well, I think you had better read the whole letter and get through with it. It is in evidence and must be read, once you put it in evidence. Get through with the letter and then you may ask him any questions that you please concerning any part of it.

MR. COLLIGAN: Very well, sir. I will read it to the end.

(The District Attorney continues the reading of the exhibit).

BY MR. COLLIGAN:

Q. Now, who were the women you were with? A. The women were not with me. They happened to pass along at the time I was standing there, and they stopped for a few moments, and I was on the verge of saying good bye at the time of my arrest.

Q. Now, why did you forget that when your direct examination was brought out by your attorney, why did you forget to tell about them? A. Well, they weren't with me. They have just accosted me on their way home, and stepped over for a moment. They weren't with me properly.

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Q. Now, who were they? A. Well, I wouldn't like to mention in the court their names.

Q. They are respectable ladies? A. Yes, they are respectable ladies, and I wouldn't like to mix them in a case like this.

Q. Now, you say that these detectives were in the vicinity? A. Yes, sir.

Q. Then why did you write in your letter to the District Attorney that something happened, and you were grabbed, and, later on you found them out to be detectives? A. Because --

Q. Why? A. Because they came over in civilian clothes, and I am not supposed to know they are detectives.

Q. Now, you said on the witness stand here that you saw those detectives, only a little while together, and knew who they were? A. Yes, sir.

Q. Then why, in this letter, did you write to the District Attorney that you did not know who they were until you had been thrown into the arms of one of them? A. I don't state in that letter that I did not know who they were?

MR. COLLIGAN: Then let us read it again.

THE COURT: Well, let the jury decide that.

The writing is there, it is in evidence, and they must decide what the writing is. You may ask about any line or part of it that you wish, but, when he makes an explanation go on to something else.

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BY MR. COLLIGAN:

Q. Who was the friend who saw the detective take the gun from his sleeve? A. This party has been spirited away by "Dollar John" and the detectives.

THE COURT: Now strike that out. He didn't ask you what happened to any one, but he asked you to what person you referred. Strike out the answer as not responsive.

THE WITNESS: I know him to be the brother of one of the men that was with me.

BY THE COURT:

Q. Well, what is his name? A. Campbell, I know, at least is his last name.

BY MR. COLLIGAN:

Q. Campbell? A. Yes, sir.

Q. Now, is it Otto Campbell or the other Campbell that you refer to? A. It is a brother of his.

Q. Not the pickpocket? A. No, sir; I don't know him to be a pickpocket.

MR. GUTMAN: I object to that, to that characterization of a person in this case.

THE COURT: Well, the question has been put and answered. He has the right to show, if he can, that he associates with pickpockets, if he wishes to do so, because that is disgraceful conduct to which his at-

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tention may be called on cross examination, not for the purpose of proving his guilt of this crime, but for the purpose of allowing the jury to determine how much weight they will give to his testimony.

MR. GUTMAN: But I object to it on account of the District Attorney's characterization of another person.

MR. COLLIGAN: Well, I am bound by his answer.

THE COURT: The statements made by the District Attorney are not evidence.

MR. GUTMAN: I appreciate that, but when they are improper questions I must object, and I take an exception.

THE COURT: Objection overruled.

MR. GUTMAN: Exception.

THE COURT: And, of course, the District Attorney will ask no questions unless it is asked in good faith, and, if you can prove that he does, then that will be highly reprehensible conduct, and I do not think that Mr. Colligan will do it.

BY MR. COLLIGAN:

Q. Now, when was this man spirited away? A. Since I have been confined in the Tombs.

Q. And when did you hear of his being spirited away? A. I heard of it today.

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Q. Only today? A. And I heard of it a week ago. And I heard, today, of other witnesses being spirited away.

Q. Who told you that? A. I was told by my counsel that he could not locate these witnesses.

Q. That he could not locate them? A. That he could not locate them.

Q. Did you ask your counsel to produce the two Campbells? A. I asked him to produce one.

Q. Which one? A. Otto Campbell.

Q. How long ago did you ask your counsel to produce him? A. Why, since I retained him.

Q. Do you know whether or not he was seen at any time since your arrest? A. He was soon.

Q. Now, when did you learn he was last seen? A. He was seen last night.

Q. He was seen last night? A. Yes, sir.

Q. And he has been spirited away since last night? A. I don't say that Otto Campbell has been spirited away. I say that the man who informed me, who overheard this conversation, has been spirited away.

