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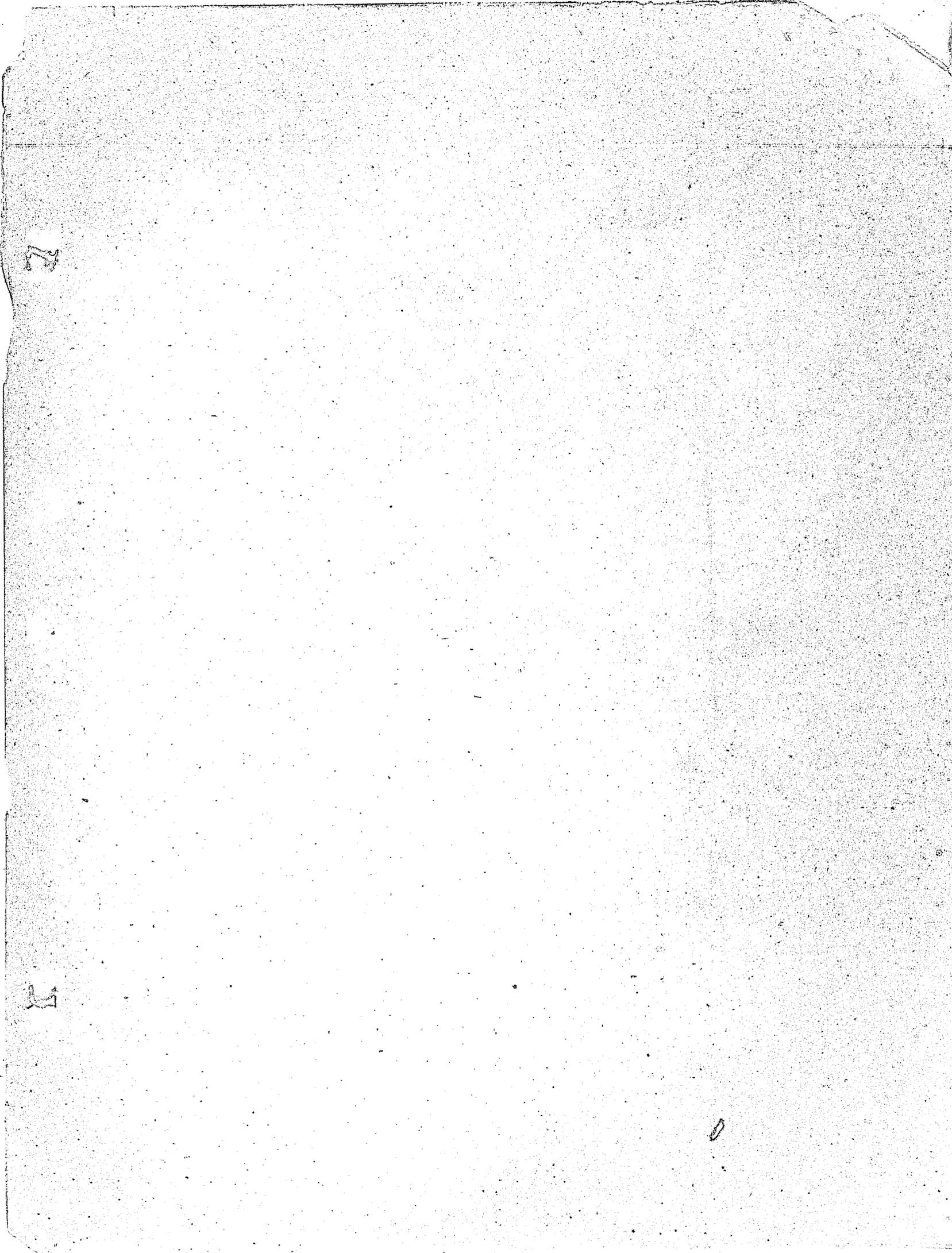
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12-1-1971

FBI

CASE # 2380

COURT OF GENERAL SESSIONS OF THE PEACE
City and County of New York, Part VI.

2864

THE PEOPLE OF THE STATE OF NEW YORK : Before
-against- : HON. JOSEPH F. MULQUEEN,
D A V I D B L E C H E R M A N. : Judge.

New York, December 3, 1917.

The defendant is indicted for criminally receiving
stolen property.

Indictment filed April 24, 1917.

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

For the People: ASSISTANT DISTRICT ATTORNEY EDER, ESQ.

For defendant: ABRAHAM LEVY, ESQ.

MR. LEVY: May I place upon the record my objection
to proceeding with this trial at this time upon my
statement to the Court, which I am willing to verify
under oath, that I am informed of the absence of a wit-
ness by the name of Frank Ritchie whose presence is
necessary for the proper presentation of the defense.
Also because of the fact that I had understood from the
District Attorney's office that the matter would be
adjourned for a few days, at least two days, to enable
me to make proper preparation. I am making this state-
ment with all due respect to the Court and because I

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believe that I owe it to the interests of my client to procure this short adjournment in order to properly present his defense, and I again most respectfully ask your Honor to give me this adjournment and I assure you I will keep myself clear from any other engagements, if you will give me until Wednesday morning to proceed with this case. I think the interests of the defendant require it, and I beg to assure you, both professionally and personally, that my request is based upon substance and is not whimsical. I am willing to try the case. The greater portion of the adjournments procured in this case were not procured by the defendant. My purpose in seeking this adjournment is not for the purpose of delaying the trial of the case but only for the purpose of properly presenting the interests of the defendant. I ask your Honor to reconsider your determination and please give me this short adjournment. I assure I will be ready Wednesday morning.

THE COURT: This case has been sixteen times on the calendar. It was on November 13th, adjourned at the request of the defendant, and on the 22nd, adjourned at the request of the defendant on account of engagements, and it was set down by the Court for today. The jury will be selected today, and at the request

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of both the People and the defendant I will adjourn the trial until tomorrow,. I regard the number of adjournments in this case as a public scandal.

MR. LEVY: We respectfully accept, your Honor.

MR. EDER: Your Honor, I am not ready to proceed with this case. I am to try this case. We rang up the Police Department on Saturday and they informed us that the police officer is away on his vacation and will not return until late this afternoon. We are ready except for the police officer.

THE COURT: Then get your jury and I will adjourn until tomorrow.

A jury is duly impanelled and sworn and affirmed.

THE COURT: Mr. Levy, I will adjourn this case until tomorrow and give you a chance to produce any witnesses you may desire. I will give you every opportunity to present your defense. If you cannot get one of the witnesses until Wednesday, I will give you an opportunity to get him also.

THE COURT: Gentlemen of the jury, the Court will excuse you until tomorrow morning at half-past ten. Meanwhile it is your duty to refrain from talking about this case with anyone. That not only means that you must not talk about it with strangers but you must not discuss it among yourselves. You must not mention it and you must not come to any conclusion about this case.

THE COURT
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one way or the other. You must keep your minds open
until you have heard everything that is to be said,
until the end of the case, and after the Court submits
it to you and you retire, if it should reach that
stage, that is the time to decide it and not before.

And now you will please go until half-past ten
tomorrow morning.

Trial adjourned until December 4, at 10:30 A.M.

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PEOPLE vs. BLECHERMAN.

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TRIAL CONTINUED.

December 4, 1917.
10:30 A. M.

MR. EDER; opens to the jury.

J O H N T. R O B E R T S, of 36 Pearl Street, Hartford,
Connecticut, a witness called on behalf of the People,
being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. EDER:

Q Mr. Roberts, what is your business? A Broker.

Q And where is your place of business? A 36 Pearl
Street, Hartford, Connecticut.

Q Do you remember the 3rd day of March, 1917? A I
remember being in the Hotel Belmont.

Q Did you occupy a room there, you and your wife?

A We did.

Q Her name is Mrs. Eliza P. Roberts? A Yes sir.

Q Do you remember retiring that night? A I do.

Q Did your wife have any jewelry at the time she re-
tired that night? A She did.

Q Did you see where she placed it? A I saw her place
a part of it on the table between the beds before we retired.

Q What did that jewelry consist of that she placed
upon the table? A One bar pin; do you wish details?

Q Yes, describe that bar-pin. A The bar-pin contained
nine large stones in the center. It was oblong in shape
and then had one row of small diamonds entirely around.

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Q Have you any photograph of that bar-pin? A I have.

Q Will you let me look at it? A (Witness producing a paper).

MR. EDER: I ask to have this marked for identification.

Paper is marked People's Exhibit 1 for identification.

Q You say it contained nine large diamonds in the center, of different weights? A Yes.

Q And small diamonds all around? A Yes, they graduated toward the center.

Q Was there a watch? A Yes, there was a diamond watch containing some 325 small diamonds, made by Cartier & Company of this City.

Q This bar-pin you speak of, did you purchase that for your wife? A I did.

Q Where did you purchase that? A Marcus & Company, I think.

Q What did you pay for it? A I do not recall exactly.

MR. LEVY: I object to that answer.

MR. EDER: I withdraw the question.

BY THE COURT:

Q When did you buy it? A I bought it, Judge, some two or two and a half years before it was stolen.

MR. EDER: I will have the jeweler here on that point, your Honor.

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THE COURT: What he paid for it is some evidence of value.

A I can give you what the jeweler told me was the value of it directly after that pin was stolen. The jeweler has it on his books.

THE COURT: No, that would be hearsay, but what you paid for it would be some evidence of value. You can refresh your recollection in any way you please.

Q Did you pay for it by check? A I think the check contained other items, and I tried to find it but I could not find the original bill.

BY MR. EDER:

Q Mr. Roberts, you closed the door that night? A Yes sir

Q When you got up in the morning was the jewelry that was placed there, was it on the table where it was the night before? A No.

Q Have you ever seen it since? A No.

MR. EDER: You may examine.

CROSS EXAMINATION BY MR. LEVY:

Q As I understand, these articles were placed on the table between the twin beds, is that the idea? A Yes.

Q Was there a lamp on that table? A No.

Q You usually have a lamp on a bed-table. A Not in the Hotel Belmont, not always.

Q The purpose of my questioning now is to ascertain

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whether during the night you were disturbed at all? A
Not at all.

Q You heard no one enter? A No.

Q Nor did you hear anyone go out? A No.

Q So that you are not in a position to testify of your own knowledge as to the matter of the disappearance of those articles? A Not in any way.

MR. LEVY: That is all.

DOMINICK VITO, (at present in the City prison, previous address 1944 First Avenue), a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. EDER:

Q Vito, how old are you? A Twenty-four.

Q You are now serving a State's prison sentence, are you not? A Yes sir.

Q When were you sentenced to that State's prison sentence? A I think it was in October, I am not sure. I was sent away for a violation.

Q For a violation of parole? A Yes sir. I do not recall the month. I think it was August 6th.

Q You were ^{sentenced} by his Honor, Judge Mulqueen, originally?

A Previous to that.

Q You received a sentence from two to six years? A Two and a half to ten.

Q For burglary? A No sir, for grand larceny.

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Q You are now serving that sentence? A For the violation of it.

Q You also pleaded guilty to grand larceny in the year 1917, did you not? A Yes sir.

Q And you are awaiting sentence upon that charge? A Yes sir.

Q You have been brought down here pursuant to a writ of habeas corpus to testify? A Yes.

Q From Sing Sing, State's prison? A Yes.

Q Now, where did you live in the month of March, the early part of March, 1917? A In the Hotel Belmont.

Q Do you remember the 3rd day of March, 1917? A I do.

Q Do you remember entering any rooms in the hotel?

A I do.

Q That were not yours, - that were not occupied by you? A Yes sir.

Q Do you remember the number of the room? A No sir.

Q What floor was it? A I think it was on the fifth floor.

Q What floor did you occupy? A On the fourth floor.

Q When you entered that room was it locked or closed?

A Just closed, but not locked.

Q Did you ever see Mrs. Roberts? A No sir.

BY THE COURT:

Q What time did you enter it? A I do not recall, your Honor.

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Q Don't you know whether it was in the daytime or night time? A It was in the night time. but I cannot exactly place the hour.

Q It was in the night time? A Yes.

BY MR. EDER:

Q After you entered that room what did you do? A Well, I seen the jewelry was lying on the little bureau and I took it.

Q Did you ever see that jewelry before? Did you ever see anyone wearing that jewelry? A No sir, I do not recall.

Q You saw the jewelry on the table and you took it? A Yes sir.

Q And you walked out? A And went to my room.

Q What kind of jewelry did you take; what articles?

A It was a lady's bar-pin set with diamonds and a lady's wrist watch set with diamonds.

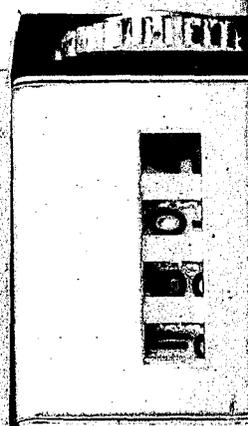
Q I show you People's Exhibit 1 for identification and I ask you whether this is a picture of the bar-pin that you took there? A Yes sir.

Q Do you see the watch, - a photograph of the watch there; is that a photograph of the watch you took? A Yes, it was something like it.

Q After you took those two articles of jewelry, tell us just what you did with it. A I went to my room.

Q And then what did you do? A I went to bed.

Q Well, you got up in the morning? A Yes sir.



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Q. What did you do with the jewelry? A. I got up in the morning, it was around about ten o'clock and I went to this man's store, where I sold it.

BY THE COURT:

Q. Which man's store? A. This man (indicating the defendant).

Q. Do you mean the defendant? A. Yes sir, this man sitting there.

BY MR. EDER:

Q. Had you ever seen this defendant before that time? A. A week previous to that.

Q. Under what circumstances did you see this defendant a week previous to that? A. I was introduced by two other fellows.

Q. Who were those two other fellows? A. I recall Frank as one name; I do not recollect the other name.

Q. Where did you meet these two fellows? A. On Third Avenue.

Q. Where did you meet them before? A. I met them in the Tombs, in 1913.

Q. Those two men that introduced you to this man you had met in the Tombs in the year 1913? A. Yes sir.

Q. After they took you to this defendant and introduced you to him, tell us the entire conversation had between you and those men and this defendant at that time.

MR. LEVY: I think that is incompetent, immaterial;

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this is a week before, - unless it relates to this man's actions.

MR. EDER: It does.

THE COURT: I will allow it.

MR. LEVY: Exception, if your Honor please.

A You mean when I was brought to this man's store?

Q Yes, the first time. A Why, I went in there with those two fellows and they began to talk with this man and after they had privately had a conversation amongst themselves, they turned to me, this fellow by the name of Frank, and said, "If, in case, Sam" he pointed to this man, "this man at any time brings any stuff, take it off him, and everything is all right."

BY MR. LEVY:

Q Who said that? A This young man by the name of Frank.

BY MR. EDER:

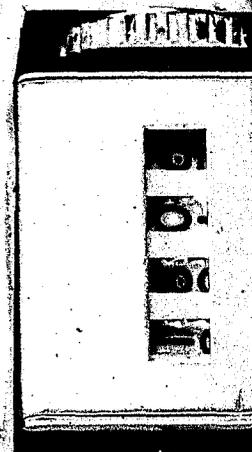
Q What did this man say? A He said, "all right." He looked at me and he produced his hand, he shook hands, "I am glad to meet you," he said.

Q Then you went away? A Then we walked right out.

Q You said, "Sam", he is called Sam? A They used to call this man Sam.

Q They introduced him to you as Sam? A Yes.

MR. LEVY: "They used to call him Sam", I think that should be stricken out.



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THE COURT: Yes.

Q Did they call him Sam? A Yes.

Q You mean these two men you met in prison? A Yes.

Q Then, when was the next time you saw this defendant?

A About a week later.

Q Was that after you had stolen that property that you just mentioned? A Yes, when I went down there with the stuff.

Q How many days after you had stolen those articles did you go down to see this defendant? A About a week.

Q How many days after you had stolen the articles?

A It was, I think it was, a day or so later, or I rather say it was about a day later, I am not positive.

Q And when you came into this defendant's place of business, - was it a place of business? A Yes.

Q What kind of a place of business? A It is a small jewelry store.

Q Did he have any articles of jewelry there when you came in? A Yes.

Q Tell us the articles, or the contents of the store and the fixtures, you saw when you came in. A Well, he has there a lot of watches and pins and diamonds; different other stuff, everything, which I cannot describe.

Q Did he have a safe? A I did not see any safe, just the display in the window.

Q When you came in there to see him after you sold

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those articles a day or so afterwards, tell us the conversation you had with him. A The day I went there with the stolen articles?

Q Yes. A I went in there and showed him them. He said, "They are very good."

Q What did you say? A I showed him the lady's bar-pin and the lady's wrist-watch set with diamonds, I asked him, "What is the valuation of the bar-pin?" He said it was worth between \$500 and \$600. I said, "How much would you give me?" He said, "The most I can give you is \$300." So I said, "Can't you make it more?" He said, "No". I said, "all right". So then I showed him the watch. He looked at the watch and said it was a very prezius (precious) one.

Q You mean precious? A Yes, prezius (precious). I said, "What is the valuation of it?" He would not give it to me. "Well," I said, "how much would you give me for it?" He said, "The most I can give you is \$70." I said, "Is that all?" He said, "That is all." "Well, I will see you later." I said to him. He said, "You better not carry that stuff with you, *it* is very dangerous." I said, "How do you know?" He said, "I read it in the papers, that the stuff was stolen from a certain hotel." He did not really mention the hotel, but he said he had read it a day previous to that, I think it was or on the same day, I do not recall what he said, that the stuff was stolen from a hotel. I said, "I guess it is no danger." So he said, "All right". So I walked out

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with the intention of showing this stuff to a friend of mine.

Q Never mind that; you walked out? A Yes.

Q Then did you return to this defendant? A After, yes sir.

Q Did you have any further conversation with him the same day? A The same day.

Q How long after your first conversation that day?

A Well, this was about at ten o'clock; I would not exactly take an oath for it; it was between ten and eleven, which was the first time I went there with the stuff, and then it was about an hour or so later which it makes it about half-past eleven or twelve o'clock.

Q After you came back there what conversation did you have with him? A I went back with the stuff to him and I showed to him the stuff, and I told him to give me \$300 for the bar-pin.

Q What did he say? A He said, "All right". He turns around and he gave me \$200. I said, "What about the other \$100?" "Well," He said, "I aint got it with me but you come tomorrow and I will give it to you."

Q Did you come in there alone the second time? A The second time I went there with a friend of mine.

Q What is his name? A Nicholas Ritchie.

Q Do you know where Nicholas Ritchie is now? A I do not.

Q What did this defendant say with reference to

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Nicholas Ritchie when he saw him there? A He asked me, he said, "Who is that man?" I said, "Oh, this is a friend of mine." He said, "Are you sure everything is all right?" I said, "Yes sir." He said, "All right."

Q Then you say he gave you \$200 and told you to come for the \$100 the next day? A Yes, next day.

Q What day was this? A That he gave me the money?

Q That you gave him the pin and that he gave you the money. A It was on a Sunday.

Q Did he give you a reason for coming the next day?

A He told me he has not got the other \$100, he has to go to the bank to get it.

Q Did you meet him that next day? A Yes.

Q Did he give you the \$100? A Yes.

Q What did he say? A He just gave me the \$100 and asked me about the watch.

Q What did you say about the watch? A I told him he must give me more, because the watch is more than what he offered me. He said, "No, I couldn't give you more than that."

Q Did he say anything to you about what he would do with the watch if he got it from you? A He said if he purchased the watch off me he was to hide that watch at a certain place until he gets some private customer or some big firm to sell it to them, because this store was

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not valuable enough to sell that watch, and "naturally," he said, "they want to make something on it and I want to make something, therefore I could not give you any more than \$70."

Q Well, you did not give him the watch, did you?

A No sir, not that day.

