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

-----X  
THE PEOPLE :  
vs :  
WILLIAM KROTOFIELD, indicted :  
as WILLIAM MOORE. :  
-----X

Before:

HON. JAMES T. MALONE, J.

and a Jury.

Tried, New York, April 22nd, etc., 1912.

Indicted for Assault in the first degree.

Indictment filed January 23rd, 1912.

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

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

ALEXANDER S. ROSENTHAL, ESQ., for the Defense.

-: T R A N S C R I P T O F S T E N O G R A P H E R ' S M I N U T E S :-

Frank S. Beard,  
Official Stenographer.

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New York, April 23rd, 1912.

(A jury was empaneled and sworn.)

(The Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case to Wednesday, April 24th, 1912, at 10:30 o'clock).

TRIAL RESUMED.

New York, April 23rd, 1912.

MR. ROSENTHAL: I ask that all the witnesses be excluded during the opening of the District Attorney.

THE COURT: Yes, they may be excluded.

LEONORA OFFER, of 727 East 158th Street, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q Mrs. Offer, on the 11th of January, 1912, you reside at 349 East 78th Street, in the City and County of New York?

A Yes, sir.

Q You occupied an apartment on the first floor? A Yes, sir.

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Q Is that house on the southerly or northerly side of the street? A On the east side of the street.

Q Now, this is East 78th Street. Now, is it the northerly or southerly side of the street? A I really don't know.

Q And you conducted a hair-dressing establishment in your apartment; did you not? A Yes, sir.

Q On the 11th of January did you see this man (indicating the defendant)?

MR. ROSENTHAL: I object to the question, if your Honor please.

BY MR. COLLIGAN:

Q Well, did you see the defendant? A Well, I didn't see his face. I only ---

Q At any time during the day of the 11th of January did you see this defendant? A Yes, sir.

Q On the 11th? A Yes, sir.

Q Did you hear a knock on your door on the morning of the 11th of January? A Yes, sir.

Q About what time was it? A About half past eight in the morning.

Q Did you respond to that knock? A Yes, sir.

Q Did you answer it? A Well, yes.

Q Did you open the door? A I opened the door.

Q Now, tell the jury what you saw when you opened the door. A Well, by asking who it is, the answer came, "Puff".

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Well, I opened the door and I see a man, with a black mask on his face, and, as I opened the door, he pointed the revolver to my face, and he didn't say nothing only "Sh", and so I screamed out, and my neighbor came to my rescue.

Q And who is your neighbor who came to your rescue?

A Mr. Maurer. And so, when I screamed, this man ran out, and Mr. Maurer ran after him.

Q Did you hear a shot fired at that time? A Yes, I heard it.

Q Now, how was this man dressed, that day? A He had a brown suit, a brown striped suit on.

Q Did you see anyone answering to that description afterwards, on the same day? A No, sir, I didn't.

Q Didn't you go the police station? A Oh, yes, I did.

Q Well, did you see anyone at the police station answering to that description? A Yes, I seen the defendant.

But I seen him in my house again. The officer brought him to my house when he captured him, to see if I identify him. But certainly the face I couldn't identify, but only his clothes and his height, his build.

Q And the man brought to your apartment afterwards by the officer wore the same clothes as described by you? A Yes, sir.

Q And did you describe the man's clothing and build to anyone after that? A Yes, sir.

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CROSS EXAMINATION BY MR. ROSENTHAL:

Q Now, Mrs. Offer, has it not always been, from the very first, your contention that you didn't see the face of the man who knocked at your door? A No, sir, I didn't see his face.

Q And wasn't he a man with a light overcoat and didn't you say so? A No, sir; I said a brown striped suit.

Q Wasn't he a tall, well built man? A Oh, no; short, stout built.

Q You didn't see the face of the man? A No, sir.

Q And you are sure about that? A Yes, sure.

Q Now, did you talk to anybody about this case? A Well, to people what came to my place, to my store.

Q There were two men there; weren't there? A Well, I didn't see the other man. Mr. Maurer seen him. I only seen him outside on the stoop when he came back, the other fellow.

Q You saw another fellow? A Yes, sir, on the stoop.

Q What did he look like? A Well, he had a light face, and he had some kind of brown suit and brown hat on. I seen him only since the other fellow knocked on my door. I didn't know he had something to do with him (indicating the defendant).

Q This was the 11th of January; was it not? A Yes, sir.

Q Wasn't it a cold day, that day? A I don't remember that.

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Q Do you know whether it was snowing that day? A I couldn't tell.

Q Do you know whether it had been raining that day or not? A I couldn't tell that, no. No, it wasn't raining. I couldn't tell you about that. I don't remember.

Q What? A I couldn't tell.

Q You don't seem to be positive whether it was raining that day? A No, sir.

Q Or whether or not it was snowing that day? A No, sir.

Q Or whether or not it was cold that day? A No, sir.

Q But you remember that it was the 11th of January?

A Yes; that I am sure of.

Q And you recollect nothing but that it was a man in a brown suit? A Yes, sir.

Q Were you excited at that time? A Excited?

Q Yes. A Yes.

Q Very much; weren't you? A I wasn't excited by opening the door. I thought, first, it was only fun, that somebody wants to play a joke on me. So that's the reason I looked him over, from top to bottom, when I opened the door.

Q And where was this fight with the other man? A Right

Q Yes, was there any fight with another man? A No.

Q Was there any fight at all? A No, sir.

Q Did you see yauerer with anybody? A I didn't see

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Mauzer with anybody. He run out from his apartments after William Moore (indicating the defendant).

Q You didn't personally make any complaint here; did you? A Well, I did make a complaint.

MR. COLLIGAN: I object to that as immaterial. It is immaterial who made the complaint.

BY MR. ROSENTHAL:

Q Well, you didn't sign any paper; did you? A Yes, I did.