Q. Who overheard the conversation? A. A brother of Otto Campbell.

Q. A brother of Otto Campbell? A. Well, I know him to be a brother of Otto Campbell.

Q. Now you say that the officer assaulted you? A. He did.

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Q. Why didn't you tell that on the witness stand, under direct examination to your own counsel? A. I did say that.

Q. Now, who informed you that you were the victim of a conspiracy? A. This man who overheard the conversation.

Q. Who is he? A. I know him to be a brother of Otto Campbell.

Q. Now, when did he inform you that you were a victim of a conspiracy? A. Five minutes previous to my arrest.

Q. Oh, five minutes before your arrest? A. Yes, sir.

Q. Now, he had been with you all the evening, had he not? A. He had not.

Q. Why? haven't you said that Campbell was one of the men who went to the picture show with you? A. Yes, Otto Campbell.

Q. Otto Campbell? A. Yes, sir. But I refer to a different Campbell who informed me, who I know to be a brother of this Otto.

Q. And that brother that you refer to, and who has been spirited away, you say, was with you in the crowd, that night; was he not? A. He wasn't.

Q. And he folled the detectives, that night; didn't he? A. I don't know whether he followed the detectives or not. I just simply stated that he informed me, and immediately after that I did not see him any more.

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Q. Well, he informed you that he followed the detectives, didn't he? A. Yes, he followed them until the time of my arrest.

Q. And he overheard them say that they would frame you up, or something of that kind? A. Yes, sir; he told me that he overheard that statement.

Q. Now, at whose house do you board? A. Joseph Campbell, 24 Avenue B.

Q. Who is he? A. A brother of Otto Campbell.

Q. You board at his brother's house then? A. Yes, sir; I board at Otto Campbell's brother's house.

Q. You board at Otto Campbell's brother's house? A. Yes, sir.

Q. And these two men are brothers are they not? A. Yes, sir.

Q. Jow Campbell is the brother of Otto? A. Yes, sir.

Q. And do you know where Joe Campbell is now? A. Well, I haven't heard from him.

Q. How long had you known him? A. Well, I know him about two years.

Q. What is his business? A. I don't know his business. I never inquired his business.

Q. Though you know him two years? A. Yes, sir.

Q. And you went to board with him? A. Yes, sir.

Q. Rather than live with your own folks? A. Well, I

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had some disagreement with my folks, and I left.

MR. COLLIGAN: I think that is all.

REDIRECT EXAMINATION BY MR. GUTMAN:

Q. The District Attorney has asked you about the frame up statement, who made that to you? A. A person who I know to be a brother of Otto Campbell.

Q. Wasn't it made that night? A. Yes, it was made five minutes previous to my arrest to me.

Q. What was that statement? A. He said that he had overheard a conversation at the corner of Suffolk and Houston Street, between Detectives Liebers, Pflaster, "Dollar John", and Harry Shea, and he heard my name mentioned, and he heard them say that there would be no come back, to stick a gun in my pocket.

Q. Do you remember something happening in the ice cream saloon there about a silk handkerchief? A. Yes, sir; I had extracted a handkerchief from Otto Campbell's pocket, and ~~secreted~~ it under my hat, and Otto Campbell asked me ~~for the~~ handkerchief, and I told him I didn't have it, and he started to search me. He searched me thoroughly in every pocket, and didn't find the handkerchief, and at last he took my hat off and found the handkerchief under my hat.

BY THE COURT:

Q. And you didn't have a gun on you then? A. No, sir.

Q. And how long after that was it that the policeman

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found the gun? A. I should judge it was ten minutes after that.

Q. This Campbell is your chum, is he? A. Yes, in a way.

THE COURT: Is Campbell in the room now. Find out, Mr. Clerk, if Campbell is in the room.

THE CLERK: Is Otto Campbell in the room?

THE CAPTAIN: He does not answer, your Honor.

BY THE COURT:

Q. Now, which pocket did you take the handkerchief out of? A. This pocket here (indicating the upper left breast pocket). A silk handkerchief.

Q. And he had a sack coat on, did he? A. Yes, sir.

Q. And ~~are~~ you have now? A. Yes, sir.

Q. And did he see you take it out? A. Yes, sir.

Q. Then why did he search your pockets, if he saw you take it out? A. Why he saw me fooling around and I slipped it under my hat.