Q Did you ever see this defendant after that? A I think I saw him once or twice.

Q What did you do with the watch? A I kept it.

BY THE COURT:

Q How long did you keep it; have you got it yet?

A No sir, your Honor.

BY MR. EDER:

Q What did you do with it? A I kept it two weeks.

At the end of the two weeks I needed some money, and I sent a friend of mine to give it to him, which I had made an agreement with him that if, in case, -

MR. LEVY: I object to this.

Q Well, just state any conversation you had with the defendant concerning the disposition of that watch. A
(No response).

BY THE COURT:

Q Do you understand that question? You said you made an agreement. The attorney objects to that as a conclusion. Just state the facts. A Well, your Honor, -

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Q You gave the watch to a third person? A To a certain person.

Q What was his name? A Nicholas Ritchie.

Q To bring to this defendant? A Yes, to bring to that man.

Q Had you talked with the defendant about that?

A Previous to that, about the watch.

Q What had you said to the defendant? A I said to him, "If in case I could not come myself I would send this person," which is near him, "over here". I said "Would you mind to give him the \$70?" He said, "All right, but make sure and come yourself, or do not send any detective with it." I said, "No, there is no danger, I will send this man or I will come myself if I can."

BY MR. EDER:

Q Did you after that send this man Nich there? A Yes.

Q Did Nich come back with any money? A Yes sir.

Q How much? A \$70.

Q About how soon after that were you placed under arrest? A I think it was about three weeks or more, - I would not swear to it.

Q By the way, you continued to live in that hotel for how many days after? A Two or three days.

Q And then you say in about two or three weeks you were placed under arrest? A Yes sir, more than two weeks.

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Q On the 21st of March, is that correct? A About the 20th or 21st of March, 1917, I am not sure.

BY THE COURT:

Q Were you employed at the hotel? A No sir, I was living there.

Q Just a guest? A Yes.

BY MR. EDER:

Q You lived there for the purpose of stealing, didn't you?

MR. LEVY: Well, I object to that.

MR. EDER: I withdraw that question.

Q After you were placed under arrest you had a conversation with the detectives, is that correct? A Yes sir.

Q With officer Daly? A Yes sir.

Q And you also saw the house detective of the McAlpin Hotel, Mr. Dennison? A Yes sir.

Q After you had a talk with them did you see this defendant, Blecherman? A Why, they brought me to the store then.

BY THE COURT.

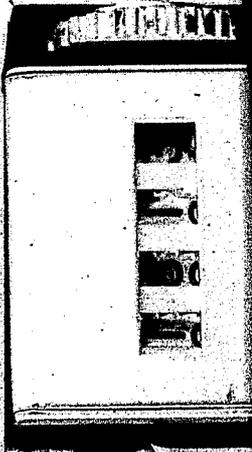
Q You saw him, did you not? A Yes.

Q Where? A In his store.

BY MR. EDER:

Q Did you take the detectives through the place of business? A Yes sir.

Q Did you see any one of the detectives go in? A Why,



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there were two or three of them there.

Q Did you see anyone of them go in there before you went in there? A Yes sir.

Q Who went in there? A Joe Daly and another one.

Q That house detective of the McAlpin, Dennison?

A I would not say for sure, because I don't recognize him.

Q Do you remember detective Daly going in before you?

A Yes.

Q How long had he remained in there before he came out?

A About ten or fifteen minutes.

Q And after that he came out? A Yes sir, and he brought me in.

Q And he brought you in there? A Yes.

Q Then did you and the detectives have a conversation with this defendant? A Yes.

Q State what transpired at that time. A I went in there and I said, "Hello, Sam." He looked at me. I said, "It will be just as well for you to tell the truth and produce the stuff; the detectives have got me." He looked at me in a very angry manner and he went directly to the safe. That is about all I remember.

Q What did he get out of the safe? A Well, I think he produced some of the stolen goods.

Q You saw him give something to the police officer?

A Yes sir.

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Q Was there anything else said at the time? A He said something about a watch.

Q What was said about a watch? A I told this man to give up everything that I sold to him.

Q What did he say? A He said, as far as I can remember, he said he broke it up and sold it, threw the jewelry or gold part of it, away, in the ash-can somewhere, I could not very well recall it.

Q Did you ever have any further talk with him? A Not in his place.

Q Well, besides his place. A At the headquarters.

BY THE COURT:

Q You mean police headquarters? A Yes, your Honor.

Q Or detective headquarters? A I don't know.

Q Which headquarters? A The headquarters, I call it.

BY MR. EDER:

Q Police headquarters, was it? A Yes.

Q Down in Center Street? A Yes.

Q You were placed in different cells in that Court?

A Yes, right in front of him.

Q At the police court? A Yes.

Q Will you tell us the conversation you had with him then? A Why, I asked that man, I said, "Listen, Sam, why don't you tell the truth and give that stuff up?" I said "You stand a good chance of getting suspended sentence,

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The judge will be kind and lenient!" He said, "I am in trouble enough myself without putting anybody else into trouble." Then I said, "Do you mean to say that you sold that stuff to somebody else and you don't care to get them in trouble?" So he said, "I don't care to discuss the matter with you." That was the end of it.

Q That was the last talk you had with him? A Yes.

MR. EDER: You may examine, Mr. Levy.

CROSS EXAMINATION BY MR. LEVY:

Q What is your right name? A Dominick Vito.

Q Where were you born? A In Italy.

Q How old are you? A Twenty-four.

Q How long have you been in this country? A Well, I will say about 13 or 14 years, maybe, more or less, I would not swear to it.

Q So that you were about eleven years old when you came to this country? A Something about that.

Q Did you go to school here? A In prison.

Q Did you ever go to a public school? A No sir.

Q How old were you when you were first arrested, the first time? A First arrested?

Q Yes. A I do not recall. I do not keep track.

Q About how old were you? Don't know when you were first in trouble? A I don't remember exactly.

Q How long after you came over from Italy was it that you got into trouble, the first time? A I think it was

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around 1910.

Q That is a difference of about seven years ago?

A Well, I guess so, about that.

Q You say you are how old now? A Twenty-four.

Q When you came to this country didn't you go to any school? A No sir.

Q Did you go to work? A No sir.

Q With whom did you live? A My cousin.

Q What is his name? A Well, he went back to Italy.

His name is Joseph Vito.

Q Where did you live? A I went in Canada.

Q Did you go to Canada alone? A No, with my cousin.

Q How old were you then? A I suppose I was about eleven years old.

Q How long did you stay in Canada? A About five or six years.

Q Did you go to school there? A No sir.

Q Did you work? A No sir.

Q During those five or six years that you were in Canada, what did you do to make a living? A Why, my cousin was supporting me.

Q Was he in business? A Why, no, he was working as a laborer.

Q And he supported you for five or six years? A Yes.

Q That would bring you up to about seventeen years old? A I don't remember, I guess so.

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Q Are you able to read and write? A Yes sir.

Q Where did you learn to read and write? A In prison.

Q Can't you give me any more definite answers as to what your age was when you first were sent to prison? A I would not like to make a mistake.

Q Do the best you can. A I do not really remember.

Q Can't you give me about an idea? A I might say about fourteen or fifteen, I would not swear.

Q What was the first prison you were in? A I think it was Quebec somewhere. I was there only for a short time. I don't remember the name of it. It is a French name.

Q Was it in Canada? A In Canada.

Q What were you sent to prison for in Canada? A Just a fight with the kids.

Q How long were you sentenced for? A I was supposed to be there three months to three years, I think it was, and my cousin took me out after two months.

Q Was it a sort of a reformatory you were in? A I don't know what they call it. I could not hardly speak English then.

Q Did you get any instruction there at all; did you go to school there in that Canadian prison? A No sir, I don't recall.

Q How long were you in that prison the first time? A A very short time.

Q When you were discharged where did you go? A I

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went back to my cousin.

Q When you say a short time, do you mean several months?

A It may have been several months, maybe more, I could not recall.

Q Then you went to your cousin's; how long was it before you were arrested again? A Why, it was quite a long time.

Q About how long? A Six or seven years, more or less, I don't remember exactly.

Q That does not answer me. A I can't very well recall.

Q You were in prison in Canada for a short time. Then you were with your cousin in Canada; how long after that was it before you were arrested again? Isn't that a plain question? A Yes, but I cannot remember, I would not like to deceive myself and tell lies.

Q Can't you say whether you were out of jail a month or a year or five years or ten years? A I don't remember.

Q During that time did you work at anything? A I worked in a bicycle shop.

Q Where? A In Montreal.

Q And your cousin still continued his labor work? A Why no, I think if I remember well he went away and he brought one of his friends over and he began to take care of me.

Q As a matter of fact, you were in prison during

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nearly all the time that you lived in Canada? A I was not in prison, no.

Q How many times were you in prison altogether in Canada? A Only this time.

Q This once? A Yes.

Q Do you remember the year that you came to the United States after you left Canada? - A No sir, I do not.

Q Can't you tell me how many years ago it was? A If I can't remember, I could not tell you.

Q Can't you tell me how many years, dating from now, December 1917, - how long ago was it you came from Canada into this country? A About 1911 or 12; I can't hardly remember.

Q Was it five years ago or six years ago or four years ago? A About 1911 or 1912.

Q Between five and six years ago? A Yes.

Q Can you now say how old you were when you came to this country from Canada? A I guess I was about 17 or 18, or more.

Q When you came here did you come alone or with anybody? A No sir, I came here alone. My cousin he got married and they began to treat me badly and I did not care, I thought I trot the world and learn something by myself.

Q Then did you come directly to New York? A Yes sir.

Q Where did you come to live? A On Seventh Avenue.

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Q With whom? A I don't remember.

Q Strangers? A She has a furnished room.

Q You don't remember? A No.

Q Did you then speak English? A A little, pretty good.

Q Could you read and write at that time? A No sir.

Q You could not read and write? A No.

Q Did you go to work? A Yes.

Q And where did you go to work when you came here to New York? A At the Hotel Albert.

Q Or in what capacity of position? A As a bell-boy.

Q The Hotel Albert is located where? A Eleventh Street.

Q You were in the Hotel Albert how long? A A very short time.

Q What do you call a short time? A Maybe a few months.

Q During that time did you steal anything while you were there? A Not while I was there.

Q Did you steal from guests while you were working for the Hotel Albert? A Not there, no sir.

Q After leaving the hotel Albert where did you go to work? A It was at another hotel that I could not very well remember it.

Q You can't remember the next hotel you went to work at? A No sir.

Q Do you mean to tell me that? A I can't very well

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remember.

Q How long did you work at the next hotel that you went to work at? A About three or four months, about the same period.

Q During that time did you steal any articles from any of the guests of the hotel? A I think I did.

Q How many times had you been guilty of stealing from guests in that hotel where you were working? A Once.

Q The articles consisted of what, jewelry? A It was an overcoat.

Q Were you arrested for that? A Yes.

Q And you can't remember the hotel you were working at the time you were arrested for stealing the overcoat?

A No.

Q What year would you say that was in? A I think it was about 1912 or 1913.

Q Is that the arrest which resulted in your being convicted before Mr. Justice Mulqueen? A No sir.

Q That was an entirely different one? A Yes sir.

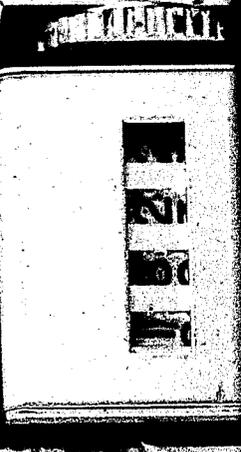
Q Were you indicted by the Grand Jury in that case?

A No sir.

Q Were you taken before the Court of Special Sessions?

A Special, yes sir.

Q What happened to you then in the Court of Special Sessions? A I got nine months there in the pen.



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Q You served those nine months in the penitentiary?

A Seven months and twenty days.

Q That was after you were in this City for a period of only a few months, isn't that so? A Yes sir.

Q And after serving the period of time in the penitentiary that you told me of, when you came out did you go to work again? A Yes sir.

Q Where did you go to work? A I went to work to George P. Anderson & Company.

Q Where is that? A He had an office at No. 1, I think it was Madison Avenue.

Q What kind of business? A He is in the machinist business.

Q What position did you have there? A Why, I was only an errand boy.

Q How long did you work for them? A I worked with him about three or four months.

Q Did you steal while you were with him? A No sir.

Q And where did you live at that time? A At the Newsboy's Home.

Q After being with him three or four months did you get another position? A Yes sir.

Q And where was that? A That is Park Avenue, 58th Street and Park Avenue.

Q What, a hotel? A Well, I think it is an apartment, more like.

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Q What position did you have in that place? A I was bell boy, running the elevator.

Q Do you know the name of the hotel or the apartment?

A I think it is named Schuyler, - no, I don't remember.

Q Where is it, 58th Street and Park Avenue? A Yes, right at the corner?

Q Which corner? The south corner, the north corner, east or west corner? A I think it was the east, I don't remember. I can't very well describe it, - where it is.

Q How long did you work there? A About six months or more.

Q It is a sort of family hotel? A No, it is not, - well, I think it is. It is a kind of an apartment place.

Q You worked six months or more there? A Yes.

Q While you were there during those six months did you steal? A No sir.

Q Were you arrested at all during that time? A No sir.

Q You lived straight then? A Yes sir.

Q Were you discharged from that place? A I was not.

Q You left it? A I left it.

Q Where did you go to work, if any place, after that?

A I went to work at the Schuyler, 93rd Street.

Q Do you mean the Schuyler Arms? A Yes, Schuyler Arms.

Q What position did you have there? A The same.

Q How long were you there? A A very short period.

Q How long? A About two or three months.

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Q Did you steal while you were there? A Yes.

Q How manytimes did you steal while you were there?

A Once.

Q What did you steal there? A A small diamond ring.

Q What did you do, break into the room? A No sir.

Q How did you get in? A It was open.

Q The people were out? A Yes sir.

Q And you found the jewelry where? A On the bureau.

Q Were you arrested for that? A Yes.

Q What year was that in? A I don't remember.

Q Can't you remember? Can't you give me an idea how many years ago it was? A I don't remember; - 1913 or 1912, I don't remember.

Q Can you tell me whether it was five years ago or four years ago? A I could not very well recall.

Q You can't recall it? A Yes.

Q Have you got a good memory? A Very poor for a long period.

Q What do you mean, poor for a long period? A Meaning, say, after a year or two like, I forget about it.

Q How far back, for instance, can you remember details of the rest of things? A I don't remember about six months or a year.

Q Meaning that you cannot remember anything? A I can recall a little, but something^{not} very important I could not.

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Q Can't you give me an idea to the best of your recollection what it was you stole from the Schuyler Arms?

A Why, I don't remember.

Q Do you remember the name of the person? A No sir.

Q Was that the case that brought you before Judge Mulqueen? A No sir.

Q Were you indicted by the Grand Jury? A No sir, the stuff was restored and everything.

Q Were you arrested for it? A Yes sir.

Q Were you prosecuted? A No sir.

Q You were not prosecuted? A No sir.

Q You were let go? A Yes sir.

Q By the Judge? A Yes.

Q Which judge? A I don't remember.

Q Which Court? A Special.

Q The Court of Special Sessions? A I think it was Special, I don't remember.

Q What name were you arrested under then? A I don't remember.

Q You did not give the name of Dominick Vito at that time? A No sir.

Q You did not give the name of Dominick Vito when you were sent to the penitentiary? A Yes sir.

Q At each place you went to work at, you gave a different name, is that right? A Not exactly, no.

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Q Did you give a different name at different times while you worked at different places? A Why yes.

Q For instance, give me the best recollection you have as to the names you gave? A I could not very well, because I picked out any name that came along.

Q What name did you give when you when you were arrested at the Schuyler Arms? A I don't remember.

Q Do you remember which Court you were taken into?
A No sir.

Q Was sentence suspended, is that what you mean?
A Yes sir.

Q In the Court of Special Sessions? A I don't know whether it was Special Sessions or the Magistrate's Court or any other place.

Q When you were arraigned before his Honor, Judge Mulqueen at the time you were convicted of grand larceny, did you tell his Honor, Judge Mulqueen, of that arrest and that suspended sentence?

MR. EDER: I object to that as immaterial.

MR. LEVY: It is as to his credibility.

THE COURT: I will allow it.

A I don't remember if I did or not.

Q You were brought before the bar, before sentence was imposed upon you and you were required to give your pedigree to the clerk or to the officer, stating how many times you had been convicted before, do you remember that?

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A I suppose they asked me, each time you are arrested, -
I suppose.

Q Did you tell him at that time of the fact that you had
been convicted under another name in the Court of Special
Sessions and at that time had sentence suspended upon you?

A I told your Honor Mulqueen that I was arrested before.

Q You told him about the penitentiary. A I don't
remember; - I know I told everything to the police, but I
don't remember that.

Q You were let go that time, did you go out and get
work? A Yes.

Q Where did you go to work then? A I think it was
somewhere around 35th Street.

Q At a hotel? A Yes, some hotel.

Q What position did you have there? A The same.

Q Do you know the name of that hotel? A No.

Q Do you know how long you worked there? A About
three months.

Q Did you steal while you were there? A No sir.

Q Did you leave or were you discharged? A I left the
hotel myself.

Q Where did you go to? A I did not go no place, I
stayed in New York.

Q I mean did you go to work after that? A No sir.

Q You did not work at all? A No sir.

Q How did you support yourself? A Well, some other

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friends of mine began to tell me to turn different stuff and then I began to steal through bad company.

Q You began to steal. You stole how, pick-pocketing?

A No sir.

Q Breaking into houses? A No sir.

Q Sneaking into doors, second story work? A No sir.

Q What kind of stealing did you do? A Hotels.

Q You simply made a specialty of stealing at hotels, is that what you mean? A I don't know what you call it.

Q I am asking you what kind of stealing did you do?

A I don't know what you mean, how you call it. I simply said I stole in hotels.

Q Were you arrested any during the time that you were stealing? A Yes sir.

Q When was that? A 1913.

Q Was that about the month of September? A About that, yes sir.

Q What did you steal then that caused your arrest?

A Well, I think it was a watch.

Q Do you remember stealing in 1913 from a woman in the Waldorf-Astoria? Do you remember going to the Waldorf-Astoria and stealing something there? A In what year?

Q In 1913? A Yes.

Q Did you go as a guest to that hotel also? A Yes sir, as a guest.

Q Your practice was to engage a room, is that right?

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A Correct.

Q And then when the opportunity presented itself, you would go into the rooms of the guests for the purpose of stealing, is that right? A Yes sir.

Q Upon that occasion you did that, didn't you, at the Waldorf-Astoria? A Yes sir.

Q Did you steal upon one occasion a gold pencil and locket? A I don't remember what it was.

Q In any event, upon that complaint which was made against you and the arrest was made at the hotel Waldorf-Astoria, you were indicted by the Grand Jury and convicted of grand larceny in the first degree? A Yes sir.

Q Is that right? A Yes sir.

Q And you were arraigned before his Honor, Judge Mulqueen? A Yes sir.

Q You were sentenced to not less than two years and six months nor more than ten years in State's prison? A Yes.

Q Did you go to State's prison? A Yes.

Q How long a time did you serve. You were to serve a minimum of two years and six months? A Yes.

Q What year was it you were released from State's prison? A Well, I think it was 1913.

Q Oh no, A I mean 1917, I beg your pardon.

Q You did not earn any time for good behavior?

THE COURT: He could not at the time.

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Q In other words, instead of serving the minimum of two years and six months, you served approximately about four years in Sing Sing? A No sir.

Q How long were you in Sing Sing? A I served three years and four months.

Q That was under the name of Dominick Vito, is that correct? A Yes.

Q Now Vito, besides stealing out of the Waldorf-Astoria Hotel, do you remember in that same month stealing a watch of the value of \$425? A From where?