Q You did? A Yes.

MR. COLLIGAN: I object to this on the ground it is immaterial who signed the complaint in this case. We will admit right away that she didn't sign the complaint.

MR. ROSENTHAL: But the witness says she did. Therefore, you will admit nothing.

MR. COLLIGAN: No, she didn't say that she signed the complaint. She said she signed something, not the complaint.

BY MR. ROSENTHAL:

Q Did you sign the complaint in the case? A I signed something in the 57th Street court.

Q And do you know what you signed? A I couldn't tell you.

Q You don't know whether you signed any affidavit or complaint of any kind; do you? A I couldn't tell.

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Q If I told you that the papers don't show that you signed any paper, would you then be mistaken about it?

A Yes, I guess I'm mistaken. I remember now I didn't sign the papers, no.

BY THE COURT:

Q Was more thing submitted to you, Madam, was some paper submitted to you? A No, the other man signed it. I forgot.

Q The other man signed it, you say? A Yes, sir.

Q You had forgotten that matter? A Yes, sir.

Q Did you see somebody else sign a paper? A Yes, sir.

BY MR. ROSENTHAL:

Q Now, you never made a complaint to the effect that this defendant or anybody else pointed revolver at you, did you? A Anybody else?

Q Did you make any complaint against this defendant or anybody else, to the effect that they had pointed a revolver at you? Now, remember this is under oath. And I ask you whether or not you ever signed a paper? A I don't know anything about that. I went on the station house.

Q Yes. A Well, they didn't ask me. I just repeated everything how it was, and made my statement, and Mr. Lawrence and the foreman signed the papers. They didn't tell me to sign any papers, but I told the complaint, how it happened.

Q But you made no complaint, you didn't sign a paper, that anybody pointed a revolver at you? A Yes, I said that.



he pointed a revolver at me.

Q Now, you made no written report of that, did you?  
I'll give you time to think. Do you want to think? A Oh,  
I don't remember, I don't remember that.

MR. COLLIGAN: I object to this line of examination,  
if your Honor please. The defendant's attorney insists  
upon asking whether or not she signed a paper, and she  
says that she doesn't remember signing any, and we will  
admit that she signed nothing.

THE COURT: Hasn't she made that clear, that she  
did not, Mr. Rosenthal?

MR. ROSENTHAL: Well, if the jury are satisfied,  
if they are clearly satisfied that she did not sign any  
paper to the effect that he pointed a pistol at her, I'm  
satisfied.

THE WITNESS: I'm not sure about that. I don't  
remember.

BY THE COURT:

Q Well, what is your best opinion about that? A I'm  
not sure.

Q You are not sure whether you signed a paper or not?

A No, sir, I'm not sure about it.

Q There was a paper there, and it was signed by somebody;  
was it? A Yes, sir.

Q But whether it was signed by you or the other person,

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you don't remember? A I am sure now the other person signed it, but I'm not positive whether I signed it or not.

BY MR. ROSENTHAL:

Q Didn't you always say that you were not sure, or didn't know positively, who the man was that pointed the revolver at you? A No, I was always sure it was him (indicating the defendant).

Q Did you tell that to everybody else? A Yes, I said I was sure. Before I seen his face, I described him to my neighbors; of course, not his face, just his build.

Q Are you sure of that? A Yes, sir.

BY THE COURT:

Q You described him by his clothes? A Yes, sir, and his build.

Q And also by his build? A Yes, sir.

Q And that is the extent of it, is it not, Madam? You did not see any portion of his face? A No, sir.

BY MR. ROSENTHAL:

Q By the build you identified him; isn't that so?

A Yes, sir, and the clothes.

Q This was in the morning? A In the morning.

Q In the daytime? A In the daytime.

MR. ROSENTHAL: That is all.

RE DIRECT EXAMINATION BY MR. CULLIGAN:

Q And when this man was brought to your place of busi-

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ness (indicating the defendant), the same day, did you then say that that was the man?

MR. ROSENTHAL: I object to the question, as leading. I think he has gone far enough. He has led this witness all the way through this testimony, and I don't think it fair in a case of such importance. It is a very important case with this defendant.

MR. COLLIGAN: I know it is, and it is also important to the State.

THE COURT: I will sustain the objection.

BENJAMIN MAURER, of 286 East 3rd Street, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q Mr. Maurer, on the 11th of January, 1912, you lived at 349 East 78th Street, in the city and County of New York?

A Yes, sir.

Q Was your attention called to any disturbance in that house, that day? A Yes, sir.

Q When? A In the morning, about halfpast eight.

Q Well, state the circumstances. A Now, when I was in the house --- I had just come in about five minutes before that, all of a sudden I heard a holler, somebody hollered out, "Oh, oh," and so I opened my door, and I seen two fellows

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run out.

And so one fellow was dressed up very swell, and the other fellow followed him, and when we came to the vestibule door, he was in the vestibule door, and I was in the house door, and he turned his face that way (illustrating), but didn't look back, and fired a shot at me and he run, and I started to follow him.

Q Did you go out on the street? A Yes, sir.

Q How far did you go? A I run as far as 79th Street and First Avenue, when me and the foreman, another man, you know, in the Street Cleaning Department, picked up the gun from an express wagon.

Q Did you see the man throw the gun away? A No, I couldn't see the man throw the gun, but the foreman took it out of the wagon.

Q But you were there when it was picked up from an express wagon? A Yes, sir.

Q At least, off an express wagon? A Yes, sir.

Q Now, did you give a description of the man that you saw, and ran after? A Yes, sir.

Q And of his build? A Yes, sir.

Q What description did you give? A He was a short fellow, dressed in a dark brown suit.

BY THE COURT:

Q Where were you when you got an observation of him?

A I was right next to him, I could almost grab him in the

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hallway, but, when he fired the shot at me, he turned this way (illustrating), turned his face this way, and shot at me, and run out.