Q. He didn't see you slip it under your hat? A. No, sir.

Q. Well, what prevented him from seeing that? A. I don't know.

Q. Was he struck blind all of a sudden? A. Oh, no, sir. When he seen me passing my hands around his body (illustrating), so he grabbed my pockets (illustrating), and while he was searching my pockets I put it under my hat (illustrating).

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BY MR. GUTMAN:

Q. Have you had any experience in the way of picking pockets? A. Yes, sir.

MR. GUTMAN: That is all.

MR. COLLIGAN: That is all.

THE COURT: Have you any other witnesses?

MR. GUTMAN: Yes, sir, one, Campbell. May he be called out in the hall?

THE COURT: Yes. The Captain will call him.

THE CAPTAIN : He does not answer, your Honor.

MR. GUTMAN: The witness was here, your Honor, and has gone.

THE COURT: Seven times on the calendar, I believe this case was, and you were not here at all, yesterday.

MR. GUTMAN: Well, but I spoke to the witness yesterday, and I expected him to be here today.

THE COURT: No, the jury will disregard any statement by counsel not supported by the sworn testimony.

MR. GUTMAN: I ask for an adjournment to get this witness here.

THE COURT: Motion denied. You have had ample time to get all your witnesses here, and you kept us waiting here yesterday, and I had to assign other

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counsel, and I said yesterday, that this case would go on today, at 10:30 o'clock, and I should have sat to finish the case yesterday, if you had been present, and, under the circumstances, I decline to give you any further adjournment.

MR. GUTMAN: Then the defence rests, your Honor.

MR. COLLIGAN: The people rest, your Honor.

(Mr. Gutman then summed up for the defence, and Mr. Colligan closed the case for the People.

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The People
vs.
PHILIP FRIEDMAN.

THE COURT'S CHARGE.

MULQUEEN, J.

Gentlemen of the Jury:

This defendant has been indicted by the Grand Jury of this County of the crime of criminally having and carrying a firearm concealed upon his person.

The indictment charges that in this County, the County of New York, on the 29th day of May, 1912, this defendant, being then and there a person over the age of sixteen years, feloniously did have and carry concealed upon his person, and have in his possession in the said city a certain pistol and a certain revolver, each of the same being of a size which might be then and there concealed upon the person, without a written license for either of them, theretofore issued to him by a police magistrate of said city, or in any manner prescribed by ordinance in or of the said city, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

You understand by this time what an indictment is. It is a charge made by the People of the State of New York against the defendant, and it is put in writing so that the charge may be definite and certain, so that it will not change over night, and so that the defendant may know exactly what it is, and so that you may have it before you when he comes to trial.

Now, what is the charge here? A very simple one: That, in this county, on the day mentioned in this indictment, this defendant did what? Feloniously did have and carry concealed upon his person, and have in his possession a certain pistol and a certain revolver. The words pistol and revolver, are merely repetition. If it be shown that he had either a pistol or a revolver, or a weapon of that kind, without a license duly issued to him by the proper authorities, and if the weapon was of a size which might be concealed upon his person, that would be sufficient proof of the truth of the charge. The answer of the defendant is that he had neither pistol nor revolver. It is for you to decide from the evidence whether he had or had not .

Under our law, if he consciously carried a pistol or a revolver concealed upon his person, without legal authority to do so, he is guilty of a felony. If he did not have the weapon, if you are not convinced by the proof beyond a reasonable doubt that he had it, then you must acquit him. That is all there is in the case. It is a very simple case.

Now, the law that is referred to in the indictment is found in Section 1897 of the Penal Law, and it is as follows:

"Carrying and use of dangerous weapons. A person who attempts to use against another, or who carries, or possesses, any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles or

bludgeon, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon, is guilty of a felony."

And another subdivision of that section, the one which applies to this particular case, provides:

"Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony."

The question for you to determine from the evidence is, is that a revolver or pistol which is presented in evidence here? Is it of a size which may be carried or concealed upon the person? Did this defendant have it on his person? Did he have a license for it? Is he over sixteen years of age? He has testified to his age. He has denied that he had this revolver, and there is no evidence that he had a license for it. It was incumbent on him to present evidence that he had a license, if he had one, because that is a matter of defence. So the question for you to decide is whether or not he had a pistol concealed in his pocket, as the officer stated.

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If you are satisfied by the evidence beyond a reasonable doubt that he had, you must say so by a verdict of guilty as charged. If you are not satisfied by the evidence beyond a reasonable doubt that he had it, then you must acquit him.