Q From a man at the Knickerbocker Hotel? A I do.

Q You went to the Knickerbocker Hotel and engaged a room there, is that right? A Yes.

Q You stole a watch there of the value of \$425, didn't you? A I don't know what the valuation was, but I stole a watch, I remember.

Q And you were arrested for that? A Yes.

Q And you plead guilty to that? A Yes.

Q You plead guilty to grand larceny in the first degree in that case or in the second? A I think it was the first.

Q You were indicted by the Grand Jury and then pled guilty at that time? A I don't know what it was.

Q Now besides that, do you remember you were arrested for stealing some other articles from some other people who occupied a room at the Waldorf about the same period of

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time, do you remember that? A Well, I guess, yes.

Q There were three different pleas and indictments against you for three different offenses at about that period, one from the Hotel Kinckerbocker and two from the Waldorf-Astoria? A I don't remember.

Q Three times you pled guilty to grand larceny?

A I could not have plead guilty to three times.

Q There were three indictments against you and you were sentenced by Judge Mulqueen upon one of those indictments? A Yes.

Q Is that the idea? A Yes.

Q That let you out from Sing Sing when? A 1916 sometime.

Q In the summer months, of course? A I don't remember.

Q Wasn't it in the summer you were released, 1916? A No sir.

Q You could not have been released in the winter? A Yes sir.

Q Between April and October 1916? A Yes sir.

Q That is about a year ago, is that correct? A No sir

Q This is December, 1917, I am trying to find out when you came out of State's prison. A But I lost some time during that period which brought me in December, 1917.

Q Do you mean they kept you in that prison until December? A Yes.

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Q And you were let out in December? A December 22nd, 1917.

Q 1916, - this is 1917. That is about a year ago, is that right? A Excuse me, I came out 1917, December 22, out of State's prison.

Q What year is this? A 1917.

Q This is the month of December, and today is only the 4th of December? A 1916, yes.

Q Then it is about a year ago? A Yes.

Q When you came out of Sing Sing did you go to work for any one? A Why yes.

Q Who did you go to work for? A A fellow by the name of A. S. Verisali.

Q What kind of business? A Kind of furnishing place carpenter fixing department, and so forth.

Q Did you hold that position before you were again arrested? A I still continued working there.

Q But you continued to steal, didn't you? A Through youth's temptation.

BY THE COURT:

Q Did you steal in that place? A Yes, your Honor.

BY MR. LEVY:

Q How many time during that time do you say, before you were again arrested in 1917, did you steal? A I did not get you just.

Q How many times did you steal during that period?

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A I remember several times.

Q Do you know a young woman by name of Dorothy Loveti?

A I have a friend, yes sir.

BY THE COURT:

Q Do you know who he means by that? A Yes.

BY MR. LEVY:

Q You lived with her, didn't you?

MR. EDER: I object to that.

THE COURT: I will allow it.

A I stopped with her.

Q Didn't you live with her as man and wife? A Why, with a little persuasion.

BY THE COURT:

Q Did you or did you not? A Yes sir.

THE COURT: You may explain after, if you wish.

BY MR. LEVY:

Q And while living with her you took a room at the Hotel Belmont, did you? A While living with her; - not with her.

Q Yes. A I was not living with her then.

Q Who were you living with then? A Individually.

Q Have you parted from her; did you separate from her?

A Yes.

Q Well, you went into the Hotel Belmont, didn't you?

A Yes sir.

Q And you engaged a room there? A Yes sir.

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Q And that was the time you entered the room of Mrs. and Mr. Roberts, wasn't it, and stole the wrist-watch and the bar-pin? A Yes sir.

Q Is that right? A Yes sir.

Q You pled guilty to that indictment, didn't you? A Yes sir.

Q You were indicted, charged with the crime of burglary in the second degree and grand larceny in the first degree and receiving stolen goods, is that so? You remember that indictment? A When was that?

Q This last one I am talking about, at the Hotel Belmont, the Roberts things. Mr. Murray was your lawyer, do you remember? A Yes.

Q James D. Murray, do you remember that? A Yes sir.

Q Now then on the 24th of April last you pled guilty of grand larceny in the second degree, is that so? A Yes.

Q Before Mr. Justice Rosalsky? A Yes sir.

Q And you were returned back to State's prison? A Yes.

Q Because you violated your parole? A Yes sir.

Q You had been permitted to go at liberty before the expiration of your original ten years that you were sentenced for, is that right? A Yes sir.

Q So that the sentence on this indictment has been postponed until the further order of the Court? A I suppose so.

Q Well, now, you became a thief through choice, didn't

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you?

MR. EDER: Objected to; - Well, I will withdraw the objection.

THE COURT: What difference does it make whether he is a thief from choice or necessity? Is there any difference?

MR. LEVY: Sometimes the law is extenuating.

THE COURT: If the objection is interposed I will sustain it as immaterial.

MR. LEVY: Well, I do not press it. It is not of much consequence.

Q Now, do you know a man by the name of Frank Ritchie?

A Frank Rithhie?

Q Yes. A I do.

Q You do know him? A Yes.

Q Is he also know as Nicholas Ritchie? A Yes.

Q He is the same person to whom you referred to as Nicholas Ritchie? A Yes.

Q The one who went with you to the defendant's place of business? A Yes.

Q How long have you known him? A Known who?

Q Ritchie? A Which one?

Q Well, are there two Ritchies? A Frank Ritchie and Nicholas Ritchie.

Q Are they Brothers? A Yes.

Q Frank Ritchie is the one I am talking about.

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A Frank Ritchie, I do not know him very long.

Q Do you know where he lived? A I do not.

Q At the time you went to the defendant's place of business did you know where he lived? A I knew Nicholas Ritchie, where he lived.

Q Where did Nicholas Ritchie live? A 1944 First Avenue.

Q What was the color of the man's hair, do you remember?

A Kind of brown.

Q Was n't it reddish? A No.

Q Sort of light reddish brown hair? A No sir.

Q You say it was brown, light or dark? A Kind of light brown.

Q Now, had your hair always been black? A What do you mean?

Q Has your hair always been black? A Just natural.

Q Have you ever dyed your hair? A Yes sir.

Q Did you dye your hair at about the time you committed that theft at the Hotel Belmont? A Yes sir.

Q What was the color of your hair when you stole Mrs. Roberts' jewelry? A Pure red.

Q And how long before committing that offense was it that you dyed your hair? A Ever since I came out of State's prison.

Q What was the idea of dyeing your hair? A I did not

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want to be identified by the police.

Q Was it for the purpose of disguising yourself so that you could commit other crimes? A No sir, I simply cared for the color, that is all.

Q How long did your hair continue to be red, until the time of your arrest? A Until the time I was arrested.

Q When you went into Blecherman's place of business to sell that bar-pin what was the color of your hair? A Red.

Q When you went into Blecherman's the first time who was with you? A I was alone.

Q You did not know the man at all? A You mean when I went there with the stuff?

Q No, the first time you ever met him? A The first time I ever went there with two fellows.

Q Give me the names of those two fellows. A One is Frank. I cannot recall the other.

Q How long had you known the other fellow whose name you cannot recall? A Well, I just knew him down in the Tombs while I was awaiting trial in 1913.

Q Was he a thief? A I do not know?

Q How about Frank? Was he a thief? A I do not know.

Q Don't you know what Frank's other name was? A No sir.

Q How long had you known that Frank? A I knew him here about a month while I was waiting for trial?

Q Where did you meet before going into defendant's place the first time? A I met him on Third Avenue.

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Q You had never done any business with that fellow before? A No sir.

Q Was his name Frank Ritchie? A No sir.

Q Did you ever give your name to this defendant?

A No sir.

Q Did he ever ask you what your name was? A No sir.

Q Did he ever ask you where you worked? A No sir.

Q Did you ever tell him where you worked? A No sir.

Q Did you ever tell him that you were in the jewelry business? A No sir.

Q Were you introduced to him by some one? A By this Frank here, I don't know what his other name is.

Q Frank Ritchie? A No sir.

Q There are two brothers Ritchie? A Nicholas Ritchie and Frank Ritchie.

Q Now, wasn't the Frank that you were talking about a brother of Nicholas? A No sir.

Q Are you sure about that? A No sir. Frank Ritchie is the brother of Nicholas Ritchie but the man who introduced me was not related to any of the other two.

Q Was Frank Ritchie in the place of business of this defendant with you at any time at all? A Not Frank Ritchie, no sir.

Q Was Nicholas in there with you? A Yes.

Q How many times was Nicholas Ritchie in the place with you? A Once.

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Q When was that? A At the time that I went there to sell the stuff.

Q The very first time you went there to sell the stuff, is that right? A Yes sir.

Q You don't know what has become of this Frank and the other man who were there with you? A I do not know, no sir.

Q When you came into the place of business of this defendant was there any person there; the first time you came to sell the stuff I am talking about. A Only I went there alone.

Q Did you go there alone to sell the stuff the first time? A Yes, the first time I did.

Q Nobody there at all? A No, except a man there.

Q Did you see a woman there? A No sir.

Q Any other people there? A No sir.

Q Any working men? A No sir.

Q No one? A No sir.

Q There is a counter there? A Yes.

Q And a show case on it? A Yes.

Q The man was behind the counter? A Yes.

Q And his place is behind the counter? A Yes.

Q In other words, the place is fitted up as a jewelry store usually is fitted up? A Yes.

Q What day of the week was it you went there the first time to sell the stuff? A On Sunday.

Q What time of the day? A It was sometime about

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between ten and half-past ten.

Q When you went into the hotel Belmont and engaged a room, did you take any baggage or luggage with you? A Yes sir.

Q You did? A Yes sir.

Q Do you recall to mind the name under which you registered there? A T. Bell.

Q Where was your room located? A On the fourth floor.

Q Was your selecting the room occupied by Mr. Roberts selected by accident or did you look around many different rooms in order to get into a room which was open? A I tried the room.

Q You tried the doors of the different rooms? A I would not say different rooms. I happened to try that one.

Q The first one? A No, I tried one or two before that.

Q You went up to the next floor upon which your room was not located? A Yes.

Q You were on the fourth floor? A Fifth floor. I was on the fourth floor and this was on the fifth floor.

Q That was in the night time? A Yes.

Q And you went back to your room and in the morning you went out, That must have been Saturday night when you stole it. A I guess so.

Q Did you go the next morning to the defendant's place?

A To this man.

Q The next morning after stealing did you go to this

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place, yes or no? A Yes sir.

Q The next morning? A Yes.

Q This was on Sunday morning? A Yes sir.

Q The store was open? A Yes sir.

Q And you had a talk with him? A I had a talk and showed the stuff.

Q You had at that time a talk with him, is that right?

A Yes.

Q Will you tell me, starting from the very beginning, and to the best of your recollection, what you said to him upon that occasion and what he said to you. Do you understand my question? A Yes sir.

Q Now answer, please. A I went in there with this stuff, with this jewelry.

Q What did you say? A I said, "good morning, Sam." He said, "Hello". He said, "What are you got," Have you got anything?" I said, "Yes, I just happened to get this stuff here," and I showed it to him. He looked at it. He said, "My, that is very prezius (precious).

Q He used the word "Precious?" A Well,

Q You said "precious". A I don't remember, he used something similar.

THE COURT: He said precious.

A They were very good.

Q Did he say "very precious" or "precious"? A Well, I don't know.

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Q You told the District Attorney that he said they were very precious and you told me just now that he said they were very precious. A I mean prezius (precious). I don't know how to pronounce the name. I pronounce them prezius (precious).

Q Did he say the word "precious"? A Yes sir.

Q There can be no doubt of that in your mind? A I don't think so.

Q He said "They are very precious"? Now go on and tell me the rest of the conversation. A He said, "Where did you get them?" how I got them some place. I said to him I would not tell him. So he looked at them and after he looked at them he said, "Yes, I heard about this." I said, "You did." He said, "Yes, - all right." So I said to him "Would you mind giving me the valuation of this bar-pin?" He looked at it and he said, "It is very good, the valuation is about between \$500 and \$600." I said to him, "How much will you give me?" He said, "\$300." So I said, "Don't you think it is worth more than that?" He said, "Well, no, I can't give you any more than that." "Well," I said, "All right." I put the bar-pin in my pocket and showed him the watch. He looked at the watch and he said, "My, that is too dear for my store, I can't sell that thing here." I said, "Why?" He said, "It is a very precious one."

Q He said "precious" again? A Yes sir.

Q Go on. A So I turned around I said "What is the

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valuation of this watch?" He would not give it to me. I said, "How much will you give me," He said, "The most I can pay you is \$70." I said, "Can't you tell what the valuation is?" He said, "Well, I don't know what is the real valuation of it."

Q Did he use the word "valuation"? A Certainly.

Q Sure about that? A Certainly.

Q Then he said he could not tell you what the valuation was. Go ahead. A Then I turned around and I said, "You could not come too near a conclusion to give me the valuation?" He said, "No, I can't." "The most I can give you on that is \$70." "Because," he said, "if I but the watch off you," he said, "I have got to hide this watch for a certain length of time and until I can get some private customer to sell it to him, or to some big firm, and naturally they want to make something on it, and I got to profit also, therefore, I could not give you no more than \$70, but I think later on if in case you bring any more stuff, I will make it what is right."

Q Now, all that was said upon the first visit to his store on that Sunday morning? A Correct.

Q That is correct, is it? A Yes.

Q Now, then, I ask you what time of the day that was?

A In the morning about half-past ten.

Q Do you remember what time it was that you got up that morning? A No sir, I could not remember.

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Q You took breakfast at the Hotel Belmont? A I don't remember whether I did or not.

Q You did not go with an empty stomach; you got something to eat? A I don't remember having any breakfast. I don't remember it.

Q Did you go right straight up from the Hotel Belmont to his place, or did you stop off at any place on your way there? A No sir. I went directly to him.

Q It took you about how many minutes to go up there? A I could not say.

Q Did you go up on the subway or on the elevated road? A I did on the subway.

Q Are you sure it was a subway? A Yes, I am sure.

Q As I understand, the Hotel Belmont is situated on the corner from the station at 42nd Street, is that right? A Yes.

Q And you took the subway and you got off at which station? A At 99th.

Q At 99th Street and what avenue? A I think it is on Third Avenue.

Q Are you sure you took the subway? A I mean the elevated.

Q Where did you take the elevated train downtown? A I took it down 42nd Street.

Q On what avenue? A Third Avenue.

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Q And you got off at 99th Street? A And Third Avenue.

Q You say it was about ten o'clock when you got there?

A About ten or half-past ten.

Q Not later? A Maybe a few minutes over or less.

Q But it was around half-past ten o'clock in the morning?

A It was around between ten and eleven.

Q Now, you remember what happened the night before, your going into the room of Mr. and Mrs Roberts, don't you?

A I don't remember very well.

Q You don't remember going into that place and stealing? A Yes, but I don't remember everything that happened that night, but I remember I went in there stealing.

Q Do you remember going into that room at all? A Certainly I do.

Q Do you remember taking up a watch and bar-pin from a table between the beds? A Yes sir.

Q Did you wear sneakers that night? A I don't remember.

Q Did you turn up any light? A No sir, I don't remember it.

Q Did you light any match? A I don't remember it.

Q Did you have a flash light? A I don't remember it.

Q Was the light burning in that room or out? A I don't remember it.

Q You did tell the jury that you saw the pin and the watch lying on the table, did you? A If I never seen it,

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I could never have taken it.

Q How did you see, by any light that was lit? A No sir, the door happened to be a little open there, and the flash light came in through the door and I seen it.

Q You don't remember whether you wore sneakers on your feet that night? A No sir.

Q Were you fully dressed when you went in there? A I don't remember.

Q Did you have your coat off? A I don't remember it

Q Do you remember what time it was? A No.

Q Do you know whether it was past midnight or not?

A I do not.

Q You knew where you had been that night, that Saturday night, didn't you? A At that time, I suppose.

Q Don't you now remember what you had done, how you had spent the evening? A No sir.

Q Do you remember what time you turned in at the hotel?

A I do not.

Q Was it near midnight or after midnight? A I do not recall.

Q Well, it was not early in the evening? A I don't remember it.

Q Can you say that it was near one o'clock in the morning? A I could not say.

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MR. LEVY: May I just for a moment, with your Honor's permission, recall Mr. Roberts for one question? It will help me along with my examination.

THE COURT: Yes, you may.

(At this point Mr. Roberts recalled and stands at the bar.)

MR. LEVY: I want to ask Mr. Roberts what time it was he and Mrs. Roberts retired that night.

MR. ROBERTS: Between ten and eleven, I should say.

MR. LEVY: Nearer eleven or nearer ten?

MR. ROBERTS: Well, about eleven o'clock.

MR. LEVY: And you arose next morning at what time?

MR. ROBERTS: About nine o'clock.

MR. LEVY: Thank you, that is all.

DOMINICK VITO, recalled to the stand, testified:

BY MR. LEVY:

Q Now, you have told his Honor and the jury that you were at the defendant's place of business about 10 or 10.30 the following morning, and that this defendant told you that he had read about this stuff having been stolen from a hotel. Now, was that true? A So he said.

Q Now, you walked away then from that place and where did you go to?

THE COURT: What place?

MR. LEVY: From the defendant's place.

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Q Where did you go to? A I walked down Third Avenue.

Q How far down? A I could not very well remember it.

Q How long were you gone from his place of business before you returned to it again? A About an hour.

Q What did you do within that hour? A I took a walk to see if I could find this friend of mine.

Q What was his name? A Nicholas Ritchie.

Q You knew where he lived? A Well, I suppose so.

Q Did you go to his house? A I did not.

Q Why didn't you go to his house? A Because I knew I would not find him there at that hour.

Q How did you know that? A Because he would never be in at that hour of the day.

Q Where did you expect to find him? A I did not expect him no place, but I thought by walking down, I might find him around Third Avenue.

Q You thought by chance you might see him on the street?

A By accident.

Q You depended on accident to find him? A A lot of stuff happens accidentally.

Q How far did you walk down Third Avenue? A I could not say.

Q Give me an idea? A I could not say.

Q Can you say whether you walked a block or twenty blocks or fifty blocks? A I would not like to deceive myself.

Q What? A To deceive myself. I could not very well say

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whether one block or two blocks or ten blocks, only I am going for a walk.

Q You told his Honor and the jury that you were gone an hour. I am trying to find out where you spent that hour? A I went down Third Avenue.

Q How far down Third Avenue did you go? A Along Third Avenue.

Q Up or down? A Up.

Q To what street? A I could not very well remember it.

Q Can't you give me any idea at all as to where you went?
A Well, no, I could not. I went along Third Avenue but I can't recall how far and where I went.

Q Did you meet anyone whom you knew? A Yes, I did.

Q Who? A Nicholas Ritchie.

Q Where did you meet him? A Along Third Avenue.

Q Whereabouts? A I don't remember it.

Q How far away from 100th Street were the defendant's places? A I could not take oath for it.

Q Was it 125th street? A I don't remember it.

Q 135th street? A I would not say.

Q Was it on the street you met him? A Yes sir.

Q On a corner? A I don't remember.

Q Was he alone? A Yes sir.

Q Did you meet any other person whom you knew? A Not that particular hour.

Q Are you able to tell me the kind of weather it was that

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morning? A No sir.

Q Was it a clear day? A I can't remember it.

Q Was the sun shining? A I don't remember it.

Q Was it raining or snowing? A I could not give any definite information.

Q Was it cold or warm? A I don't remember it.

Q Did you have an overcoat on? A I don't remember if I did or not.

Q Well, you met Nicholas Ritchie on? A I don't remember it.

Q Did you talk with Ritchie? A Yes sir.

Q Where? A Just to this man's store.

Q How many blocks did you walk with him? A I don't remember it.

Q Did you walk down or up? A Down.

Q Did you turn into Second Avenue? A Yes sir.