BY MR. COLLIGAN:

Q Could you see whether his face was covered or not?

A It was covered up to here (indicating the mouth). It was from the bottom up, something black, like a black handkerchief. But that wasn't in the street already; he didn't have it covered then, in the street, when I run after him.

Q Did you see the defendant later on that same day?

A I see him when the officer brought him back.

Q Did you identify this man that the officer had?

A Well, by his build and his clothing; that's about all.

Q And you told the officer at that time that that was the man; didn't you?

MR. ROSENTHAL: I object to the question as leading, if your Honor please. There is no such statement in the evidence.

THE COURT: Sustained.

BY MR. COLLIGAN:

Q What did you say to the officer? A I said to the officer, "He looked like the fellow, he looked like the party, his clothes and his build, he looked to be the party."

Q Did the defendant say anything at the time? A No, sir, nothing at all to me.

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Q He said nothing at all at the time to you or in your presence? A No, sir.

Q Did you see a man by the name of Uhrie, that day?

A Yes, sir.

Q Where did you see him? A He was standing across the way from the house.

Q And Uhrie worked, at the time, in the Street Cleaning Department; didn't he? A Yes. As soon as he fired the shot, and this man started to run, the foreman ran right after him.

CROSS EXAMINATION BY MR. ROSENTHAL:

Q You didn't see the face of the man who was in the hallway at that time; did you? A No, sir, I didn't see the face.

Q Now, in your complaint you declare that you are informed by Charles Uhrie that, at 8:45 in the morning, he, Charles Uhrie, saw this defendant run out of the premises 349 East 78th Street? A Yes, sir.

Q And you didn't see him run out, did you, if you were informed by Uhrie? A I seen him run out, but I couldn't see his face. If I wouldn't see him run out ----

Q Now, you have answered. Now, isn't that what you swore to in the police court? A What?

Q That you were informed by Charles Uhrie? A No, sir.

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Q You didn't swear to that? A No, sir.

Q You are sure about that? A Yes, I'm sure about it.

MR. ROSENTHAL: Will your Honor be kind enough to show me the original complaint, with his signature, there?

THE COURT: The Clerk will hand it to you?

BY MR. ROSENTHAL:

Q Will you look about the middle of that complaint there, and tell what it says there? A I couldn't read that very well, I couldn't read that writing.

Q "The deponent is informed by Charles Urie." Do you get that part? Do you see it? A No, I don't see it.

Q You don't see it? A No, sir, I can't see it.

BY THE COURT:

Q A statement was made out for you and you signed it?

A Yes, I suppose I did.

Q And did you sign it? A Yes, that's my signature (indicating).

Q And the rest of it you didn't write? A No, sir.

Q Was that written by the Clerk? A Well, I suppose it was, but I can't remember when it was wrote, because that aint the only thing I had on my mind, your Honor.

Q Well, you signed it? A Yes, I signed it.

Q And was it read to you? A I don't think it was.

Q Did you read it yourself? A No, sir, I didn't because I aint a very good reader, your Honor.



BY MR. ROSENTHAL:

Q Well, you signed a paper that you didn't read?

A No, sir.

THE COURT: Let us not take up any more time on this, counselor. You may introduce it in evidence, if you desire, and show it to the jury.

MR. ROSENTHAL: Then I offer it, sir, in evidence.

MR. COLLIGAN: And we have no objection whatever.

(It is marked Defendant's Exhibit A).

(Mr. Rosenthal reads the exhibit to the jury).

BY MR. ROSENTHAL:

Q Now, you signed that paper, did you not? A Yes, that's what I said.

Q And you said there that you were informed by Charles Uhrie? A When he fired the shot at me I couldn't see his face, but the foreman said that this was the party that he run after, and I know it's the same party, because I followed him right out.

Q And was this apartment on the first floor? A On the stoop.

Q And is that called the first floor? A Well, I would call it the first floor, yes.

Q Now, other than the corresponding build of the person, that's the only way you identify this man? A That's the only way I can identify this man.

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CHARLES UHRIE, of 441 West 48th Street, a witness  
called on behalf of the People, being duly sworn, testi-  
fied as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q Now, on the 11th of January, 1912, you worked in the  
Street Cleaning Department; did you not? A Yes, sir.

Q And on that day you were working on 78th Street?  
A Yes, sir.

Q Did you see the defendant on that day? A I don't  
know whether it was him or not, except from the description.

Q Now, you were working in front of the premises  
349 East 78th Street; weren't you? A No, sir, I had a reviving-  
commission. I went from 72nd to 79th Street and I came  
through 78th Street.

Q Now, did you see a man run out of those premises,  
349 East 78th Street, on that morning? A Yes, sir, I did.

Q Now, describe the man that you saw run out? A Well,  
he was a short, thick-set man, with a kind of light coat on,  
with a cap.

BY THE COURT:

Q But a light coat do you mean a body coat or an over-  
coat? A He had no overcoat on, but it was a light coat.

BY MR. COLLIGAN:

Q Is that your signature? A Yes, sir.

Q You signed that in the Magistrate's Court, did you not,

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(indicating)? A Yes, sir.

Q Now, what did you see this man do?

MR. ROSENTHAL: Now, one minute. What is that paper? Just put it in evidence, that paper that you have there.

MR. COLLIGAN: You have introduced it and it is in evidence already.

MR. ROSENTHAL: No, not the whole thing. It's only an affidavit saying he has read the affidavit of the other man.

MR. COLLIGAN: Yes. Then I will have that marked in evidence, too, if you don't object. I thought the whole thing was marked in evidence.

MR. ROSENTHAL: No, but I want it all in.

(It is admitted in evidence by consent, and marked People's Exhibit 1).

MR. ROSENTHAL: Now, will you read to the jury the affidavit of Mr. Uhrig, People's Exhibit 1, now in evidence?