The defendant is presumed to be innocent, and he is entitled to be acquitted, unless the evidence satisfies you of his guilt beyond a reasonable doubt. That is the law.

Now, you have heard the evidence, and the Court is bound to tell you the law plainly and clearly, and you must obey the law. You must take the law as the Court gives it to you. On the question of fact your authority is supreme, your judgment is what the law asks, and you must devote yourselves to the duty of ascertaining the truth from the evidence as honest men, seeking to do your full duty, realizing that you are doing the most important work that a citizen is ever called upon to do, in a republic, in time of peace, to decide fairly and honestly upon the evidence. That is all the law requires of you.

Now, facts in a case are proved by witnesses, and you have heard the witnesses. As I recollect there were two police officers and the defendant. I do not recall any other witness. The law makes you the judge of the credibility of witnesses. Who told the truth? That is your burden to determine. You heard the story of the officers, and you noticed their manner on the stand; and, if there is any conflict between the defendant's testimony and theirs, you must decide who told the

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truth.

One of the officers testified that he found the revolver in the defendant's pocket. That he saw him standing at the place where the arrest was made, with others; that he had a raincoat on, and that he "frisked" him, in the language of the policeman, and he showed you how that was done, and that he found a protuberance, in his sack coat pocket, the coat that defendant wore under the rain coat, and that he put his hand into that pocket, and pulled out the revolver. The other officer says that he saw that done.

The defendant says that he had no revolver in his pocket, and that, if it was found there, it was put into his pocket by the officer who searched him.

Now, you must determine who told the truth; and, if you find from the evidence beyond a reasonable doubt that the defendant is guilty, if you find that he knowingly had a revolver in his pocket, and if that revolver is of the kind specified in the indictment and in the statute, you must find him guilty. If you have a reasonable doubt you must acquit him.

As I said during the trial, in deciding the credibility of witnesses, you may consider the motives of witnesses, if any, their interest, if any, in the case, and the character of the witnesses. That is a very important element, and that is the reason why the Court allowed the defendant to be

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interrogated concerning his past life, as to whether or not he was an ex-convict or whether or not he associated with people of doubtful reputation. Those questions were not asked to prove that he had a revolver on his person at the time mentioned in the indictment, but for the purpose of throwing light on his character, so that if he was contradicted by other witnesses who have not been impeached, you may consider the character of the defendant in determining how much weight you will give his testimony.

You must be convinced, beyond a reasonable doubt, after a careful examination of the evidence that he is guilty as charged in the indictment before you can convict him. If you are so satisfied, then you must say so, but, if you are not satisfied of his guilt beyond a reasonable doubt, from the whole evidence, then you must acquit him.

Any requests?

MR. GUTMAN: No, sir.

THE COURT: Mr. District Attorney?

MR. COLLIGAN: No, sir.

THE FIFTH JUROR: Shall we take the letter along—that he wrote?

THE COURT: You mean the exhibit in the case?

THE FIFTH JUROR: Yes, sir.

THE COURT: Yes, you may have it by consent, if you wish it.

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MR. GUTMAN: I consent, sir.

MR. COLLIGAN: And so do I.

THE COURT: Then you may take the revolver along, if you wish. You may have all the exhibits, if the defendant does not object.

MR. GUTMAN: No, sir; I don't object.

THE FIFTH JUROR: No, no, only the letter; that is all we want.

THE COURT: Then you may take the letter, gentlemen. And you may pass out.

(The jury retired at 11:50 A. M.)

The jury returned to the court room at 3:30 o'clock, finding the defendant guilty as charged in the indictment.

MR. GUTMAN: Will your Honor allow me to delay any motions that I desire to make for a few days?

THE COURT: Let the clerk take his pedigree first.

(The clerk takes the defendant's pedigree).

THE COURT: Now, I will hear you, counsellor?

MR. GUTMAN: May the defendant be remanded for a few days? Will your Honor adjourn the sentence?

THE COURT: Until Thursday?

MR. GUTMAN: Yes, sir.

THE COURT: One week. The matter is postponed until the 24th, and your right to make such motions as you may be advised at that time is reserved.

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MR. GUTMAN: Yes, sir; that is satisfactory.

I hereby certify that the foregoing transcript is an accurate transcript of the stenographic minutes of the case of The People vs Philip Friedman.

Frank J. Sand,
Official Stenographer.

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