Q On what street? A I don't remember it.

Q Was it 101st Street or 100th Street? A I don't remember it.

Q Can you give me any idea as to the street where you turned into Second Avenue? A I can't.

Q What time did you say it was you got to this defendant's place of business that morning? A The first time?

Q The second time? A Between eleven and twelve.

Q Nearer twelve, would you say? A Well, I would not say. It was in that period.

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Q Was he alone, the defendant? A Yes sir.

Q No person in the store at all? A Not at that particular time.

Q What part of the store was he in? A In the back, fixing some watches near the safe.

Q Is there a table there, a working table? A Yes sir.

Q Was he working there? A He was fixing something behind there.

Q Was he working at the working table? A He was fixing something; I don't know what he was doing.

Q Was he seated at the table? A No, he was standing.

Q Was the safe open? A I don't remember it.

Q Where did you go, in front of the counter or behind the counter? A I went in the front of it.

Q Where did Ritchie go? A He stood near the door.

Q This man was Nicholas Ritchie? A Nicholas Ritchie.

Q Is he an Italian? A I guess so.

Q Now, the second time you came in and you stood in front of the counter, you had another talk with the defendant. Who did the talking; you or Ritchie? A I did.

Q Did Ritchie take any part in that talk? A No sir.

Q Oh, by the way, when did you last see Ritchie, the last time? A From then?

Q Yes, from then? A Why, we walked out from there together.

Q No, since that time. When was the last time you saw him.

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That was away back in March, 1917, and this is December. Now, have you seen him since? A Why, yes.

Q When was the last time you saw him? A 125th Street.

Q When? A It was not very long from then, I do not recall, but I remember seeing him on 125th Street.

Q How long after the time you claim to have sold these articles to the defendant? A I don't really recall.

Q Was it a week or two weeks? A I don't know; I don't remember.

Q By the way, did you split the money that you received upon the sale of these articles, with Ritchie? A I did not.

Q Did you give him any money at all? A No sir.

Q None at all? A Only just for a meal. He said he wants something for a meal and I gave it, but not with the intention of splitting anything.

Q But before that time you had done business with him?

A What kind of business could I do with him?

Q In the dealing or selling of stolen goods? A No sir.

Q Never been associated with him in any crime? A No sir.

Q Now, I want you to repeat as accurately as you can, please, everything that was said between you and the defendant upon the occasion of your second visit to his store? A Why, I went in there with this man, this friend of mine, and I said, "You stand near that door".

Q You said that to Ritchie? A To Ritchie. He said all right.

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Q The distance from where the defendant was and where Ritchie stood near the door was about how far? A I could not say.

Q Can't you give me an idea as to the number of feet from where you are sitting now? A I guess from here to that bar, I suppose (indicating railing).

Q It is a deep store, that store, isn't it? A It is not very deep; it is not any further than from here to that (indicating).

MR. LEVY: How much is that, would you say, 20 feet?

MR. EDER: 20 or 25 feet.

Q Now, he stood at the door. Go ahead and tell us what was said? A He went back near the safe. That man asked me who was that. "Oh," I said, "that is a friend of mine". He said, "There is no danger, is there?" I said, "No, that is all right".

Q Did he use the word "danger"? A Certainly.

Q Go on. A "Now", he said, "are you going to give me that bar pin and that watch?" I said, "Give me \$300 for the pin, and the watch, unless you give me more, I can't let it go". So he said, "All right, I only got \$200", he said. "I can give you \$200 and the other \$100", he said, "come in tomorrow and I will give it to you". I said, "All right". He opened the safe and produced \$200, telling me to come back the next day.

Q Did he fix a time for you to come back? A Well, it was about ten or eleven, he said.

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Q Between ten and eleven? A Yes.

Q Now, he opened the safe, do you say? A Yes.

Q Can you tell me whether that was a combination safe?

A I could not very well describe it.

Q Or a key safe? A I could not very well describe it.

Q Did you see him open the safe? A Yes sir.

Q Did you see from what part of the safe he took the money? A No sir.

Q Did you see whether he took the money from a drawer? Did he open the drawer in his safe? A No sir.

Q You were close to him? A Yes, but I don't look.

Q You were right next to him? A Yes, but I was not looking at him, what he was doing.

Q Where were you looking? A I was standing this way (indicating).

Q Standing with your elbow resting on what? A My left arm this way (indicating).

Q Resting on what? A On a table there.

Q On the table? A The bureau, whatever it is.

Q Was it a counter? A It looked like a counter.

Q You know a counter when you see one? A I don't know what he had. You can place a box, and it looks like a counter too.

Q Was there a showcase on it? A I don't know; I don't remember whether it was or not.

Q Was there anything on top of the counter? A It was a

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paper, some old paper.

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Q Lying on it? A On top of it.

Q How high would you say that paper was? A Well, I don't know.

Q Or counter; whatever you want to call it; how high was it? A I could not very well say what is the height of it.

Q You see this table here in front of the jury, don't you? A Yes.

Q Was it higher than that? A I suppose so.

Q How much higher? A I could not say.

Q A foot higher? A I could not say.

Q An inch higher? A I could not say.

Q Do you know whether it was higher or not? A I suppose so.

Q Do you know whether it was higher? A Yes, it was higher.

Q How much higher? A I don't know.

Q You stood up by it and leaned your elbow upon it? A Yes.

Q Stand up now and illustrate that?

(Witness steps down and rests his left elbow on the table and his hand to the left side of his face.)

Q You were down upon it? A Yes.

Q You were down upon it this way (indicating)? A Yes, this way (indicating putting left elbow on table and resting his head in his left hand).

Q In which direction was your face? In which direction were you facing? A To my right.

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Q Looking out of the door? A No, just some picture on the wall or something.

Q Of course, you remember the bills or the gold that he gave you upon that occasion, don't you? A I don't know.

Q Did he give you gold? A No sir, he gave me paper money.

Q Did he give you silver? A Paper money.

Q What were the denominations of the bills to the best of your recollection? A I don't know.

Q Was it \$10 bills? A I don't remember.

Q One dollar bills? A I could not say.

Q Can't you tell this jury something with regard to your recollection as to whether the bills were small bills or large bills? A I could not say.

Q \$20 bills or \$50 bills or \$100 bills? A I could not say.

Q You don't know? A No.

Q Was it \$100 bills? A I know there was \$200, but I could not say whether they were all two dollars or five dollars or \$10 or \$20 bills.

Q Can't you say whether it was hundred, fifty or twenty dollar bills? A No sir, I could not say.

Q Did they make a big roll or a little roll? A I don't remember which.

Q Now, you took the money? A I did.

Q And you put it in your pocket and you went out of the

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till store, am I right? A He asked me for the watch again. I said, "Unless you give me more, I would not give it to you". He said, "You better not carry it with you because there is danger". I said, "How do you know?" He said, "If you get caught with that watch then the detectives will want to know where is the pin". I said, "It is no danger". He said, "All right". So I said, "Listen, Sam", I said, "at any time that I need the money I will come over and give you the watch, but not just now. Furthermore", I said, "if in case I could not come I will send this friend of mine," which was standing near the door. He said, "Is that safe"; I said, "Yes, that is all right". So he said, "All right, make sure, and don't send any detective here instead of your friend".

Q Send what? A A detective instead of your friend.

Q Did he use the expression, "in case you get caught"?

A Now, he said, "Be sure and not send any detectives". Go on. A "Instead of your friend". I said no. He said, "All right", and we walked out.

Q I want you to look at this jury and tell the jury whether you speak Yiddish? A What is that?

Q Do you speak Yiddish? A I do not.

Q Do you understand it? A No sir.

Q What language did this defendant speak to you? A The English language.

Q Clearly? A No sir.

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Q Not clear? A No sir.

Q Did he speak a broken English? A Yes sir.

Q It was hard to understand him, wasn't it? A Well, I don't know. I guess anybody that can pay attention to the questions can understand him.

Q He speaks a broken English, doesn't he? A You can understand him.

Q Did he speak a broken English? A Yes sir.

Q Did you have any trouble in understanding what he said?

A No sir.

Q You say he used the word "precious" to you? A Well, he maybe did not pronounce it the same, but I know what he meant.

Q Will you try and imitate, if you can, as near as you can, the manner of his pronunciation of the word "precious"?

MR. EDER: I object to that, if your Honor please.

THE COURT: I will allow it.

A He said something like "prezious" or "prezos".

Q What? A Something like "prezious". (precious.)

Q Do you recollect whether the man Ritchie went with you any place from that store? A I don't remember it.

Q Don't you remember where you went to? A I could not very well remember it.

Q Did he go with you? A We walked out together.

Q I know that, but did he go anywhere with you? A I think

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he did, but I can't very well remember it.

Q Do you know where you went to? A Well, I went to a show somewhere.

Q There can be no doubt of that in your mind? A No sir.

Q What kind of a show? A It was over 125th Street.

Q A moving picture? A No, vaudeville.

Q A number of acts? A Well, I cannot say.

Q Whereabouts in 125th Street? A It was near around Seventh Avenue somewhere.

Q No, according to your story you told to this jury, you were in to the man's place of business between eleven and twelve o'clock on a Sunday morning. You were there and had this conversation which lasted a few minutes, and you then went to a vaudeville show. Do you mean that there was a vaudeville show going on at twelve o'clock on Sunday morning?

A Not at twelve o'clock, no. I did not say what hour I went there.

Q You did not? I asked you where you went to from the defendant's place of business? A Yes.

Q You said to a vaudeville show? A Yes, it is also moving pictures and vaudeville together.

Q Whereabouts? A Around 125th Street, somewhere on Seventh Avenue.

Q Did you take Ritchie with you? A I don't remember it.

Q Did you stake him to any money? A No sir.

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Q What was the idea of your going to Third Avenue to look for Ritchie, if he had no interest in the goods which you had stolen? A Well, because after this man denied giving me the valuation of the stuff, -- this friend of mine Ritchie had told me several times that he knew something about diamonds.

Q About diamonds? A About diamonds, yes sir, and when this man refused, I thought if I seen him he would be able to give me the valuation of it.

Q Now, let us go back and find out, if we can, where you went to from Blecherman's, the defendant's place of business on that morning? A When?

Q That morning. What time did you get into the vaudeville?
A I could not say.

THE COURT: He has already answered that. I think we have gone into that fully enough.

MR. LEVY: He has not told me what time he went there. Doesn't it go to his credibility as to what time he went there?

THE COURT: He said he went to a vaudeville or moving picture show.

Q What time was it you went to the vaudeville?

THE COURT: If you remember?

A I don't remember, your Honor, please, exactly.

Q When did you next see the man Ritchie? A I don't remember it.

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Q Do you remember where you saw him, what place? A I think it was his house.

Q Did you ever see him after that at his house? A Yes sir.

Q When? A I could not say.

Q You still had in your possession the watch? A Yes sir.

Q When was it you left the Hotel Belmont? A A couple of days after.

Q And where did you go to live then? A I don't remember it.

Q Did you go to another hotel? A I don't remember; I think I went away.

BY THE COURT:

Q What do you mean by going away? A I took a trip to Buffalo.

BY MR. LEVY:

Q Did you go to the defendant's place of business the following morning? A The following morning of what?

Q The day after that Sunday, Monday? A Certainly.

Q What time was that? A It was about ten o'clock; between ten and eleven.

Q Was there anyone with you? A Not that day, not that particular hour.

Q Did you have any talk with the defendant that Monday morning? A I simply said "Good morning, Sam".

Q And what did he say? A He said, "Good morning".

Q Tell me what happened? A I asked him for the \$100.

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Q What did he say? A He said, "The \$100 I had quite a little difficulty getting".

Q What did he say? A He said he had quite a little trouble getting it.

Q Did he give you the \$100? A Yes, he did.

Q Where did he take it from? A From his pocket.

Q Do you remember the denominations of the bills you got that morning? A I do not.

Q Whether it was a single bill or many bills? A I do not.

Q How long after that did you give the watch to Ritchie?

A Well, in the period of two weeks.

Q At his own home? A No sir.

Q At that time where did Ritchie live? A At 1944 First Avenue.

Q With whom did he live? A With his wife.

Q Did his brother Frank live there? A No sir.

Q Do you know where Frank lived? A I do not.

Q Since you have been in this last trouble have you seen Ritchie? A Yes.

Q At the time you were arrested? A He came to see me over at the bombs.

Q Ritchie did? A Yes.

Q Do you know where he is now? A I do not.

Q You have not heard from him since in any way? A Why, he wrote me several letters.

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Q To the Sing Sing prison? A Yes sir.

Q You have had letters from him there? A Yes.

Q Is he a young man or an old man? A I guess about the same age as I, around twenty-one or twenty-two.

Q Now, you gave that watch to Ritchie and you know he brought you back \$70? A Yes.

Q Are you able to state what denomination the bills were, if there were bills, that that \$70 were? A I do not.

Q Were they large bills or small bills? A I have no recollection of it.

Q Who was present when he gave you that money? A Only me and him.

Q Who was present when you gave him the watch? A Nobody but me and him.

Q Where was it you gave him the watch? A On Third Ave.

Q In the street? A No sir.

Q Whereabouts? A In a barber shop.

Q Do you know the place of that barber shop? A It was on 93rd Street.

Q In the barber shop? A Yes.

Q Any person at all there when you went there? A There were one or two shaving there.

Q This watch, did you carry that around with you all the time? A Yes.

Q Until you gave it to Ritchie? A I did.

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Q You did not put it in any place for safekeeping?

A I did not.

Q And the money which you had, you kept in your pocket as well? A Yes.

Q You went to Buffalo, you said, after that? A Yes.

Q How long did you stay in Buffalo before you were arrested? A Oh, a short time.

Q Do you remember the hotel you were at? A No sir.

Q Did you steal at that hotel? A No sir.

Q Were you arrested in Buffalo? A No sir.

Q You came back to New York? A Yes.

Q And where was it you were arrested? A At 49th Street and Broadway.

Q Do you know the name of the officer who made the arrest?

A Mr. Joseph Daly.

Q Now, you have told us that when you were arrested you took the police up to the defendant's place of business? A Yes.

Q Then the officers went in first and stood in there about ten minutes and then afterwards you were beckoned to come in, is that right? A Yes sir.

Q What was the first thing that was done when you came into the store? A I said, "Hello, Sam". I said, "I am caught". "It is just as well for you to tell the truth and give the stuff up, it will be better for you". He looked at me in an angry manner, very angry, and he went directly to the safe.

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Q He did not say anything, did he? A No sir, he simply looked at me.

Q He did not say anything, did he? A He did not, to me.

Q Did the defendant say anything to the policemen, to the officers? A I can't recollect, only he denied that he did not have the watch. He denied to the police that he did not have the watch.

Q You mean he said that he never had the watch? A That he did not have it at the present time, that night.

Q What did he say? A What do you mean, what he said?

BY THE COURT:

Q What words did he use, that you heard? A He said, your Honor, that he did not have the watch with him.

BY MR. LEVY:

Q He did not have the watch with him? A No sir.

Q That is what he said? A That is what he said.

Q And that he said in English? A Certainly.

Q Did you see him do anything there? A He went and opened the safe.

Q Besides that? A He went back in the back room again and talked with his wife in Jewish.

Q His wife was in the back? A Yes.

Q Wasn't she in the front of the store? A I don't remember.

Q Which will you have; that you don't remember, that she was in the front of the store, or that she was in the back of

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the store; where was she? A I don't remember where she was; I know he went in and came out with her.

Q Was she there at the time that he went to the safe and got the two article of jewelry? A I don't remember.

Q Did you see him write anything? A I don't remember, I did not see.

Q Did you see him sign anything? A No sir.

Q Did you hear the officers ask him any questions?

A He asked him where is the watch and where is the stuff?

Q You have already told us that he said he did not have it? A He said that he did not have it.

Q That is all he said? A That is all I remember. Maybe the officer told him.

Q You have also told the jury about something that was said at Police Headquarters. Did you occupy the same cell in Police Headquarters? A No sir, the opposite side.

Q Were you locked up in a cell that night? A Yes sir.

Q Was he locked up in a cell that night? A Yes sir.

Q Different cells? A Yes sir.

Q How far removed were you? A Face to face.

Q He was on one side and you on the other? A Yes sir.

Q What time of the night was it, or day? A I could not say.

Q Was it in the nighttime or daytime? A Night.

Q The first thing you said to him, I understood you to say,

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"Why don't you tell the truth"? A Yes sir.

Q Was there anything said by you before that to him or by him to you? A No, I simply said, "Hello, Sam"; he said, "What?" I said, "Why don't you tell the truth and turn out that stuff", I said.

Q What did he say? A He said, "Oh, I am in trouble enough myself without getting anybody else in trouble".

Q What else did you or he say? A I said then, "Do you mean to say you sold that stuff to somebody else and you don't care to get them in trouble?" He said, "I don't care to discuss the matter with you".

Q You are quite sure he used the word "Discussed"?
A Yes sir.

Q No doubt about that? A Yes. "I don't care to discuss the matter with you"; "I don't care to discuss the matter with you".

Q The word particularly that I want to have no doubt about is "discuss"? A Yes.

Q And you have not been sentenced upon the last indictment, have you? A No sir.

Q Do you expect to receive any consideration upon that because of your giving your testimony here? A I do not.

Q Are you prompted; do you know what I mean? A No.

Q Well, I will change it. Do you give your testimony here because you are sorry for what you have done, or for what

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BY THE COURT:

Q Why do you testify here; give any reason that you have? A Well, your Honor, for the simple reason that I don't think it is right. I know I am very sorry for what I done and I would like to have the man have his stuff back again. That is the reason.

BY MR. LEVY:

Q When you plead guilty to the indictment in this case --

THE COURT: What plea did he get?

MR. LEVY: He got a plea of grand larceny in the second degree. He was indicted for burglary in the second degree and grand larceny in the first degree and he plead to grand larceny in the second degree.

Q Did you have any talk with your lawyer or the detectives or anyone with regard to what treatment you would receive upon this plea to this indictment to Judge Rosalsky? A I did not.

Q Before making your confession? A I did not.

Q Where was it you made your socalled confession, at what place, and to whom? A About when?

Q About your having stolen these articles and sold them to Blecherman? A At the Second Branch Bureau.

Q When was that? A When I was arrested.

Q How long after the stealing? A I could not very well recall.

BY THE COURT:

Q How long were you in Headquarters or the Branch Bureau

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before you made the confession? A About an hour.

Q The day of your arrest you confessed to the police?

A Yes sir, the night I was arrested.

Q Mr. Levy wants to know if any promise was made to you by anyone?

BY MR. LEVY:

Q By your lawyer or by anyone else? A No sir.

Q Did you have a lawyer at that time? A I did not have a lawyer until I came here.

BY THE COURT:

Q You did not have a lawyer in the police station?

A No sir.

Q Had you seen the District Attorney? A No sir.

Q The only people you saw were the police? A Yes.

Q And did they beat you or compel you to testify, to confess? A No sir.

Q Did they promise you anything? A No sir.

BY MR. LEVY:

Q Your lawyer when you were down here was a gentleman by the name of Murray? A Yes sir.

Q And he appeared for you at the time that you made your plea? A Yes.

Q I asked you about your stealing from different hotels, the Knickerbocker, the Belmont, the Waldorf and the others you told us of; did you ever steal any articles from any guest of

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the Hotel Imperial? A I don't remember it.

Q Do you remember stealing some articles at the Hotel Imperial belonging to a gentleman by the name of James F. Cummings, and pawning those articles at Simpson's? A I would not like to say for sure. In a way I think I did.

Q You think you did? A Yes sir.

Q Were you prosecuted upon that complaint? A I don't remember it.

Q Were you indicted, so far as you know? As far as I understand, as far as I know.

MR. LEVY: That is all.