MR. COLLIGAN: Certainly, I will.

(Mr. Colligan reads the exhibit to the jury).

MR. COLLIGAN: And the foregoing affidavit that you offered in evidence, Mr. Rosenthal, I will now read in evidence, Defendant's Exhibit A.

MR. ROSENTHAL: No, I object to that, if your Honor

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please, until this witness has been examined.

THE COURT: No. In order that the jury may appreciate what both of you gentlemen apparently want to have made clear to them, I think Mr. Colligan ought to read your exhibit as well as his, at this time, so that the matter may be intelligible to the jury. Go ahead. Read it, Mr. Colligan.

MR. ROSENTHAL: Very well then.

BY MR. COLLIGAN:

Q Now, you read that affidavit, did you not? A Yes, sir.

Q And signed it? A Yes, sir.

Q Now, what happened after this man ran out from that house? A I was on the south side of 78th Street, in a triangle from him, about this way (illustrating), when the revolver went off, and I see this man coming out of the house (indicating), and he run towards First Avenue, and I went after him.

BY THE COURT:

Q Did you see the pistol in his hand? A Yes, sir, he had the revolver in his hand.

BY MR. COLLIGAN:

Q Did he have anything on his face at that time? A No, sir, I didn't see anything on his face.

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Q Go ahead. And, between 78th and 79th Street, on First Avenue, he threw the revolver into an express wagon.

Q Did you see him throw it into the express wagon?

A Yes, sir.

BY THE COURT:

Q Did you see the face of that man? A No, sir, he was in front of me, his back was towards me.

Q You couldn't see his face at all? A No, sir.

Q Then you couldn't see whether he had anything on his face or not; could you? A No, sir, I couldn't. Then I got the revolver from the wagon, and I met Officer Regan between 78th and 79th Streets, and I said ---

Q No, you must not tell what you said. A I said, "That man going down the street is just after shooting a man." And I said, "Go after him." And I went after him, too, but I lost track of him in the Mills Flats, but Officer Regan kept on after him. He began chasing him at 79th Street, and followed him up.

BY MR. COLLIGAN:

Q And did you see this man again afterwards (indicating the defendant)? A Yes, sir.

Q Where did you see him? A On Third Avenue, at 79th Street, I think it was, with the officer, and from his clothes and build I identified him.

BY THE COURT:

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Q He was then in the possession of the officer; was he?

A Yes, sir.

BY MR. COLLIGAN:

Q And the man that was running is the man who threw the revolver in the wagon? A Yes, sir.

Q Did you pick up the revolver? A Yes, sir; and I turned it over to Officer Regan.

Q Is that the gun (indicating a pistol)? A Yes, sir.

Q How many cartridges did it contain at that time?

A Five.

MR. COLLIGAN: I ask to have the pistol marked for identification.

(It is marked People's Exhibit 2 for identification).

BY MR. COLLIGAN:

Q How many loaded cartridges were there? A Four.

MR. COLLIGAN: And I ask to have those marked for identification.

(The cartridges are marked People's Exhibit 3 for identification).

BY MR. COLLIGAN:

Q Did the defendant say anything in your presence when you saw him with the officer? A No, sir.

CROSS EXAMINATION BY MR. ROSENTHAL:

Q Was it a long light overcoat that he had on? A No,

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sir, it was a coat just like this that I have on, but a different pattern (indicating a sack coat).

Q When you first saw the defendant, did you say, "This isn't the man"? A No, sir.

Q At what time did you make that statement?

MR. COLLIGAN: I object to that question, as containing the assumption that such a statement was made.

THE COURT: Sustained.

BY MR. ROSENTHAL:

Q Didn't you, at one time, say that you didn't think that this was the man? A No, sir. If I did, I wouldn't have went to the station house.

Q What? A No, sir, if I did, I wouldn't have went to the station house.

Q Now, how far away was Regan when you first saw him?

A He was ---

Q How far in blocks, I mean? A Well, about half a block. He run after me. He saw me running, and he came after me, and I met him right near 79th Street, on First Avenue.

Q And in which direction was the man going? A He was going north. He turned east on 79th Street.

Q 79th Street and what avenue? A First Avenue.

Q He was on First Avenue? A Yes, sir.

Q And he went into 79th Street? A Yes, sir. He ran north on First Avenue and east on 79th Street.

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Q From 78th Street and First Avenue he ran to 79th Street? A Yes, sir.

Q And then which way did he go? A He went over towards Avenue A.

Q Now, 79th Street, that's a long block; isn't it. Equal to almost how many blocks? A Well, about 800 feet long, I guess.

Q It's an exceptionally long block; isn't it? A Yes, sir.

Q Did you follow after the officer and the man? A yes, down to the Mills Flats, I did.

Q How far down is that? A Why, that's just the other side of Avenue A.

Q Now, you went from 78th to 79th Street? A Yes, sir.

Q Through First Avenue? A Yes, sir.

Q And down through 79th Street? A Yes, sir.

Q Down 800 feet to the Mills Flats? A I was running.

Q Naturally, you were running? A Yes, sir.

Q And was Regan with you? A He was ahead of me then, Regan was. After I told him, at 79th Street and First Avenue, he started after him, he kept on after him. He took the gun from me, and ran after him. I couldn't go so fast as he could, because I had on an overcoat, and he didn't.

BY THE COURT:

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Q How long after the man left your observation, did you see him in the possession of Regan, how much time had elapsed, Mr. Wrie? A Oh, maybe two or three minutes.

Q Only two or three minutes? A Yes, sir.

BY MR. ROSENTHAL:

Q Why, just a minute ago, you said that you saw him next at Third Avenue? A That's when he brought him back.

Q Now, you went through 79th Street to Avenue A, you say --- why, he was arrested at 515 East 75th Street; wasn't he? A Yes; that's very true.