MR. EDER: I desire to ask this witness just two questions, but as Mr. Marcus, the jeweler of Fifth Avenue says he must go back to his place of business this afternoon, I would like to call him now.

MR. LEVY: There is no objection to that.

W I L L I A M A . M A R C U S, of Montclair, New Jersey, a witness called on behalf of the People, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. EDER:

Q Mr. Marcus, what is your business? A Jeweler.

Q Are you associated with any firm of jewelers? A Yes.

Q What is the name of the firm? A Marcus & Company.

Q Where is their place of business? A 544 Fifth Avenue.



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Q How long have you been in the jewelry business?

A Eleven years.

Q Do you know Mr. Roberts? A Yes.

Q I show you a photograph, People's Exhibit 1 for Identification --

MR. LEVY: You refer to that as a photograph. It is not a photograph. It seems to be an electrotype reproduction.

Q Well, I show you People's Exhibit 1 for Identification; do you see the picture of a bar pin there?

MR. LEVY: Objected to; that is not at all material. If you want to prove by Mr. Marcus that he sold to Mr. Roberts a certain bar pin I will admit that, and I will admit Mr. Marcus's qualifications as an expert.

Q Did you sell it to Mr. Roberts? A Yes.

Q What was the value of that bar pin? A \$1600.

Q Can you describe it?

BY THE COURT:

Q You may refresh your recollection by any memorandum that you have, but you must testify from memory. That paper you hold in your hand is not in evidence.

BY MR. EDER:

Q Describe it? A It was a bar pin with about seven to nine graduated diamonds in the center. The largest of the seven or nine stones being in the middle and on each side of

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them equal pairs, the center stone weighing about 8/10ths of
a carat, and the end of these seven to nine stones weighing--
BY THE COURT:

Q It was a horizontal bar set with diamonds? A It was
a horizontal bar with graduated stones, about seven or nine
in the middle and around that was a small frame of little
diamonds. It was an oblong pin, about two and a half inches
long.

Q And it was worth \$1600? A Yes.

BY MR. EDER:

Q Was it the same value in March, 1917, as at the time he
purchased it? A No, I should say it was worth more in March.

Q What was it worth in March, 1917?

THE COURT: \$1600 is enough.

MR. EDER: You may examine.

CROSS-EXAMINATION BY MR. LEVY:

Q The setting, I suppose, was valuable? A Yes, it had
some value as old platinum.

Q The setting, in its construction and its making cost
something? A That represented part of the \$1600.

Q Approximately how much? A From memory I should have
said about \$200.

Q Those little stones that are described in the print
as "mele"? A Yes, small mele; they are small diamonds that
are used generally to fill in designs.

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BY THE COURT:

Q They are valuable? A Oh yes.

BY MR. LEVY:

Q They are used to fill the pieces of jewelry? A Yes, they are stones of a smaller weight than one-eighth of a carat.

BY THE COURT:

Q But they are valuable? A Yes, indeed.

DOMINICK VITO, recalled for further cross-examination:

BY MR. LEVY:

Q When you went into the store of the defendant did you notice whether he had a sign over the door? A I did not.

Q Do you remember whether he had his name on the window? A I do not.

Q There is a regular show window in front? A I don't know.

Q Don't you know whether he had a show window with articles displayed in it? A I think he had.

Q Did he have articles displayed in the window as a jeweler? A Yes.

Q Do you know whether his name was on the window? A I did not look for his name, as he was introduced by the name Sam.

REDIRECT EXAMINATION BY MR. EDER:

Q You say you had red hair then? A Yes.

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Q Your hair was red at the time you lived at the Belmont Hotel? A Yes.

Q At the time you came with the police officers to this defendant's place of business your hair was red, too? A Yes sir.

Q In all, how many times have you been in prison?
A Several times.

Q How many times; you were once in prison in Canada?
A When I was a boy.

Q You were in the penitentiary here in New York? A Yes.

Q You served nine months? A Yes sir.

Q And then you were sent to Sing Sing by Judge Mulqueen?
A Yes sir.

Q Those are the only three times you have been in prison, is that correct? A As far as I can remember it.

Q The different articles that you stole, that Mr. Levy questioned you about, you sold all those articles to people purchasing them from you, is that correct? A Yes sir.

BY MR. LEVY:

Q You pawned some of them, didn't you?

THE COURT: That is not material.

BY THE COURT:

Q You do not steal diamonds to eat, do you? A No.

BY JUROR NO. 3:

Q What tempted you to go to this man's place; were you taken there? A To this man's place (indicating defendant)?

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Q Yes? A I was introduced.

Q That is the first time you ever saw him? A That is the first time.

Q You did not know anything about his place until they took you there? A Until then.

Q You never went there before? A No sir.

THE COURT: He said he was introduced to him a week before he brought these articles there.

BY THE COURT:

Q By whom were you introduced? A Frank, the fellow.

Q Frank brought you there and you saw him before you had anything to sell? A Yes.

BY MR. LEVY:

Q Is that Frank Ritchie? A No.

Q Another Frank? A Yes.

BY THE COURT:

Q And then after you had a talk with him on that occasion?

A The other two fellows had a talk with him.

Q And when you did steal something you went there? A He told me in case I run across anything, to bring it over to him.

Q So that when you did steal these articles from Mr. Roberts you brought them to him? A Yes.

Q How long was that after the day you were introduced to him? A Well, it was about a week later.

BY JUROR NO. 3:

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Q This other fellow did not tell you that he was there, did he; did he ever tell you he brought anything to this man's place? A He did not.

Q You are sure about that? A Yes.

THE COURT: Any other questions?

(There appearing to be none, the Court takes a recess).

THE COURT: Gentlemen of the Jury, the Court will take a recess until two o'clock. In the meanwhile you must remember that you are not to talk about this case with anyone, and that not only prohibits you from talking about it with strangers but also from discussing it among yourselves. You must not discuss it until you hear all the evidence on both sides, and when the case is submitted to you at the end, and the Court submits it to you and you retire, that is the time to make up your minds and not before.

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December 4, 1917.

(A F T E R R E C E S S).

O F F I C E R J O S E P H A. D A L Y, called as a witness,
on behalf of the People, being first duly sworn, testified
as follows: (Second Branch Detective Bureau).

D I R E C T E X A M I N A T I O N B Y M R. E D E R:

Q Officer, how long have you been on the police force of
the City of New York? A Going on fifteen years.

Q How long have you been attached to the Detective Bureau?
A About ten years.

Q Do you know Dominick Vito? A I do.

Q Did you place him under arrest? A I did.

Q After having been placed under arrest you had a talk with
him? A I did.

Q Subsequent to that talk and in pursuance of that talk did
you see this defendant? A I did.

Q Where? A In the jewelry store, Second Avenue, between
100th and 101st Street?

Q 1956 Second Avenue? A Yes, sir.

Q Whom did you go there with? A I went there with the
defendant Vito, Dominick Vito, and Detective Dennison from the McAlpine
Hotel, Detectives Martin and Lowenthal of the Second Branch Detective
Bureau.

Q Did you enter the place of business of this defendant, David
Blecherman? A I did.

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Q Who went in with you, the first time? A Mr. Dennison, the hotel detective from the McAlpin.

Q From the McAlpin Hotel? A Yes, sir.

Q Did you have a talk with this defendant? A I did.

Q State the conversation between you and this defendant at the time you entered that store with Dennison? A I went in and saw the defendant, and told him that my name was Daly, that I was a police officer from the Detective Bureau, showed him my shield. I told him that Mr. Dennison was a hotel detective, and that I had information that he, Blecherman, had bought a watch and a pin, paid \$70.00 for the watch and \$300.00 for the pin, and that he bought it from a fellow known to him as "Joe," and who went under the name of "Dominick," and he said "No." I said, "Well, you would remember if you bought such a ring and pin --

Q Such a what? A I mean a watch and pin. He said, I didn't buy anything as you describe. So I said, "Well, I will show you a picture of the watch and pin; it may refresh your memory, and I showed him the picture.

Q What picture did you show him? A (producing a cut with pictures on). This picture.

Q Did you show him this paper (showing)? A Yes, sir.

MR. EDER: I offer this in evidence.

MR. LEVY: May I look at it?

(Mr. Eder handed the paper to Mr. Levy who examined it).

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BY MR. LEVY:

Q Is this (showing witness the paper) the paper, the identical paper that you showed him? A Well, yes, sir.

Q Sure about that? A Yes, sir.

MR. LEVY: Is that is so, there will be no objection.

(The paper referred to was received in evidence and marked People's Exhibit No.2).

MR. LEVY: Read that please (addressing Mr. Eder).

(Mr. Eder read part of it to the jury, when Mr. Levy interrupted him).

MR. LEVY: Excuse me a moment. The picture, your Honor, on reflection, a picture shown to a man might be properly admissible and, therefore, I made no objection, but the written matter, that printed matter, unless it be shown that the defendant was capable of reading and understanding --

THE COURT: You told him to read it. Mr. Levy, do you wish to object now?

MR. LEVY: Yes, sir, I object.

THE COURT: I sustain the objection.

MR. EDER: I only intended to --

MR. LEVY: The picture is not objectionable.

THE COURT: Let them see the picture.

MR. EDER: That is all I wished to show them.

THE COURT: You do not object to the top part; the bottom part you object to. I don't know what it is. Let the jurors see the top part of the alleged picture.

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MR. LEVY: May I ask the witness a question?

THE COURT: Yes. You had better wait, however, until the jurors have finished examining the picture. I think your objection is well taken.

BY MR. LEVY:

Q Do you know whether this defendant can read English print?

A That I don't know, but I know he can write English.

Q What can he write -- his name? A Yes, sir.

THE COURT: It is all stricken out except the pictures.

BY MR. EDER:

Q Now, when you showed him these pictures (indicating the pictures of a watch and pin, on Exhibit No.2, in evidence), what did you say to him, or what did he say to you? A I said to him, "Now, I will show you a picture of the man --

Q What did he say? A He said, "No, he didn't buy such stuff."

BY THE COURT:

Q You said you would show him a picture of the articles? A Yes, sir.

Q And then you showed him this (indicating the cut, People's Exhibit No.2) A Yes, sir.

Q And he said he hadn't bought them? A Yes, sir.

BY MR. EDER:

Q Then what happened? A Then I said, "I will show you a picture of a man, who said he sold the stuff to you," and I showed him a picture of --

Q What picture did you show him? A Of Vito.

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Q Did he look at it? A Yes, sir.

Q Is this the picture you showed him (showing) A Yes, sir.

MR. EDER: I offer it in evidence.

BY MR. LEVY:

Q Did you show him the front or the back of the picture? A
The front of the picture.

MR. LEVY: There can be no objection to the front of it.

(Received in evidence and marked People's Exhibit No.3).

Q That is a picture from the Gallery? A Yes, sir.

(Mr. Eder handed People's Exhibit No.3 to the jurors, who
examined same).

BY MR. EDER:

Q What did you say and what did he say when you showed him
People's Exhibit No.3, in evidence? A I said, "That is the picture
of the man who said that he sold a pin and a watch to you" and I
said, "Do you recognise it?" He said, "No, I do not. I didn't
buy any watch or pin from any such man, or as you describe, or as
shown in the picture." I said, "Well, now, the man is outside
handcuffed to a detective, around the corner" and I said "I don't
like to bring him in here to disgrace you and your family." I said,
"If you want to tell the truth about the matter, it won't be necessary
to bring the prisoner in here." He said, "I don't know anything
about what you are talking about; I don't know anything about it."
So, I said, to his wife, "Why don't you advise him now, and his wife
the
talked to him in/Jewish language, I presume it was, and I said to Mr.
Dennison, "Go ahead out and bring him in." The wife said, "Wait a

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minute," and she talked to him further, and he said, "No, I didn't buy the stuff, and I don't recognise the picture." So Mr. Dennis went out and came back with Vito, who was handcuffed to one of the officers, and when Vito came in he said "Hello, Sam" --

BY THE COURT:

Q Who said, "Hello, Sam"? A The prisoner said it.

Q Vito said, "Hello, Sam"? A Yes, sir.

Q Addressing this defendant? A Yes, sir. He said, "Why, I don't know you --

Q Who said "I don't know you"? You used the word "he"? A Blecherman.

Q The defendant said to Vito, "I don't know you"? A Yes, sir. He says --

THE COURT: You said "he" again. Why don't you say Vito and Blecherman, whichever you mean.

THE WITNESS: Victor --

BY THE COURT:

Q Who is "Victor"? A We know him as Vito and as Victor.

Q Vito said what? A Vito said to the defendant, Blecherman, "Sam, you might as well tell the truth. The detectives have been watching me and they know of everything I have been doing," and then the defendant, Blecherman, said, "Yes, I did buy the watch and the pin; I paid \$70.00 for the watch and \$300.00 for the pin." So, I said, "Well, where is it now?" He said, "That I don't know where it is." I said, "What did you do with it?" He said, "I broke it up. I broke up the pin and the watch." I said, "Who did you sell it to?"

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He said, "I don't know; I cannot tell you." I tried to reason with him. I said, "You have got a small business here; you sell diamonds and you ought to know who your customers are. It is unusual in a store like this to handle a lot of diamonds." He said "I don't remember what I did with them." I said, "Did you break up the watch?" He said, "Yes." I said, "What did you do with the works of the watch?" He said, "I don't know; I am not a watchmaker." He said, "I may have thrown it in a scrap pail." So then I said, "Well, may be you got it in the safe?" A He said "No, you can look in the safe," and he opened the safe and showed me a lot of pieces of jewelry, and I asked him about the different ones. I said, "Is this made up from the pin, from the watch?" Finally, he came to a pair of earrings. I mentioned about them. He said, "Yes, that pair of earrings was made up from the pin." Then he pulled out a ring, and he said, "Now, this ring is made from that pin. --

Q One moment. I show you this pair of earrings, and ask you if this is the pair of earrings you refer to that this defendant showed you (showing a pair of earrings to the witness)? A (After examining) Yes, sir, it is. I marked them; I marked that card.

MR. EDER: I offer them in evidence.

Q Did the card go with them? A Just as you see it.

Q The markings you made on it were like those (indicating)?

A Except the marks, I put on the back my initials and the date, and the other officers.

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Q The printed matter was on there? A Yes, sir.

BY MR. LEVY:

Q The earrings were in the card? A Yes, sir.

(The card with earrings in, received in evidence and marked People's Exhibit No.4).

BY MR. EDER:

Q I show you this ring (handing same to the witness); is that the ring that was handed to you? A Yes, sir.

Q Did he say where the diamonds came from? A Yes, sir.

Q From the pin? A Yes, sir.

MR. EDER: I offer that in evidence.

BY MR. LEVY:

Q The writing on the bottom of both of these cards, whose is that? The writing matter, not the printed matter. A These (indicating) "J.D." are my initials.

Q "L.L."? A Those are one of the detectives -- Leo Lowenthal.

Q Those were put on for identification purposes? A Yes, sir.

MR. LEVY: I have no objection.

(The ring was received in evidence and marked People's Exhibit No.5).

BY MR. EDER:

Q What happened after that? After he told you these things were made from the pin, what happened after that? A I said to him, "Well, I am going to place you under arrest, and I am going to take

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and hold these as evidence, and I will take a receipt with your name signed to it, that this is the property that I took." So then I wrote out a receipt stating the property I took.

Q You wrote out a receipt? A Yes, sir.

Q Did you read it to him? A Yes, sir.

Q Was his wife present? A Yes, sir.

Q And the other officers? A Yes, sir.

Q And he signed it? A Yes, sir.

Q Is this (showing witness a paper) you wrote out, and that he signed? A (after examining) Yes, sir.

MR. LEVY: May I ask a question about this, please?

THE COURT: Yes.

BY MR. LEVY:

Q You read this (indicating paper) to the man? A Yes, sir.

Q Did he examine it at all? A Well, he did; I gave it to him, and he signed his name to it. He gave me that (referring to the paper) to write on. I asked him for something to write on; that is one of his envelopes.

Q You read it out? A Yes, sir.

BY THE COURT:

Q Who wrote it out? A I wrote it out, and he signed it.

BY MR. EDER:

Q You handed it to him and he signed his name? A Yes, sir.

Q You first read it to him? A Yes, sir.

MR. LEVY: There can be no objection.

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(The paper referred to received in evidence and marked People's Exhibit No.6).

(Read to the jury by Mr. Eder).

Q When you say "this man", did you indicate at that time which man you meant? A Yes, sir.

Q Whom did you mean? A The man that was handcuffed -- Vito.

Q What happened after that? A Why, then we went to Police Headquarters and locked them up at Police Headquarters. I requested the keeper to put them in cells apart which the keeper did, and then I overheard a conversation there between Vito and the defendant, Blecherman.

Q What did you hear? A I heard Vito call out and say, "Sam, why don't you tell the cops where that stuff is?" He says, "Then you might get a suspended sentence, and they would be lenient with me," and the defendant, Blecherman, answered, back, "I am in trouble myself, without getting somebody else in trouble." So, "Victor" said, "You mean by that you know where the stuff is; you don't want to tell; afraid of getting somebody else in trouble?" He said, "Don't bother talking to me any more; I don't want to talk any more."

Q Was that the last you heard this defendant say? A Yes, sir.

Q You never found any other parts of the jewelry? A Never did, no, sir.

CROSS-EXAMINATION BY MR. LEVY:

Q There was no hesitation upon the part of this defendant to open his safe and allow you to make any examination which you wanted? A No; not a bit.

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Q He opened the safe? A Yes, sir.

Q Will you tell his Honor and the jury when it was that this arrest took place, this conversation took place?

THE COURT: You mean what date of the year?

MR. LEVY: Yes, sir.

A That was late Saturday night, April 21st.

Q It is the date you got on that receipt? A Yes, sir.

Q The date upon the two articles in evidence? A Yes, sir.

Q The 21st of April? A Yes, sir, right close up to midnight.

Q What time of the day or night was it? A It must have been close to midnight, between 11:30 and 12:00, I should judge.

Q And that was the 21st of April, and you ascertained that the larceny took place on the 3rd of March? A Yes, sir.

Q A period of about seven weeks before? A Yes, sir.

Q What language did you speak with the defendant? A English; that is the only language I can speak.

Q Did he speak a broken English? A Yes, sir.

Q Did you notice his appearance, the defendant's? A In what respect?

Q Well, with regard to whether he appeared nervous, or whether under the influence of anything? A I didn't notice that he was; I don't think he was.

Q Whether or not there was any evidence of drink on him? A Nothing of that sort.

Q He was there alone with his wife? A I think that is all that was there; there was some other people came in.

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Q So we may understand the situation: that is an ordinary tenement house store; isn't it? A Yes, sir.

Q That is to say, a tenement house with a middle entrance to the upper part of the house and a store/^{on each side}? A Mr. Levy, I could not describe the house, only the store. I didn't pay any attention to the description of the other part of the house.

Q The house itself, I am not interested in. Are there two stores, one on each side of the hallway? A I presume so, but I am not sure.

Q The size of that store, can you give us an idea of it? A Well, it was a small store. I know the show cases were to the right as you go in, and at the end of the show case there was a kind of a swinging door or door that led back into a passageway that led back into the back room, and to the left, before you went in the back room, was this large safe in the corner.

Q The safe was in the store proper? A Yes, sir.

Q And when you went into the place was the safe closed? A Yes, sir.

Q And have you any recollection as to the day of the week it was?

A I think it was Saturday night; I think so; I am not sure.

Q The place was well illuminated, lit up? A Well, I think it was lit up.

Q And when you went in where was the wife of this defendant?

A I think she was -- I think she was in the back part of the store.

Q Behind the counter? A I am not sure what part of the store; I could not say that Mr. Levy, whether in the back or not.

Q There was a counter? A Yes, sir.

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Q On top of the counter a regular jeweler's show case? A Yes.

Q The back of the store, was there a counter in the back? A I think there was a counter in there -- an "L" shape.

Q For instance, we will assume that this (indicating counsel table) is the counter which ran right down at the end of the store?

A Yes, sir.

Q And was there another counter at the end of the counter containing a show case? A I think there was, but went to the left.

Q Whichever way it went, it was at the back? A Yes, sir.

Q And behind that the safe was placed? A Yes, sir.

Q And behind that there was a back room? A Yes, sir.

Q The uses to which that back room were put, do you know? A It looked like a kitchen back there.

Q A living apartment? A I don't remember that there were any beds back there.

Q Did you go in there? A Yes, sir.

Q Was it furnished as a living apartment? A I think it was; I know there was a lot of things stored back there that might be sold in the store; I don't remember just what they were.

Q Tables and chairs and things of that kind? A I think there was a cooking stove back there.

Q Now, that safe was closed when you came into the store; is that right? A Yes, sir.

Q You are quite sure that the defendant responded in a language which was understandable to you? A Oh, yes, sir.

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Q And you tried of course to make yourself understood to him? A Yes, sir.

Q You tried to make him understand? A Yes, sir, no difficulty about that.

Q In this conversation did Mr. Dennison take any part? A Well, I think he was talking to the wife and advised her.

Q I mean talking to the defendant, that is what I mean? A I could not say, Mr. Levy.

Q All right. Now, did he say to you that he had had the watch I want you to be sure about that. He did admit to you that he bought a pin. Now, about the watch is what I want you to concern yourself for the moment. He said he bought a pin. What did he say, if anything about having the watch? A He said that he did buy a watch.

Q Did he say what kind of a watch he bought? A Why the watch described in the picture.

Q A wrist watch? A Yes, sir.

Q A wrist watch? A I don't know whether I went into that.

Q It is important for me to know; it is necessary for me to get the exact facts. Did he say anything of having bought a diamond watch, or did he say he bought a watch? A Yes, sir, because I talked to him about 330 diamonds in the watch.

Q What did he say, if anything? A Do you mean at first or finally?

Q At any time in the conversation, of having purchased a watch, a pin -- there won't be much dispute ^{about} /-- the watch is what I am concerned

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about? A At first he denied all knowledge of the watch.

Q What did he say, if anything, about having purchased a watch? A He said he bought the watch afterwards.

Q The watch you say, or did he say a watch? A Well, we were talking about this watch described in the picture.

Q This picture was in front of Mr. Blecherman? A It had been.

Q He said he bought a watch or the watch -- let us get that clearly? A Mr. Levy, I don't remember the words. We were talking about the watch.

Q You cannot say whether he said the watch which is shown on this printed paper? A I don't remember --

Q That is all I want to know. You could not say whether he said this watch or a watch? A I don't remember the words.

Q Now, was the name of any person mentioned besides Vito upon that occasion? A Yes, sir.

Q Well, what name was mentioned? A Nick.

Q Nick? A Yes, sir.

Q Was there any Frank spoken about? A I don't recall that.

Q Did he say anything about knowing a man by the name of Frank Ritchie? A Nick.

Q I want you to be sure? A I think it was Nick Ritchie.

Q Not think, I want you to be certain, if you can be? A Yes, sir; I am sure, no -- I am not sure at that time, Mr. Levy; I know Nick was the first name mentioned.

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Q The defendant, Vito, had told you about a Nick Ritchie, hadn't he; in his so-called confession to you? A He finally did, yes, sir, after we apprehended him.

Q You had the name of that man in your mind at the time you were talking to the defendant, didn't you, Nick Ritchie?

A I don't remember now whether I had at that time or not.

Q Did the defendant say anything about knowing a Frank Ritchie? A No, I didn't hear that.

Q Did he speak about a man by the name of Frank Ritchie who was a neighbor of his? A No.

Q Did he say he had any business dealings with a man named Ritchie, who was a neighbor of his? A No, sir, I don't recall that.

Q Did he speak about a neighbor with whom he had any business dealings, without reference to a name? A Yes, sir.

Q Did he say anything about a neighbor with whom he had business dealings? A He said that a woman, Vito's mother, used to come in there.

Q Yes. A And she wore a lot of diamonds, and when he bought the diamonds he thought it was his mother's diamonds.

Q Did he say that Vito had been brought in to him by a man of the name of Ritchie? A No, I don't remember that, that he said that.

Q Now this defendant, Vito, at that time was redheaded, wasn't he? A Yes, sir.

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Q His hair was dyed? A yes, sir.

Q He was well dressed? A Very well, yes, sir.

Q And presented an appearance of being well to do?

MR. EDER: I object to that.

Q Did he wear any jewelry, Vito? A Yes, sir, a watch and chain, a valuable watch and chain.

Q And a pin? A I don't remember whether he had pin.

Q Well, he presented the appearance of a person in good circumstances? A Yes, sir.

Q The defendant did not hesitate to sign the receipt which you presented to him? A No.

Q Showing that these two articles he gave you were made up of a portion of the pin? A He did not.

Q Now did you hear the defendant use the word "discuss" in that conversation in the prison cell; did he say, "I will not discuss the matter"? A Well, I don't remember that.

Q You don't remember that? A I remember he said "I don't want to talk to you".

Q He said, "I don't want to discuss this matter with you"? A I wouldnot say that -- I gave you just the substance.

Q Did any person in that conversation speak to the defendant in the Yiddish language?

THE COURT: What conversation, Mr. Levy?

MR. LEVY: The conversation on the store with the defendant.

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THE COURT: And the officers.

MR. LEVY: And the officers.

Q Or was the conversation conducted, as you say, in English?

THE COURT: He said the wife talked to him.

MR. LEVY: I mean, between the officers and the defendant.

THE WITNESS: I don't know for sure, but there was one of four officers that could talk the Jewish language; I don't remember whether he did or not.

Q Did he take any part in the conversation with Lowenthal?

A Yes, sir.

Q With whom? A The defendant Blecherman.

Q Did you overhear what he said? A Yes, sir.

Q What was said between the defendant and the officer -- Lowenthal, is that his name? A Lowenthal. He said to him, "You don't mean to say that you would throw away the works of a Cartier watch?" He said, -- that is not true, you wouldn't do that.

Q What did the defendant say? A He said, "well, I am not a watchmaker; I don't know much about watches.

Q Speaking about watchmakers, was there any worktable in the place? Did you see a watchmaker's table? You know what that is? A I don't remember that I did.

Q Was there any place in the back of that store or in

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the front of it, upon which there were apparently watchmaker's tools or anything of that sort? A I couldn't tell you that?

BY THE COURT:

Q You don't know watchmakers' tools when you see them, do you? Do you know anything about watchmakers' tools?

A If I saw them in a shop like --

Q They might be jewelers' tools -- you could not tell whether they were jewelers' or watchmakers' tools, could you?

A I would say -- I would not be able to tell whether they were watchmakers' tools or jewelers' tools.

BY MR. LEVY:

Q Any kind of tools did you see; any table on which there were tools for watchmaking or making jewelry? A I don't remember that.

Q When you went into that store, was the store lit up, illuminated? A Yes, sir.

Q The place had not been closed up? A No, sir.

Q You say it was close onto midnight? A Yes, sir.

Q There is one other thing: You said in answer to the District Attorney that the man Vito said to this defendant, Blecherman, in the cell at Headquarters, in substance, "If you will tell where that stuff is, they will be lenient to me." Did he use the word "lenient"? A I remember distinctly he stumbled all over himself trying to say lenient. He said they will be "lenien" -- he didn't pronounce it properly.

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Q You are sure the word "lenient" was used? A I presume he tried to say the word "lenient".

Q Never mind that. Did he say anything that had the sound of the word "lenient"? A Yes, sir, he did; I am sure of that.

Q And all the defendant said, was, "I have troubles of my own; I don't want to talk any more"? A He said he was in trouble, and "I don't want to get anybody else in trouble; don't want to make trouble for anyone else."

Q Didn't he say, "I don't want to talk to you any more"? A Yes, sir.

BY JUROR NO. 3:

Q When you went into the place, was there a safe there?

A Yes, sir.

Q A very big one? A Yes, sir.

Q Anybody could see it from the outside, from outside of the counter? A Yes, sir.

BY MR. LEVY:

Q How high was it, officer? A Well, it was quite a good big safe, I guess it was about say six feet, maybe between five and a half and seven feet.

BY THE COURT:

Q It could be seen? A Yes, sir.

BY MR. LEVY:

Q It towered above the counter? A Yes, sir.

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THE COURT: Whether it could be seen is entirely immaterial.

MR. LEVY: It may have a pertinence.

THE COURT: I don't see how it could.

BY JUROR NO. 4:

Q I remember you said when you spoke to the defendant, that he stated he paid \$70 for the watch? A Yes, sir.

BY MR. LEVY:

Q Was there a stock of watches in the place?

BY THE COURT:

Q Do you know whether there was a big stock of watches or not in the place? A I was busy watching Vito, because he was trying to get away.

BY MR. LEVY:

Q Who, Vito, trying to get away? A I felt as though he was.

Q Did you notice whether there was a sign over the door of that store? A No.

Q Or a sign on the window? A No.

Q Or the name of the defendant?

THE COURT: He said he didn't, Mr. Levy.

Q There is a show window there, and there were goods displayed in the show window, is that so? A Mr. Levy, I could not give you a good description of the store. I didn't pay any particular attention to it.

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Q Do you know whether there was a show window there or not, or whether goods were displayed? A No, I am not sure.

BY JUROR NO. 2:

Q This Mr. Lowenthal spoke to this defendant in Jewish?

BY THE COURT:

Q Did Lowenthal speak to the defendant in Jewish? A Yea.

BY MR. LEVY:

Q You said there was a conversation between the defendant and one of the detectives in Jewish? A I said one of the detectives talked Jewish. The conversation that Lowenthal had was in plain English.

A U S T I N G . D E N N I S O N , called as a witness on behalf of the People, being first duly sworn, testified as follows: (Address 3100 Broadway).

DIRECT EXAMINATION BY MR. EDER:

Q Mr. Dennison, you are connected with the McAlpin Hotel? A I am.

Q In what capacity? A I am head house officer there?

Q Do you remember being in company with Officer Daly and going to the defendant's place of business at 1956 Second avenue, on the 21st day of April, 1917? A I do.

Q Did you overhear a conversation between Daly and this defendant? A I did.

Q Will you please state the conversation you overheard?

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Q Will you speak a little louder, please? A (continuing) And he was again asked if he had bought this stuff, and was it necessary for me to bring the man in, and he again denied that he had purchased the stuff, and said, "Bring him in".

I went out to a taxicab where the prisoner was with Officers Martin and --

Q Lowenthal? A And Lowenthal, and Mr. Daly had shown the defendant a picture of the prisoner that we had in the cab also, and he denied knowing the original of it --

Q That is, before you brought the defendant in?

A Yes, sir, at the time that he showed him this cut.

Q I show you People's Exhibit 3 in evidence (handing same to witness). Is this the picture he showed him?

A Yes, sir.

Q What happened after you brought Vito into the defendant's place of business? A He denied knowing him.

BY THE COURT:

Q Who denied knowing him? A The defendant denied knowing the prisoner.

BY MR. EDER:

Q Vito? A Yes, sir. Vito called him "Sam" and told him that he should tell the truth, and hwn up to the facts, as he had been watched and that the detectives knew all about the transaction.

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He still denied it, and Vito repeated the same statement and begged of him to tell the truth --

MR. LEVY: Not "begged of him".

THE COURT: Strike out "begged".

Q Just state what he said. A Then the defendant admitted --

MR. LEVY: No, not admitted.

Q Just state what he said, don't say "admitted" at all.

BY THE COURT:

Q Tell us in substance what he said? A In substance he again told him to tell the truth.

Q No. But what did the defendant say? A The defendant said he knew nothing about the transaction.

Q What did he say at the time, what words did the defendant use? A "I don't know you, and I don't know anything about these jewels" or words to that effect, that is the substance of it.

THE COURT: Go on, please.

THE WITNESS: He then admitted --

THE COURT: Strike out "admitted". You were told about that before. What words did he use, he didn't say "admitted".

THE WITNESS: "I did buy the stuff", and then he was asked to produce it, or tell where it was, and he said he had broken it up and resold it.

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BY THE COURT:

Q That he had broken up a ring? A I mean a pin -- a pin and a watch.

BY MR. EDER:

Q Yes. Then what happened? A Well, he was further pressed by Mr. Lowenthal in particular about his record of purchase of the jewelry, and also his records of sales, and he said he didn't keep any books of purchases of such things. He did produce one or two small books that had items in I think of purchases from dealers, and then he was placed under arrest and taken from the building with the nine stones --

Q By "nine stones, you mean two of the articles here, People's Exhibits 4 and 5 in evidence. A Well, I would assume that they are the stones; they looked like the cards -- I am not a judge of the stones.

Q You didn't mark them? A No, sir.

CROSS EXAMINATION BY MR. LEVY:

Q I want to know did he say that any of these articles contained any diamonds that had been in the watch, or did he say they had been in the pin? A Well, I don't believe that he classified them separately, but that he did say they were jewels, stones, taken from these articles.

Q Well, you were there when People's Exhibit No. 6 was written out, were you not (handing Exhibit to witness)?

A Yes, sir, Mr. Daly wrote out something.

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Q You are not sure about it? A I believe he did, if my memory serves me right, he did speak --

Q If he did, you don't know? A I don't know.

Q He did speak to his wife, or his wifespoke to him in a language not English? A yes, sir.

Q Now did you notice the appearance of the defendant upon that occasion, was he excited or cool or calm, or did he betray any agitation? A He did show agitation, decidedly.

Q He did show agitation? A Yes, sir.

Q Was he flushed in appearance, on his face? A On the contrary, he was very pale.

Q Now with regard to the appearance of the man Vito, was he well dressed? A Extremely well dressed.

Q Wore jewels? A Yes, sir.

Q A pin? A He had a pin on that night.

Q Rings? A I am not able to say whether he had a ring or not.

Q A gold watch and chain? A Yes, sir.

Q He looked like a person who was in a prosperous condition?

MR. EDER: I object to that.

THE COURT: I will allow it.

A He looked very prosperous that evening-- he had on a rain-coat --

Q Had that thief stolen from the McAlpin, too? A No.

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Q You were brought into the matter through whose instrumentality? A Well, there were a number --

Q Through whose instrumentality --

THE COURT: Let him answer, Mr. Levy.

A My own.

Q Your own instrumentality? A There were a great many robberies occurring in hotels, and this picture had been identified, and a number of us had it, and I went to look for him, look for the burglar.

Q To see if you could possibly identify him? A And I did, sir.

MR. LEVY: That is all, sir.

MR. EDER: Mr. Levy will now concede --

MR. LEVY: I will make a statement for the record. The learned Assistant District Attorney has asked me to concede, in order to expedite matters, that a jeweler by the name of Cartier, if called here, would testify that the watch which was sold by their firm to Mr. Roberts, the complainant, was sold by them at \$2000.

THE COURT: Is there any doubt about the identity of the watch?

MR. LEVY: The watch that was sold by Cartier to Mr. Roberts, there is no doubt in my mind who bought the watch.

THE COURT: That watch?

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MR. LEVY: Whether it is the watch or not --

THE COURT: Then you will have to call Cartier.

MR. LEVY: Your Honor, I wanted to save time.

THE COURT: I know..

MR. LEVY: The complaining witness, Roberts, will say that the watch he bought from Cartier --

THE COURT: Make the concession a real one, if any.

MR. LEVY: We make a denial of the watch that was stolen.

THE COURT: That is not the issue. The watch that was stolen from Roberts, he bought from Cartier, and it was worth \$2000.

MR. LEVY: Not worth, but it was bought for \$2000. I will concede upon the record that if Mr. Cartier were here, he would testify that he sold a watch for \$2000 --

THE COURT: That he sold the watch in question.

MR. LEVY: And that the watch that was stolen from Mr. Roberts, was the watch that was sold by Mr. Cartier.

THE COURT: Exactly.

MR. LEVY: I will make no concession for value except as he testified.

THE COURT: You concede he was a qualified expert.

MR. LEVY: There is no doubt about it.

THE COURT: Mr. Cartier is the jeweler at Fifth avenue and 57th street?

MR. EDER: Yes, your Honor.

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LEO LOWENTHAL, called as a witness on behalf of the People, being first duly sworn, testified as follows: (Second Branch Detective Bureau).

DIRECT EXAMINATION BY MR. EDER:

Q Officer, how long have you been attached to the Police Department of the City of New York? A 11 years.

Q Prior to that you had been connected with the District Attorney's office? A I was.

Q Now do you remember going to the place of business of this defendant at 1956 Second avenue, this County, on the 31st day of April, 1917, in company with Detectives Daly, Martin, and Dennison? A I do.

Q Do you remember seeing this defendant there that evening? A Yes, sir.

Q Did you at any time speak Yiddish to him that night? A I don't speak Yiddish fluently; I said something in half German and half Yiddish.

Q What were the things you said to him? A To the best of my recollection I told him to tell the truth about the matter.

Q The rest of the time Daly spoke to him? A Daly spoke to him pretty nearly all the time.

Q You overheard the entire conversation? A I did.

MR. EDER: That is all.

MR. LEVY: No cross-examination.

MR. EDER: The People rest, your Honor.

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MR. LEVY: May it please your Honor, I desire to place on the record the motion provided under Section 410 of the Code of Criminal Procedure, upon the grounds therein stated.

THE COURT: Denied.

MR. LEVY: Exception.

Now, if your Honor please, I would be sincerely appreciative of your courtesy if you would adjourn this case, to enable me to interpose my defense, until tomorrow morning.

THE COURT: The difficulty is, Mr. Levy, I have a court engagement fixed for tomorrow morning.

MR. LEVY: Any time you fix tomorrow, your Honor, will suit me. I cannot get in my defense today.

THE COURT: You have some witnesses here whose evidence you could put in.

MR. LEVY: No, your Honor, but I promise you that tomorrow I will be as expeditious as I possibly can.

THE COURT: I had hoped to finish this case tomorrow afternoon. I will be engaged tomorrow until one o'clock with the Grand Jury Board.

Gentlemen of the jury, the Court will excuse you until two o'clock tomorrow. I have another engagement in the morning, a court engagement, so that I will not be here until two o'clock.

Meanwhile, remember the admonition I gave to you. You must not talk about this case with anyone connected with the

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District Attorney's office, or the defense, or anyone whatever, and you must not discuss it among yourselves even, and you must not make up your minds as to how you are going to vote on this question which will be submitted to you, until you have heard everything that is to be said by both sides, by counsel in their summing up, and by the Court at the end of the case, when the Court will instruct you as to the law. That is the time to decide it, and not before that. You must keep your minds open until that time. That is your obligation under your oath. Don't decide this case until it is given to you to decide.

Now please be back at two o'clock tomorrow.

(Whereupon at 3:15 p.m. an adjournment was taken to Wednesday, December 5, 1917, at 2 p.m.)

CASE # 2380

THE PEOPLE v. DAVID BLECHERMAN.

New York, December 5, 1917, 2 P.M.

Trial resumed pursuant to adjournment.

P r e s e n t :

THE COURT, COUNSEL AND JURY, SAME AS BEFORE.

THE COURT: I suppose this case will take the rest of the afternoon.

MR. LEVY: Yes, your Honor.

Your Honor, in addition to the grounds stated upon the motion presented to your Honor's consideration at the close of the People's case yesterday, I would like to specially add another ground on motion, to-wit: That the People have failed to present sufficient testimony in corroboration of the testimony of the self-confessed thief.

THE COURT: Denied. A question of fact for the jury.

MR. LEVY: Exception.

For the purpose of economizing time, your Honor, I waive the right to address the jury.

THE DEFENDANT'S CASE.

DAVID BLECHERMAN, the Defendant, called as a witness in his own behalf, being first duly sworn, testified as follows:

(Address, 1956 Second avenue, New York City).