Q And that's down near the river; isn't it? A Yes, sir.

Q Now, what avenue do you call that, down there?

A That's Exterior Street.

Q Well, from Avenue A down to 515 is how many blocks, or feet? A Well, maybe a hundred feet.

Q Or from First Avenue, rather? A Well, 515 is between Avenue A and the river.

Q And did you go down through any street after this defendant? A Outside of 79th Street, no, sir.

Q How did you come to see him then coming from Third Avenue? A He brought him over from Exterior Street, over to Third Avenue, for me to identify the man.

Q From 75th Street? A Yes; he captured him in 75th Street between Exterior Street and Avenue A.

Q And then he went over to Third Avenue? A Yes, sir.

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Q And he had to walk up to 79th Street; hadn't he?

A Yes, sir.

Q And then it wasn't three minutes after he was captured that you saw him, as you said? A No, sir, I said it was about three minutes after, after I identified him in the street.

Q Yes, identified him by the light overcoat? A No, sir, I didn't say that he had a light overcoat on. The coat that he's got on now is the very same coat, that's the very coat he had on.

Q Do you call that an overcoat (indicating the defendant's coat)? A No, and I didn't say an overcoat. I said a body-coat, like this, (indicating his own coat, as before). I ain't got no overcoat on.

Q Now, you want us to understand, then, that it took about three-quarters of an hour before he was brought back to you? A I didn't time it. I think about that. I should judge so. It might have been half an hour.

Q And were they running towards you? A No, sir, walking over.

Q Where were you standing when you saw them coming through the street towards you? A 75th Street, I think. That was half an hour or so after I saw the defendant running with the officer after him.

Q How did the officer ascertain where you were? A Be-

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cause he asked the sweepers where I had went, and he followed me over, with the man.

Q And that's the way the officer made the identification, through you? A Yes, sir.

Q And you were in Third Avenue, between 75th and 76th Street? A Why, this was when it was all over. I pointed the man out to him in 70th Street. He was running, and I after him, and I after him, 70th Street and First Avenue, about half an hour or three-quarters before. Then I identified him.

Q But he came back to you, after the arrest, to identify the defendant; didn't he? A No, sir, he wanted me then to go to the police station.

Q What are you doing now? A I'm in the automobile business.

Q And why were you dismissed from the Street Cleaning Department? A Because they caught me in a gin-mill, and dismissed me.

Q And weren't you also caught stealing snow-tickets? A No, sir.

Q And aren't you under indictment now? A No, sir.

Q And weren't charges brought against you for stealing snow-tickets? A No, sir. I had charge of the section, the removal of the ashes and the garbage, and the opening of the crossings. We have extra men for that work. They appoint them at the beginning of the season.



Q You know that you are under oath; don't you? A Yes, sir.

Q Did you leave the Street Cleaning Department of your own accord? A I was dismissed. I told you that.

Q And was it because of snow-contract tickets? A No, sir, it was for putting an emergency man to work under an assumed name.

Q Yes, that's it. And weren't you brought up by Mr. Fosdick on charges? A Me? I don't know the man.

Q Why, you know Mr. Fosdick, the Commissioner of Accounts; don't you? A I have heard of him.

Q And you don't know him or any of his men? A No, sir.

MR. ROSENTHAL: That's all.

PATRICK G. REGAN, of the Detective Bureau, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q You are a member of the Municipal Police Force?

A Yes, sir.

Q Connected with which precinct? A The 31st.

Q And you were connected with that precinct on the 11th of January of this year? A Yes, sir.

Q And did you see the defendant on the 11th of January?

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A Yes, sir.

Q And state the circumstances under which you saw him.

A Why, about between the hours 8:30 and 8:45 A. M., on the morning of January 11th, I was standing on First Avenue, between 77th and 78th Street.

I was looking north on First Avenue, and I seen the defendant, William Krotorfield, running east, crossing the avenue from the west side to the east side of the avenue, and going north of First Avenue. Closely behind him followed ---

Q Mr. Uhrle? A An assistant Street Cleaning foreman, Mr. Uhrle. And there was a moving express wagon going north on the avenue, and he put his hand in behind the dashboard ---

Q Who did? A Mr. Uhrle, and he pulled out a gun, and handed it to me, and he said to me, pointing to the defendant, "That man that's running north on the east side of the avenue is after shooting a man, or taking a shot at him, at 349 East 78th Street."

And the gun was warm, and you could smell the powder on the gun.

Q Now, did you give chase to the man that he pointed on?

A Yes, sir; and he run through East 79th Street, to No. 510, and he went into the Suburban Homes in 79th Street, he run through a court-yard there, and I was informed there by the janitor that he ran ---

MR. ROSENTHAL: I object to that, if your Honor



please.

THE COURT: Yes, sustained, as to what the janitor may have informed him.

BY MR. CULLIGAN:

Q Now, tell us just what happened; not what was said to you? A I went through the court-yard, and I saw him running east through 78th Street, to Exterior Street, and I followed him to Exterior Street, and I saw him running south, and followed him up close, south to 75th Street, and he turned west to 515, and he ran in the hallway.

I went to the front door of this hallway, and a little girl informed me that he ran in through the hallway; she didn't know exactly where he had gone, but she had seen a man run through the hallway, but didn't know whether he had gone to the roof or to the cellar. X

MR. ROSENTHAL: I object to the conversation with the little girl, as not in the presence of the defendant, and move to strike it out.

THE COURT: Objection sustained. Strike out that portion of the answer.

BY MR. CULLIGAN:

Q Go on, and tell where you found him? A In the hall there is a toilet, and I heard a man breathing hard in the toilet (illustrating), and I told him to open the door. I said, "Who's in there?" And he didn't make any answer, or



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answer me at all, and I said, "You had better open the door, whoever is in there", and he said, "I'll open the door."