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DIRECT EXAMINATION BY MR. LEVY:

Q. Mr. Blecherman, I would like you to speak up loud, so that we can all hear what you say. How old are you? A Thirty-nine years

Q And where were you born? A Russia.

Q You have been in the United States how many years? A Thirteen years.

Q And are you a citizen? A Yes, sir.

Q When did you become a citizen? A Four years ago.

Q You have a jewelry store at 1956 Second Avenue? A Yes, sir.

Q How long have you kept that place? A Nine years.

Q In the same place? A Same place.

Q In the same store? A Same store.

Q You are married? A Yes, sir.

Q And how long have you been married? A Fifteen years.

Q And have you a family? A Yes, sir.

Q How many children? A Four.

Q What are their ages? A

MR. EDER: I object to that, if your Honor please.

BY THE COURT:

Q What age is the eldest? A Fourteen years.

Q What age is the youngest? A Six years.

BY MR. LEVY:

Q Now, you say you conduct a jewelry store there? A Yes, sir.

Q You have a stock of jewelry there -- a stock there? A Yes, sir.

Q Are you a watchmaker? A I am a jeweler by trade. I take in watches for repairs.

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Q You take in watches for repairs in your place? A Yes, sir.

Q Do you yourself repair those watches or give them to some one to repair? A I give them away to a watchmaker to repair.

Q But you take them into your store for the purposes of repairing them? A Yes, sir.

Q Do you live back of the store or do you live in another place? A I live upstairs, but I got a kitchen downstairs, and all day I am downstairs, and only go to sleep upstairs.

Q And does your wife help you in your business? A All day.

Q Now, you have seen on the witness stand here that young man, whose name is Vito. You saw him here, didn't you? A Yes, sir.

Q Do you remember his coming into your store? A Yes, sir.

Q The first time, I am talking about. Did he come into your store alone? A He came with another fellow -- I knew him.

Q You knew the other fellow that came in with him? A Yes, with him.

Q Do you know him, yes or no? A Yes, sir.

Q How did you know him? A I knew him, because I knew him for nine years, that fellow.

Q What is his name? A Frankie Ritchie.

Q Did you know where he lived? A Yes, sir.

Q Where did he live? A Before he lived in the next block from me.

Q The next block from where you lived? A In 1982.

Q 1982 Second Avenue? A Yes, sir.

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Q Did you ever have anything to do with that Frank Ritchie before he came in with that Vito; did you do any business with him? A Yes, sir. I set for him two diamond rings; he

brought me stones, and I put in diamond settings for his wife, and then I had a couple of jobs from him, one a watch, which he left with me for nine months..

Q Well, now, Blecherman, I want you to go to the first time that you ever saw that young man, Vito. Do you remember when it was that he came into your store? A This was on a Sunday, and it was a very bad day; it rained all day; I cannot remember the time, whether it was twelve or after, but it rained all day. It was black, snowing; it was three days before the Jewish holiday, Purim. He comes with the other fellow and the other fellow comes with him; he comes dressed in a frock coat, a black, nice suit, and red hair. Frank come with him. He said, "Mr. Blecherman, this is my cousin. He comes from Chicago; he is broke; he wants to sell his wife's pin; he needs the money." I said, "All right." I knew that Frankie Ritchie. I knew he was an honest man, --

MR. EDER: I ask that be stricken out. "He knew he was an honest man."

THE COURT: Strike it out.

Q Go on. A He want to sell his wife's pin. I looked at the pin, and asked him how much he wanted for that pin. He said, "How much do you appraise that pin is worth?" I said, "The pin is worth over \$200.00." He said, "I think it is worth more." I

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said to Frank, "If you want, I will give you \$200.00, and leave me the pin, and I will go tomorrow and examine the pin, and if it is worth the money I will pay you." I said, "leave the pin." Frank said, "All right, I will come tomorrow for the \$200.00." I go tomorrow to the setter. I took over the goods to him. He appraised it, and said it was worth \$300.00. I come on back, and the people come -- I don't remember the time. He asked me what he said. I said, "All right. You can get your couple of hundred dollars."

Q I don't know whether that is understood, gentlemen, but I will try to bring it out clearly. You said to him, "I will give you \$200.00"? A Yes, sir.

Q And "I will have it appraised"? A yes, sir.

Q And if it is worth \$300.00 -- A A (interrupting) I will pay it.

Q You will pay him the other \$100.00? A And if not I will give him the goods back.

Q Did you give him \$200.00? A Yes, sir, first day I gave him \$200.00.

Q Did you ever see him before that day? A Who?

Q This Vito?

BY THE COURT:

Q Before you gave him the \$300.00? (No answer).

BY MR. LEVY:

Q Did you ever see him before? A Never in my life.

Q Never saw him before? A Never.

Q Well, now, can you give me an idea what time it was he was

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in your store that morning?

BY THE COURT:

Q What time of the day? A It was at dinner time.

Q What time is that? A Maybe it was twelve or half past twelve.

BY MR. LEVY:

Q Around twelve or half past twelve o'clock? A Yes, sir.

Q Now, where did you have the \$200.00? A In the safe.

Q And during all of this time was that man Ritchie there? A Yes.

Q When you gave him the money? A I gave the money to Ritchie.

BY THE COURT:

Q Was Ritchie there? A Sure.

BY MR. LEVY:

Q Then they went away? A Then they go away.

Q Was the young man well dressed, Vito; was he well dressed?
A Yes, sir, with a frock coat and a black suit.

Q And did he come again the next day? A Yes, sir, both came the next day.

Q What time? A The same time, dinner time.

Q Around dinner time? A Yes, sir.

Q What happened then the next day? A He came, Ritchie; he said, "What did he say? Did you appriase the pin?" I said, "Yes." He said, "How much do you say it is worth?" I said "I can give you the three hundred dollars for it."

Q I want you to tell his Honor, the Judge -- turn around here

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to the jury, and tell the jury what kind of a pin that was that he brought to you? A It was a bent pin, and three stones was missing, and three on this side (indicating) and three on the other side, and all little diamonds, and he was not able to fix it when I bring it to the setter to fix it up; it was broken all over.

Q It was bent you say? A Bent all over.

Q And were any of the stones missing from it? A Three stones.

Q What is your idea now of how many stones, diamonds, were in that pin? A Small ones.

Q All kinds? A I not count the small ones.

Q I am going to show you a printed picture, People's Exhibit No.2, with your Honor's permission. Now look at that there (showing); did the pin look like that, yes or no? A Like that.

Q Now, you say that there was some stones missing from that?

A Yes, sir.

Q Where from? A The three in the middle, yes, sir.

Q Were missing -- not in it? A Missing.

Q Were they in it or not in it? A Was not in.

Q Now, you say it was bent. How do you mean "bent"? A It was all bended; it was broken.

Q Do you remember what kind of setting was in that pin? What was it, platinum, gold or silver, or what? A Platinum.

Q Now, did you take that pin when you got it on Sunday to any one to show it to him? Did you show that pin to some one? A Not Sunday -- Monday.

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Q And did he stay there or go away? What did he do? A He go away.

Q He went away? A Yes, sir.

Q Did they ever show you a watch? A No, sir, never.

Q Never showed you a watch? A Never.

Q Did you ever buy a watch from him? A Never.

Q I show you People's Exhibit No.2, and ask you whether you ever bought a watch from him that looked like that, or did he ever show you a watch that looked like that? A I never seen such a watch.

Q You never saw such a watch? A Never.

Q Did you ever say to him, "I am only a small dealer, and this is too big a thing for me to keep, and I would have to keep it for a long time until I could get some big dealer to take it, or some private customer, and I would have to make a little profit, and they would have to make a little profit, if I took that watch"? A Never talked with him such a word.

Q Now, when you got that pin what did you do with it? A I took it out to the setter, to the diamond setter, and the diamond setter took the old stones out, and after I give him stones that can sell for \$10.00, \$20.00 or \$30.00 -- little rigs.

Q Did you mean that? What did the diamond setter do with it? A I gave him settings, and he put the stones in for me.

Q Did you give him settings? A Yes, sir.

Q And he took the stones out of that pin? A Yes, but not the same day.

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Q So as to make articles you could sell for \$20.00, \$30.00 or \$40.00? A Yes, sir.

Q What was the name of that setter? A Kaplin.

Q This same Kaplin to whom you went to appraise this pin? A Yes, sir.

Q Can you tell the jury how many articles, how many separate pieces, were made out of what was in that pin? A I mounted the bigger stones and make screw earrings, and the little stones, I make out six octagon rings, one stone in the middle and around six, and I make up the little bigger stones, rings, three stones. I cannot remember how many rings. I remember I wanted four rings together one day. I wanted one little ring with six stones, and another with three and two stones, after three days. I look in the window and if I sell a ring for twenty dollars, I want the same ring and mark it the same price and put it in the window. It is not a very big place. When I put there something -- the window is like one place - and I see nothing marked there, I will go and buy a hundred or two hundred dollars worth, and I want the same goods, and I keep it so that the window shall be dressed.

Q Now, listen to my question. Did you know when you bought that pin from that man that that was stolen? A No, I swear I never knew it was stolen goods.

Q You didn't know it was stolen goods? A No.

Q Now, I show you two exhibits, marked People's Exhibits No. 4 and No. 5, in evidence; are these some of the goods which were set up from the stones that were taken from that pin, yes or no? A Yes, sir.

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Q Now, the settings which I show you, you gave these to the setter? A Yes, sir.

Q Where do you buy your settings? A I buy settings from Leventhal and Thider-- I buy from what's his name --

Q Take your time and think? A I buy some from Sam Sutzmann, and I buy settings from a manufacturer.

Q From different dealers? A Yes, sir.

Q You buy platinum settings and gold settings? A Platinum settings I never buy, because I cannot use platinum settings; I only buy gold settings.

Q Now, I want to know what you did with the settings of the pin that you took these stones out of? A I sold the platinum in an office in the Bowery.

Q Take your time. Don't be nervous. Think whom you sold that to? A I forget.

Q Don't hurry about it; think? A I forget his name.

Q Cannot you remember it? A I cannot remember it.

Q Maybe you will remember it a little while later. Don't be nervous about it. I will ask you the question later. Do you remember how much you got for that setting? A Yes, sir.

Q How much did you get for it? A \$27.00 for the metal.

Q Well, that was, according to what has been sworn to here, on the third of March -- the third of March? (No answer).

Q When was the next time that you saw the fellow, Vito? A When he came with the detectives.

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Q They say that was the 21st of April. Do you remember what time they came into your place? A About twelve o'clock.

Q That was on a Saturday night? A Saturday night.

Q At the time that you bought that pin from Vito, who was in the store? A My wife.

Q Anyone else? A No.

Q On the night that you were arrested, you say that ^{was} about twelve o'clock; is that right? A I was arrested a little after twelve o'clock.

Q Well, around twelve o'clock? (No answer).

Q The detective, you saw him on the stand here, he came in, Mr. Daly? A Yes, sir.

Q And who was with him? A There was another fellow -- an old man.

Q You saw him on the stand, the man with the little beard? A Yes, sir, and another one that I seen on the stand.

Q This other man that was on the stand? A Yes, sir.

Q Now, will you tell, and speak loud so that all these twelve gentlemen can hear what you say -- you tell everything that they said to you, and everything that you said to them? Do you understand my question? You understand what I say to you? You should tell what happened there; what they said; what you said; what each one said, and everything that happened that night, that is, the night you were arrested. Do you understand me. Speak up loud; don't be afraid?

A This was about twelve o'clock at night; the safe was closed, but I

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have this night a party, a nephew is going to better his condition

Q A nephew was what? A That night a nephew of mine was going to be married -- (the witness said something apparently in Yiddish)

MR. LEVY: Let me translate it. See if you can agree with me, Mr. Eder?

MR. LEVY (translating) They had a ceremony.

Q What time did that take place about? A Half past seven; this was the wedding; I was there, so met friends there, and after he came home with me, he was with me in the store at a quarter after eleven, then go home. I make the safe closed, and I was in the back with my wife, to go asleep, and I seen somebody go in the store. I ran in the store. My wife come in the store, too, and he said, "Is your name Blecherman?" I said, "Yes." "Do you know I am a detective? You bought a pin and a watch." I said, "I know nothing." He asked me, "I show you a picture." He showed me the picture, and he asked me if I not bought it.

Q Did he show you this picture, People's Exhibit No. 3? A Yes.

Q He showed you that picture? A Yes, sir.

Q Tell me what he said about it? A He showed me that picture.

Q What did you say to him? A I don't say nothing; I don't know nothing. After he took my wife in the kitchen. I don't know what the detective talked to my wife. My wife called me in the kitchen.

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Q Your wife called you in the kitchen? A Yes, sir. He asked me in Jewish (witness said something in Jewish, apparently) --

MR. LEVY: I will have to translate that.

"David, perhaps you have bought something?" "If you bought it, tell it to the detective."

THE WITNESS: I said I not bought; I don't know what you mean." He said, "All right, I will bring you in the thief." He bring the thief in, and I remember that that man came with Frankie Ritchie.

Q You did remember that? A Yes, sir, when I seen him; but from the picture I don't know, because he had red hair and was dressed nice. When he was brought in, he was in a blue suit and had black hair. I didn't know him. The picture is not the same like the man.

Q As when he came to you to sell the pin? A He had red hair. When the detectives bring him in he had black hair and a poor suit.

Q He was poorly dressed? A Yes, sir.

Q And when he came to you to sell it -- A (Interrupting) He was dressed like a millionaire, and that man was with Frankie Ritchie. I said "I bought a pin from Frankie Ritchie; that Frankie Ritchie said to me, "He is my cousin; he comes from Chicago"-- the same I say now -- "he comes from Chicago; he is broke, and he wants to sell his wife's pin."

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Q That is what you told the detective? A Yes, sir. The detective said, "You got the goods from that pin?" I said, "I think I have a couple of pieces, because I took it off the goods" -- because it was several weeks before, three or four weeks before, and I had sold two or three hundred dollars -- I opened the safe and the detective saw the whole goods, rings, single stones, marked \$50.00, \$60.00 and \$70.00, and cheap rings from \$10.00 to \$15.00. "I remember that octagon ring comes from that pin!" I said, "I am sure that ring is from the pin."

Q These two, referring to People's Exhibits Nos. 4 and 5?

A And that is from the big stones of the pin.

Q Go on tell us what else was said? A "Then what did you do with the watch?" I said, "I don't know what kind of a watch." He said, "Where do you keep your old movements?" I said, "I am not a watchmaker." I got a store; I take watches, but I give them away to repair; when I get odd movements that I cannot fix, I throw them out. You cannot sell them for ten cents.

Q That is what you said to them? A Yes, sir.

Q Now, they took away from you these two articles? A Yes, sir.

Q Exhibits Nos. 4 and 5? A Yes, sir.

Q Did the detective say anything to you about signing your name to anything? A Yes, sir.

Q Tell the jury what he said about that? A I was very nervous. I write something in the paper; I cannot read or write English. He said, "Well come inside. I am sure you got the watch." I came and signed the name.

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Q This (indicating) is your name that you signed? A Yes, sir.

Q Referring to People's Exhibit No.6? A Yes, sir.

Q It was a receipt that he took these goods away -- he gave you a receipt? A I don't know what it was. I signed my name.

Q You were very much excited? A Excited, and he asked me "Well, sign your name?".

Q Then they arrested you? A Yes, sir.

Q And they took you down to Police Headquarters; is that right? A Yes, sir.

Q Speak up a little louder? A I don't know whether it is Police Headquarters he took me. I go with him. Then he put me in a "cellar". I laid down; I cannot sleep; I wake up, and then I heard "hello", from that man that comes with Frankie.

Q Vito? A Yes, sir. I asked him, "Please don't bother me; you make me enough trouble." He "threw" me words I cannot remember. I said, "Please don't bother with me!" I am not talking to him any more.

Q Now, do you know what the word "lenient" means? A I never knew it.

Q Do you know what the word "precious" means? A You believe me, in my place don't come such people what talk French -- not such words.

Q Do you know what "valuation" means? A I don't know, --

Q That is an answer. A (continued) I sell goods, and that

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is all that I know.

Q In all of these transactions, in all of these things, Blecherman, did you know that you was dealing with a thief?

A Never in my life.

Q Never knew that? A Never.

MR. LEVY: You may cross-examine.

CROSS-EXAMINATION BY MR. EDER:

Q Mr. Blecherman, do you know the value of diamonds? A No.

Q Did you understand my question? (No answer).

Q Did you understand my question? A The value?

Q Did you understand my question? A The price -- I know that.

Q You know what value is? A Yes, sir.

Q And you know what valuation is? A No.

Q You know what value is? A Value -- I use it.

Q Now, you say you knew a man by the name of Frankie Ritchie?

A Yes, sir.

Q And you have known him for five years? A Yes, sir.

Q Were you ever at Frankie Ritchie's house? A I never was there.

Q Just answer my question. Were you ever there? A No.

Q Did you ever see Frank Ritchie's wife? A Yes, sir; one time in my store.

Q How long ago? A That is two years; he bought from me a wedding ring.

Q He told you he was going to get married? A Yes, sir.

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Q Did he pay you for it? A Sure.

Q Did he have any charge account in your place? A No.

Q Did you ever trust him? A Never.

Q Did you ever deliver any goods to his house? A Never.

Q How did you know where he lived? A I knew before he lives with his mother; it was in 1892, in Second Avenue, but when he got married I don't know where he lived with his wife.

Q You say he was married two years? A Yes, sir.

Q During those two years how many times had you seen him? A One time he comes to the store; he has got an old setting; he wants a new setting. I make for him a new setting.

Q How long ago was that? A Two years and a half.

Q That is, before he got married? A Yes, sir, sure.

Q When last did you see him after that? A After that he was one time to buy a marriage ring, and about nine and a half months before he left me a gold watch to fix it, and then he comes with that man, to sell "it".

Q He left you a gold watch to fix? A Yes, sir, and I got the watch in my place. When he came to me the watch is not good, and don't keep time good.

Q You said the watch didn't keep time good? A I cannot give the watch to him; it was bad -- fast.

Q You had had it nine months in your place? A It was all right when he comes -- he give me the watch to fix.

Q You said he gave you the watch nine months before? A Nine months before, and Frankie gave me a gold watch to fix.

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Q Before when? Before this time.

Q Do you remember the month? A It was the month before March.

Q In February? A In February.

Q Was that a month before you bought this jewelry? A Well, three weeks; I cannot remember exactly.

Q How long was the watch in your place? A I got it now.

Q How long was the watch in your place before you say he came there with Dominick Vito? A It was about three weeks.

Q And during that time was the watch fixed? A The watch was fixed. He asked me, "did you regulate the watch?" I said, "I don't know if it keeps good time, and I will keep it and regulate it, and you take it."

Q And that is the only time you saw him since the time he bought the marriage ring? A I see him when he gave me the watch to fix.

Q I am saying the time he gave you the watch to fix? A Yes, sir

Q Then you say he came in with this man Vito? A Yes, sir.

Q This is your business card, isn't it (showing witness the card) A Yes, sir.

MR. EDER: I offer it in evidence, except the writing on it

MR. LEVY: Nothing on the back?

MR. EDER: No.

MR. LEVY: There is no objection.

(The card referred to was received in evidence and marked People's Exhibit No.7).

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Q Do you keep any books of accpunt? A No.

Q Do you trust any customers? A Yes, sir.

Q Keep their names in your books? A Yes, sir, sure.

Q Do you deal in diamonds? A Yes, sir.

Q How long have you been dealing in diamonds? A About six years.

Q You don't say anything on your card about that? A No, because --

Q What? A I got in the window a sign, "Diamonds, watches and jewelry."

Q Where do you buy your diamonds? A I bought from Sam Sutzmann, and I bought from Landau, and sometimes I buy from Leventhal and Thieler; that is three people I buy from.