And he was perspiring, and breathing very heavy, and I said, "You are after shooting a man in 78th Street. What was your idea in doing it?" And he said, "Now, officer, you've got me, and whatever I have to say I'll say in open court. You ain't a judge," and I said, "No, I know I'm not a judge. I'm a policeman."

And I took <sup>him</sup> back to Mrs. Offer's house, and there Mrs. Offer and Benjamin Murer were in the hallway when I took him in there, and she said, "That's the man that came to my apartment and attempted to shoot me."

And, of course, they could identify him by his height, and the clothes that he wore.

On the way to the station house, I picked up this witness Uhrie, and he positively identified this defendant to be the man that ran out of this hallway at 349 East 78th Street, and I took him to the station house, and I arraigned him before the lieutenant, and then took him to court. X

MR. COLLIGAN: That is all. cross examine.

CROSS EXAMINATION BY MR. ROSENTHAL:

Q He said, "You've got me. You ain't the Judge"?

A Correct.

Q Now, you offered to strike him, when you got him in

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front of Mrs. Offer; didn't you? A No, sir.

Q What was the conversation you had there, between you and her? A I asked Mrs. Offer if this was the man who had come to her door, naked, with a gun in his hand, and she said, yes; and that was all.

Q You have been with Mr. Uhrig every day, haven't you?

A No, sir.

Q You found Mr. Uhrig; didn't you? You know you are under oath now, do you not? A What do you mean, counselor?

MR. COLLIGAN: I object to that. The witness knows that he's under oath. This by-play doesn't go with the jury.

BY MR. ROSENTHAL:

Q One moment. Do you know that you are under oath, officer? A I am well aware of the fact, counselor.

Q Now, you have had Uhrig in your custody; haven't you?

A No, sir.

Q Isn't he in your custody now? A Yes, yes.

Q Then what did you say "No, sir", just now, for? A I didn't understand what you mean, counselor.

Q Since this arrest, you have been successful in being put in the Detective Bureau; haven't you? A Yes, but not through that arrest, counselor.

Q Now, just yes or no. Did you see anybody else besides this defendant running at that time? A No, sir.

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Q Did you hear of anybody else running at that time, did you hear any conversation about anybody being struck down by anybody? A Yes, sir.

Q Tell us about that. A I heard --- Benjamin Mourer told me that there was another man at the door, at 379 East 78th Street, after the defendant Krotofield ran down the stoop with the gun in his hand.

Q What did the other man do? Did Mr. Mourier tell you? A He tried to keep in between the front door and the vestibule --- to keep him from following up Krotofield, from running after him.

Q That's what Mourier told you? A Yes, sir.

Q That the other man was holding the door, so that he couldn't run after the defendant here? A Yes, sir.

Q Now, did you talk to anybody about this case? A No, sir.

Q Did you talk to Mourier about this case? A No more than just the circumstances of the case.

Q Did you talk to Uhrie about the case? A Just the same.

Q You were going to place Uhrie in the House of Detention; weren't you? A No, sir.

Q Was there not a request made by you, or somebody to your knowledge to place him in the House of Detention? A Absolutely none.

Q Why have you got him in your custody? A I aint got

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him in my custody. He was subpoenaed here, sir.

Q Haven't you always been where Uhrie has been? A No, sir, I haven't.

Q Now, how many blocks did you run after the defendant, as you say? A I ran after him in First Avenue, from 78th to 79th Street, and east ----

Q You didn't make any complaint personally, did you, sign any paper? A Not to my knowledge. From 78th to 79th Street on First Avenue, and east to 510 East 79th Street, and through the court-yard to 78th Street, and east in 78th Street to Exterior Street, and south from 78th Street to 75th Street, and west to No. 515. That's the distance I ran after the defendant Krotorfield.

Q And at no time did you see the defendant's face?

A No, sir; not while I was chasing him.

Q And at no time did you sign any paper of any kind?

A Not to my knowledge.

Q You in no way mentioned ---- did you see Uhrie or this defendant first? A Uhrie.

Q And it was Uhrie's statement to you that first called your attention to this defendant? A Yes, sir.

BY THE COURT:

Q How far was the person away when your attention was first directed to him? A Less than half a block, sir.

Q Were you in a position to get a view of clothes?

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A Yes, your Honor, and of his height. I certainly was.

BY MR. ROSENTHAL:

Q This is a very long block, isn't it; an 800 foot block; isn't it? A No, a half block, on First Avenue, between 78th and 79th Street, a very short block, your Honor.

BY THE COURT:

Q Did you ever get nearer to him than that? Did he gain on you or you on him? A yes, I got nearer to him when he went to 510. I lost track of him a little in 510 East 79th Street. Going through the court-yard, he got a little distance then on me.

BY MR. ROSENTHAL:

Q Now, have you spoken to Mr. Uhrig about this case?

A No more than just the circumstances of the case; talked about it.

Q Didn't he tell you what testimony he was going to give? A No, sir.

Q Did you hear what testimony he was going to give?

A Just the facts of the case, counselor.

Q Didn't you and Uhrig and Kaurer and Mrs. Offer go up together to a room in the District Attorney's office? A Yes, sir.

Q And didn't you all tell your stories in the presence of the other witnesses in preparation for this trial; didn't all of you give your testimony together? A I was in the room but

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I didn't hear any testimony given. We never spoke about the full details of the case. It was no more than if the witnesses were present; the District Attorney wanted to know if all the witnesses was present, and told us the case would be tried on ---

Q Didn't you all make statements to a stenographer there of what you were going to say in this court-room? A No, sir, I didn't.

Q You didn't? A No, sir.

Q But did you hear the others? A I don't know. I don't know whether they made statements or not. I made no statement.

Q Not signed statements, but statements that were taken down? A I didn't hear them, sir.

Q How long were you in the room of Assistant District Attorney Edwards? A I don't know, sir; I didn't take notice of that.

Q An hour? A Why, no. He just asked me if all the witnesses in the case were in court.

Q Didn't he instruct you, through his young man, to take Uhrie upstairs from the corridor, between part I and part 2? A No, sir.

Q The youngman didn't instruct you to do so? A No, sir.

Q A red-headed young man didn't tell you to do that,

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day before yesterday? A No, sir.

Q Or yesterday? A No, sir.

Q Now, remember. Didn't he tell you to see Mr. Edwards in my presence? A No, sir, he did nothing of the kind, in my presence, to my memory.

MR. ROSENTHAL: That's all.

MR. COLLIGAN: That's all.

MR. ROSENTHAL: Now, if your Honor please, just a moment. Will you allow me to go in to the other courtroom, for a moment, if your Honor please?

MR. COLLIGAN: If your Honor please, I object to any collateral matters being brought in here. This is the man on trial and I object to any collateral matters being brought in.

MR. ROSENTHAL: Mr. Colligan knows that we can test the credibility of a witness.

THE COURT: Are there any further questions of this witness?

MR. ROSENTHAL: I would like to have the red-headed young man from part 3 brought in.

THE COURT: Well, you may call back the witness, if you desire, on that subject, but let us not delay the case now. If you desire any one to come in here, have him sent for, and, if you desire to ask any other question of the witness, you may call him back for that purpose, Mr.

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Rosenthal.

MR. ROSENTHAL: Very well, sir.

MR. COLLIGAN: The People rest.

MR. ROSENTHAL: I ask your Honor to take from the consideration of the jury the counts charging assault in the first degree and second degree.

THE COURT: Denied.

MR. ROSENTHAL: I ask your Honor specifically to take from the jury the charge of assault in the first degree.

THE COURT: Denied.

MR. ROSENTHAL: Exception.

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## THE DEFENSE.

WILLIAM KROTCHFIELD, of 439 East 79th Street,  
the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ROSENTHAL:

Q You were arrested under the name of William Moore;  
weren't you? A Yes, sir.

Q Did you ever use that name? A Yes, sir.

Q How? A In the profession.

Q What is your profession? A I am a piano player.

Q And do you receive correspondence at your home by  
that name? A Yes, sir, I do.

MR. ROSENTHAL: I offer for identification, if  
your Honor please, a postcard.

BY MR. ROSENTHAL:

Q Oh, did you have a band also? A Yes, sir.

MR. ROSENTHAL: I offer for identification, or as  
an exhibit, if you don't object to it, this card, this  
postal-card.

MR. COLLIGAN: No, let it be marked for identifica-  
tion. I object to its going in evidence.

(It is marked Defendant's Exhibit B for identifica-  
tion).

BY MR. ROSENTHAL:

Q Is this card addressed to you? A Yes, sir.

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MR. ROSENTHAL: I offer the card in evidence.

MR. COLLIGAN: I object.

THE COURT: Excluded.

MR. ROSENTHAL: Exception.

MR. ROSENTHAL: And I also offer another postcard for identification.

(It is marked Defendant's Exhibit C for identification).

MR. ROSENTHAL: And I also offer that in evidence.

MR. COLLIGAN: It is objected to.

THE COURT: Excluded.

MR. ROSENTHAL: Exception. It is dated January 23rd, 1911.

BY MR. ROSENTHAL:

Q. Now, you say you were known under the name of William Moore in your profession? A. Yes, sir.

Q. And that is the reason why you gave the name of William Moore? A. Yes, sir.

Q. Now, you have heard the charge here, that, on January 11th, 1912, you did what is charged here, and you have heard the testimony of Lenora Offer, and Maurer, and Officer Patrick G. Regan. Now, what time did you leave your home, that morning? A. I left my home at eight o'clock.

Q. And where is it, where is your home? A. 79th Street and Avenue A.

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Q That is the north-west corner? A Yes, sir.

Q Which way did you go, in which direction? A I went south along Avenue A.

Q How far down? A Until I reached 75th Street.

Q Then did you turn? A I turned east into 515.

Q Who did you go to see there? A I went to see Fred Knabe.

Q Where does he live? A 517 East 75th Street, third floor back.

Q And what is his business? A I had been recommended that he is a good cornet player and I wished to have him in the band.

Q Do you know this woman, Mrs. Offer, or this man Benjamin Maurer? A Well, I know him slightly.

Q He is right around your neighborhood? A Yes, sir.

Q And do you know this Charles Uhrig? A No, sir.

Q That is, the Street Cleaning foreman? A Yes, sir. I don't know him.

Q Did you, at any time on the morning of the 11th of January, point a revolver at Lenora Offer? A No, sir.

Q Did you at any time, that morning, have a mask?  
A No, sir.

Q Did you at any time run through the various streets mentioned by the officer? A Positively no.

Q Did you, at any time, have a revolver, and shoot at

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Benjamin Mourer? A No, sir.

Q Now, what were you doing in the toilet at 515 East 75th street? A Well, when I reached 75th Street and Avenue A, I was taken short, and as I went into the party's house, the toilet on the ground floor there is always open --- it is a tenement house --- and I went and sat on the toilet, and I had been on the toilet the last ten minutes, when I heard a knock on the door, and I thought it was a woman knocking, and so I didn't respond, and at last they knocked again, and he said, "If you don't open the door, I'll break it," and, naturally, I opened it, and I was sitting on the toilet there doing the nature.

Q When you were taken by the officer to the home of Mrs. Lenora Offer, did she identify you? A No, sir.

Q What did he say to her, at that time? A He said, "This is your man." And he says to me, "If I knew you committed this crime, I'd smash you," and he backed me against the wall there and threatened to hit me. And Mrs. Offer didn't identify me. She said, "I never saw this man in all my life. I don't know him."

MR. ROSENTHAL: That's all.

CROSS EXAMINATION BY MR. COLLIGAN:

Q Where did you say you lived? A Sir?

Q Where did you live at this time? A 439 East 79th

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Street.

Q And you were going to make a visit where? A 515 East 75th Street.

Q To see whom? A Fred Knabe.

Q Who? A Fred Knabe.

Q Had you had an engagement with him? A No, sir.

Q You didn't know whether or not he was going to be home? A No, sir, I didn't?

Q Does he live at that place? A He lived there. I don't know whether he lives there now.

Q Did you see him, that day? A No, sir.

Q How long had he lived there? A Well, I only know he lived there about a month before that.

Q About a month? A Yes, sir.

Q How did you find out that he lived there? A Through a friend.

Q Who told you about him? A Well, I have a band; understand?

Q Yes. A A musical band, and I heard he was a good cornet player, and I wanted him for the band.

Q Well, but who gave you his name and address? A A friend of mine.

Q Who is he? A Benjamin Feinberger.

Q And where did he live in that house, as you were in-

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formed? A The third floor, back.

Q And you hadn't reached that floor? A No, sir, not before I reached the toilet.

Q Have you seen him since? A No, sir, I haven't.

Q What was the color of the suit of clothes that you wore that day? A I had a blue pair of pants on, and this coat (indicating the coat on his person).

Q And you didn't have a brown suit on? A Well, does this suit look brown?

THE COURT: Answer the question, witness.

BY MR. COLLIGAN:

Q You didn't have a brown suit on? A Yes, I did. I had this suit on.

Q And you had an overcoat on? A No, sir, I didn't.

Q Well, I thought, a moment ago, that you said you had something blue on. A Yes, a blue pair of pants.

Q But you did have that coat on that you are wearing now? A I did, yes.

Q And you didn't wear a mask, that day? A No, sir.

Q And you didn't run down the street, that day?  
A Positively not.

Q And when the man in the Street Cleaning Department says that he saw you running down the street, he tells an untruth; is that it? A No, I wasn't running down no street. I know nothing about it.

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Q You didn't have a gun with you either, that day?

A No, sir.

Q That is <sup>not</sup> your gun there (indicating the gun marked for identification)? A No, sir.

Q And you didn't throw that gun into an express wagon, did you? A No, sir; if I didn't have a gun, I couldn't throw it away.

Q Now, the officer says that, when he found you in the toilet, you were breathing hard and perspiring. What was the cause of that? A No, sir, I wasn't perspiring.

Q That is not the fact; is it? A No, sir.

Q You were not perspiring? A No, sir.

Q And you were not breathing hard either; were you? A No, sir.

Q You have always been in the musical business?

A Since five years back.

Q And have always been very busy it it? A Quite some.

Q These last five years? A Yes.

Q Were you ever convicted of a crime during the last five years? A No, sir.

Q Have you ever served time in a Penitentiary or a State Prison? A No, sir.

Q Is it not a fact that you have served in the House of Correction? A Yes.

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Q When was that? A From April to October, 1911.

Q Then you were not so very busy in your musical business, were you, during the last five years? A Not for six months, no.

Q And who sent you there? A Magistrate O'Connor.

Q What for? A For a misdemeanor.

Q What for, I asked you? A Disorderly conduct.

Q Jostling; wasn't it? A Disorderly conduct.

Q What does that consist of, what was the disorderly conduct? A That consisted of raising a disturbance after hours.

Q Now, is it not a fact that it was an attempt to pick pockets? A No, sir.

Q But you were sent there for six months, though?  
A Yes.

RE DIRECT EXAMINATION BY MR. ROSENTHAL:

Q Now, what, originally, did the Judge sentence you to?  
A He says, "I'll fine you five dollars." Then there was some misunderstanding or some disturbance in the court, and he said, "I'll sentence you to six months."

Q And that was for disorderly conduct? A Yes, sir.

Q And what did you do at that time? A I and three others were coming home when we made a noise, and the officers arrested us, and made the charge of raising a disturbance.

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after hours.

Q And Judge O'Connor gave you six months? A Yes, sir.

Q Now, where was that? The House of the Good Shepherd?  
No, I mean ---- A No, the House of Correction.

Q The House of Correction? A Yes, sir.

MR. ROSENTHAL: That is all.

MR. COLLIGAN: That is all.

THE COURT: Is there any other evidence to be  
offered in the case?

MR. ROSENTHAL: No, sir, that is the case.

MR. COLLIGAN: The People rest.

THE COURT: Go to the jury.

MR. ROSENTHAL: I renew my motions, if your Honor  
please.

THE COURT: Yes, motions denied, and exceptions  
given.

(Mr. Rosenthal then summed up for the Defense, and  
Mr. Colligan closed the case for the People).

(The jury retired at 1:15 P. M.)

(The jury returned at 6:25 P. M. The jury state  
that they had not agreed upon a verdict).

THE COURT: Is there anything that I can say to you,  
gentlemen, that will help you to reach a judgment in this  
case? What do you say, Mr. Foreman?

THE FOREMAN: I don't believe so, your Honor.

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THE COURT: Is there any testimony that can be read?

THE FOREMAN: They haven't asked for any testimony.

All the testimony has been discussed, and hashed and re-hashed, and a number of votes taken, and we can come to no agreement, and we stand in the same way as we did in the beginning.

THE COURT: I have received several communications from you, and have asked counsel to come to me, and have stated to them that you thought that you couldn't agree. Now, if there is nothing that I can say further, if there is nothing that can be repeated from the testimony of the witnesses, as taken by the Stenographer, to aid you in reaching a verdict, you will say so. Is there anything further to be done, in your opinion?

THE FOREMAN: No, sir, I know that there isn't.

THE COURT: Then I am obliged to withdraw the case from your consideration. I will relieve you from the consideration of the case.

(The jury disagreed).

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