Q Did you ever buy any diamonds from man passing on the street and who came into your place? A Never.

Q You never bought any diamonds unless you bought them from some established firm? A I buy sometimes from men that I knew in the neighborhood -- I knew him good, because I lived there nine years, and I know most of the people in the neighborhood.

Q Did you make any entries in any books of what you buy from them? A No.

Q Don't you know that the law requires you to make such an entry?

MR. LEVY: I object to that. It does not.

MR. EDER: It does.

Q Do you know it requires you to make an entry of any such

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purchases?

MR. LEVY: I object.

THE COURT: I will allow it.

MR. LEVY: It is not a statement of --

THE COURT: I will allow the question and get his opinion.

MR. LEVY: As to whether the law requires it?

THE COURT: Yes.

MR. LEVY: Exception.

BY THE COURT:

Q Do you know whether or not the law requires you to have a book containing the entries of purchases made by you from jewelers --

MR. LEVY: Do you understand that question.

THE COURT: Put the question along those lines.

BY MR. EDER:

Do you know whether the law requires you to make an entry of all purchases that you make of all second-hand jewelry or diamonds?

MR. LEVY: I object to that as not competent, relevant or material.

THE COURT: I will allow it.

MR. LEVY: Exception.

THE COURT: If he does not understand the question, the Interpreter will put it to him in his own language.

(The Interpreter then put the question to the witness).

A (Through the Interpreter, William Landau, one of the Official Interpreters) No. sir.

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BY THE COURT:

Q You don't know? You never heard of that? A No, sir, I didn't hear that. I know that a pawnbroker has --

Q Not a pawnbroker, a second-hand dealer? A No, sir; not jewelry stores. About three or four months ago, I heard that every jewelry store was to have a license when you buy something, but before I never heard this.

BY MR. EDER:

Q Then you do know there is such a law? A I didn't know; now I know.

Q I asked you that? A Now, I know I cannot be without a license.

Q You answered to the Judge, you said only pawnbrokers are required to have such a license? A Now I must have a license when I buy something, and I have to write in the book.

BY THE COURT:

Q You mean now that you cannot engage in the business of buying second-hand goods, unless you have a license, and that the law requires you to make an entry of your purchases? A Yes, sir.

Q But you didn't know it at the time that this man Vito came in to your place? A Yes, sir.

BY MR. EDER:

Q Have you such a license now? A No.

Q You don't buy any of that stuff now, do you? A No.

Q When did you stop buying second-hand stuff? A I never buy -- I buy some times from a neighbor who comes in; I don't buy

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from people I don't know.

Q Do you still buy such stuff from neighbors? A If he lives in the same block.

Q And you don't make any entries in the book? A Sometimes a man comes in my store and says "I have got a chain, an old style chain, I want a new chain?" I give him a new chain. He pays the difference, how much it comes to.

Q Now, you are a pretty good judge of diamonds, aren't you?

A No.

Q Are you a judge of good work? A No.

Q You are not? A No.

Q When Vito came into your place you say he had red hair? A Yes, sir.

Q And he showed you a diamond bar pin? A Yes, sir.

Q And Frankie Ritchie, as you call him, the man, who is not here, introduced you to him, and said that his wife is in Chicago?

A No; "That is my cousin; he comes from Chicago."

Q He comes from Chicago? A "He is broke and he wants to sell his wife's pin."

Q What did you say? A I "asked" him "All right. Show me the pin?"

Q Where did he have the pin? A It was at dinner time.

Q Where did he have the pin? A In the pocket.

Q He took out the pin from his pocket? A Yes, sir.

Q And he showed it to you? A Yes, sir.

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Q Did he ask you what was the value of it? A He asked me; He said, "I think the pin is worth \$250.00.

Q He said, "What is the value of this pin?" A He asked me, how much it is worth, that pin. A I said \$250.00.

Q You told him \$250.00? A Yes, sir.

Q Did you examine it? A Yes, sir, I looked at the pin there, sure.

Q Did you use any glasses? A Yes, sir.

Q That diamond dealers use in examining pins? A Yes, sir.

Q What part of the store was it that you examined it, in front or in the back of the store? A In the front, by the window.

Q Right near the window? A Yes, sir.

Q Your wife was there? A Yes, sir.

Q Did your wife look at the pin? A No; she saw the pin after. When Ritchie with the other fellow had gone away I showed to her the pin.

Q Your wife is in business with you? A Yes, sir.

Q In business all day, helping you? A Yes, sir.

Q Did you show her the pin while the two men you claim were present? A No, when the men goes, away.

Q Why didn't you show the pin to her while they were there?

A She don't know anything; I don't know so much, and she don't know nothing.

Q You say the pin was bent? A Bent.

Q How was it bent? A I will show you (illustrates). This "gallery" works it comes very thin in the middle, and if you bend

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it like this (illustrating), you can bend the whole thing in pieces. That (indicating) is only fancy work, but very thin.

Q Did you ask him how he bent it? A He said, "I broke it, and I want to sell it." He said, he broke the pin.

Q Did you ask him how it got broke? A I didn't ask him the question.

Q Did you ask him how long ~~he~~ was that he had come from Chicago? A No, sir.

Q Did you ask him whether the pin belonged to his wife? A Yes, sir.

Q What did he say? A Yes, sir.

Q Did you ask him whether his wife gave him permission to sell the pin? A No.

Q Did you tell him that he could go to the pawnshop? A No, sir.

Q How many diamonds were in the centre of that? A In the centre ^a was a place for nine diamonds. Three stones were missing and six were straight.

Q You are telling us three stones were missing because you know these three are the large stones? A I don't know whether large stones or small stones.

Q Don't you know? A I see there was a little bigger place, but I don't know the sizes of the stones that were there.

Q You knew then -- A (Interrupting) Some people say, "take three stones of a pin" -- you want to make it a nice pin.

Q I am saying to you now: don't you know that there were three stones there? A I know the three stones were better, because there

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were bigger.

Q Isn't that the reason you are telling this jury that these three stones were missing, so as to impress them that the pin was worth much less?

MR. LEVY: Do you know what "impress" means?

THE COURT: Mr. Levy, I must insist that you do not interrupt. The witness is able to take care of himself. If he does not understand the question, he may say so. Please don't do it again. You were allowed to examine the witness without being interrupted.

MR. LEVY: I didn't mean to --

THE COURT: We don't care what you meant. What you do is what I am concerned with.

MR. LEVY: Of course, your Honor appreciates --

THE COURT: I understand that, Mr. Levy, but you must restrain yourself. On redirect examination you may ask any question you please. Please do not offend again.

MR. EDER: I withdraw that question.

Q Now, do you know that diamonds are sold by the carat; aren't they? A Yes, sir.

Q You know there is a market value for diamonds? A Not so much, because when I buy diamonds --

Q Is there a market value for --

THE COURT: Mr. Eder, let him finish his answer.

A (continued) When I want to buy diamonds -- when I come to you for

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two or three hundred dollars of diamonds, I deal with you and two other people; when I take diamonds from you, I go to these other people, and ask if these stones are worth three hundred dollars. If that man says, "All right", I buy. — When I buy from that man, I go to another man. I never buy diamonds of diamond dealers? --

MR. EDER: I move to strike the answer out as not responsive.

THE COURT: Strike it out.

A (Interrupting) Now, the diamonds are dearer than before.

BY THE COURT:

Q The question is, do you know whether or not that diamonds have a regular value in the market? A No; I never knew that.

Q You don't know anything about the value of diamonds in the market? A I know I buy diamonds, but I don't know value.

BY MR. EDER:

Q What do you pay for a carat? A That is, because I buy not perfect goods. I buy diamonds, I pay a hundred dollars a carat; I pay \$120.00, the diamonds that I buy in the stock; I buy sometimes a "centre"; I cannot pay \$140.00 a carat. Everybody up there likes cheap goods.

Q When you go into the market, when you go to the different stores to buy diamonds, you know that each one has a certain price per carat for a diamond; isn't that right? A What do you mean?

Q I mean when you go into a store and he shows you a perfect

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diamond, it has a certain value? A yes, sir.

Q It has a market value; is that right? A Yes, sir.

Q And if he shows you an imperfect diamond that has a value so much per carat; is that correct? A Yes, sir.

Q You say that you examined the diamonds in this pin through a glass? A Yes, sir.

Q A glass used by diamond dealers? A Yes, sir.

Q They were perfect, weren't they? A It was perfect, and there was a couple of stones not perfect.

BY THE COURT:

Q Well, the stones that were left, there were six diamonds there, were they perfect or not? A Four were perfect, and two were a little bit imperfect.

BY MR. EDER:

Q The four that were perfect will you tell us the size?
A Two were over three-quarters of a carat -- I cannot remember exactly the two of them -- the other one was I think about five-eighths, the two, and the last ones I cannot remember. I think they would both weigh about forty point, or a little more.

Q Did you mark the weight down anywhere on a piece of paper, or in a book? A When I put on the stones.

Q Did you mark it down anywhere? A No.

Q How is it you remember so distinctly the weight of those stones? A Then I put stones in the settings, then I get out the same pair; I know I marked them in the window at twenty per cent more, and I know how much I can sell them for, because

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I have not so much earrings for one size, for one measure.

Q That was on Sunday, wasn't it, when they came in? A Yes.

Q Do you do much business on Saturdays? A The best business.

Q What is your average income a week? What was your average income a week, during the month of March, 1917?

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

THE COURT: Well, he means from his business there. He has a right to ask that question.

A How much business I do in the month of March?

Q On an average how business did you do a week during the month of March? A Sometimes I do four hundred a week, sometimes six hundred dollars a week.

Q Do you keep a bank account? A A check account.

Q What bank do you belong to? A Produce Exchange Bank, 103rd Street and First Avenue.

Q That is right near your place of business? A Yes, sir, Second Avenue.

Q You make deposits every day? A Not every day. Sometimes when I be short of money, I have to make good a check, and how much I got I pay in. When the checks are good, then I not pay in so much money.

Q How much money did you have in your safe that Sunday? A I had a little less than four hundred dollars.

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Q You had that in your safe? A Yes, sir.

Q Didn't you go the bank on Monday morning, on March 5th, and draw one hundred dollars in cash? A No, sir.

Q You didn't do that? A No.

Q Did you take all that money in on the Saturday? Did you take all that money in on the Saturday before you bought the pin?

A I sell one stone for \$150.00.

Q To whom did you sell it? A I cannot remember the name.

Q You don't sell very many diamonds for \$150.00 each? A Yes, sir, I sell --

Q How many diamonds a week do you sell for \$150.00 each?

A Sometimes I sell four when I got them, not in stock. A man comes in for one, and then I telephone down town to send me a stone, and I ask the customer to come in one hour after, and I get the goods. He comes back in one hour, and I make ten dollars profit. Last week I sold three stones in one day.

Q You say you cannot give us the name of the man to whom you say you sold a stone for \$150.00? A No.

Q Did you mark down his name anywheres? A No.

Q What else did you sell that Saturday, the Saturday before you bought this diamond bar pin? A I sold a watch and chain for \$55.00. I sold two locketchains for \$12.00 each, and I cannot remember what I sold besides. This is about eight months; I cannot remember. I remember I sold one diamond, a big stone on Friday, but mostly in this neighborhood Saturday and

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Sunday is the best two days that you make business.

BY THE COURT:

Q Is it against the law to keep open on Sunday? A There all the stores is open.

Q Is it against the law to keep open on Sunday? A All the stores is open --

Q You do not keep Saturday as the Sabbath? A I keep open all the time.

Q Every day in the week, Saturdays included? A Yes, sir, seven days.

Q You didn't open specially that day to buy that pin? A No, sir, I swear; I keep open to make a living.

Q You were opened for everybody? A Yes, sir.
BY MR. EDER:

Q You testified here that the Sunday you bought this article was a very bad day; it was dark and rainy; how do you remember that so distinctly? A Because I go to the window to look at the goods. It was a dark day; you could not see anything.

Q You go to the window very often? A Yes, sir, but when it is a nice day you can see good.

Q Were there any other bad Sundays that month; I mean dark Sundays? A Yes, sir.

Q What is there that impresses itself on your mind that that Sunday was a very dark Sunday? A I know it was dark; it was all day raining and snowing like Winter; I remember good that day.

BY THE COURT:

Q That is, the day you were arrested or the day that you

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bought the goods? A The day I bought the goods.

Q The day that you were arrested it was raining, too? A No; the day I was arrested was nice weather.

Q Didn't one of the officers say that a man had a raincoat?

A Yes, sir.

Q THE COURT: I don't see that the weather has anything to do with it at all.

MR. LEVY: I inquired as to the condition of the weather, and the thief said that he could not remember what kind of a day it was.

BY MR. EDER:

Q Do you remember Vito showing you a watch? A No, sir.

Q Never showed you a watch? A Never.

Q Did you ever have any trouble with Vito in your life before this? A Never in my life.

Q Did you ever have any trouble with Frank Ritchie? A Never.

Q Have you see Frank Ritchie since then? A Since I was arrested?

Q Yes. A No, not at all.

Q Does any one call you by the name of "Sam"? A Nobody; because everybody up there knows my name.

BY THE COURT:

Q What is your name? A David Blecjerman.

Q David, not Samuel? A Not Samuel.

BY MR. EDER:

Q Do you know any other Franks outside of Frank Ritchie?

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Q Do you know any other one? A I know the mother.

Q Do you know any man named Frank outside of Frank Ritchie?

A I swear I don't --

Q You are swearing all the time you are under oath. Do you know while you are sitting there, you are under oath, and you are always swearing; do you know that? (No answer).

Q Did you know any Frank who was in the Tombs and was arrested? A No.

Q Did you know any one else of Frank Ritchie's family outside of his mother? A No.

Q When have you seen his mother last? A His mother has died; it is four years already.

Q Four years his mother is dead? A Yes, sir; it maybe three and a half; I cannot tell or remember exactly.

Q And you said that two years ago Frank Ritchie lived with his mother? A No; I not said that.

Q At 1882? A No, I know his mother lived at 1882, but not Frank live there.

Q Where does Frank live? A I don't know where he lives. I know that four or five years ago when he was a small boy he lived there with his mother; I know him from the neighborhood, because he sometimes come in the store.

Q He didn't come there for four or five years? A Yes, sir.

Q After she died he didn't come with her? A No.

Q And you say she is dead four years? A Three and a half; I cannot remember how long she is dead.

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Q When you take anything to fix, you take the man's name, don't you? A Yes, sir.

Q You take his address? A No, I don't take the address. I got tickets.

Q Don't you take the man's address when he leaves something with you to be fixed? A No, because I buy tickets; it is a double number. When a man gives me a watch to fix, I give to the man that piece. When the man comes and takes off the job, I have to have him give me the same number that I got; that is all.

Q Now, you never had any trouble with police officer Daly, did you? A No.

Q You never had any trouble with Mr. Dennison, the house detective of the McAlpin Hotel, did you? A No.

Q Or the other detectives that was in your place? A No.

Q Do you remember when they came in the first time in your place of business, the detectives? A Yes, sir.

Q Do you remember officers Daly and Dennison coming in first, officer Daly and the man with the little beard? A Yes, sir.

Q You were in the store? A Yes, sir.

Q The store was lit? Was the store lit? A Only one lamp.

Q The door was not locked? A Not locked, but closed.

Q They came in? A When I go to sleep I lock the door.

Q They came in? A Yes, sir.

Q And the first thing he said was "I am a detective"; is that right? A Yes, sir.

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Q Were you frightened when he said that? (No answer).

Q Were you afraid when he said that? A No -- yes, sir; I said "I don't know what you got to come to me".

Q You had nothing to be afraid of? A No; I stayed until twelve o'clock.

Q Were you afraid? A I was not afraid.

Q You was not afraid? A No.

Q You were not afraid of the detectives? A Not afraid of the detectives.

Q Then he said to you, "Have you bought a diamond pin and a watch?" and he mentioned the diamond pin for three hundred dollars, didn't he? A Yes, sir.

Q Mentioned three hundred dollars? A Yes, sir.

Q Did you ever in your life -- A (Interrupting) He didn't ask me the price, three hundred dollars, but "Did you buy a diamond pin"?

Q He didn't say anything about the price; he said a diamond bar pin? A Yes, sir.

Q Did you ever buy any other diamond bar pin before? A No, sir.

Q That was the only diamond bar pin you ever bought? A Yes, sir.

Q And when he asked you the first time "Did you buy a diamond bar pin?" you said, "I know nothing"? A I know nothing.

Q Is that right? A Yes, sir.

Q That is correct, isn't it? A I didn't know what he meant.

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Q When the detective came in and asked you whether you bought a diamond bar pin, you said you didn't know? A He showed me the picture. He asked me, "Did you buy a pin like this?"

BY THE COURT:

Q What did you say to him? That is the question. A I asked him; I asked "I not bought it."

Q You mean you told him you had not bought such a pin? A Yes, sir.

BY MR. EDER:

Q Before he showed you the picture, he said, "Did you buy a bar pin?" A Had I bought a pin; not a bar pin.

Q And you said, "I didn't"? A Yes, sir.

Q Then he showed you this picture, showing People's Exhibit No. 2, in evidence; that is right; isn't it? A Yes, sir.

Q And you said you didn't buy such a pin? A Yes, sir.

Q He also asked you about the watch, didn't he? A Yes, sir.

Q And you said that you didn't buy such a watch? A yes, sir.

Q And then you say the detective took your wife into the back room and spoke to her? A Yes, sir.

Q And that your wife then came out to you, and said, "David, if you bought it, why don't you tell the truth to the detective?" Is that right? A Yes, sir.

Q Your wife was in there when you bought it, you claim? A Yes, sir.

Q And she knew you bought it? A Sure, she knew. She asked

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like this, "Maybe this pin that you bought from Frank?"

Q You didn't say that on direct examination, when Mr. Levy asked you the question? (No answer).

Q You didn't say anything about your wife saying that to you, on direct examination? A This is right; I said it.

Q When she said that to you, did you tell the detective you had a pin? A What?

Q When she said, "Maybe that is the pin you bought from Frank?" did you tell the detective? A When she asked, "Is this the pin you bought from Frank?" I said, "Yes, I bought a pin but not from that man.

Q Didn't you tell this jury that you never admitted buying the pin until the thief was brought into your place? A Yes, sir.

Q What do you mean by saying that you did say that to the detective, "I bought a pin but not from this man"? A When he brings the thief in the store, he asked me, "Did you buy from that man a pin?" I said "From that man I not bought it. I bought it from his friend, Frankie Ritchie."

Q Your wife was taken into the back room by this detective before the thief was brought in; is that right? A Yes, sir.

Q Your wife came out to you and told you, "David, maybe you did buy something?" or, as you say now, "Maybe, that is the pin you bought from Frank Ritchie." That was before the thief was brought in? A At the same time the thief comes in, at the same time, I come to the door and the thief was in.

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Q Didn't you answer Counsel's question, your lawyer's question, when your wife said that to you, that your answer to your wife was, "No, I didn't buy anything." Didn't you say that to your lawyer? A She asked me.

BY THE COURT:

Q Did you say that to your lawyer in front of this jury? (No answer).

Q Did you or did you not say to your wife, when she spoke to you, that you didn't buy anything? Did you say that to your wife or not? A I say to my wife --

Q Don't you understand that question? A I understand.

Q Your wife said to you, "Maybe that is the pin you bought from Frank?" Didn't you say "No, I didn't buy anything"? A No; I said I bought it; I bought that pin. The thief just came in the store, and I was in the back of the store.

Q Never mind what the thief or the detective was doing. The question is what -- A (Interrupting) I asked, "Is this the pin I bought from Frank Ritchie?"

Q You asked her? A Yes, sir.

Q Then you didn't say to your wife, "No, I didn't buy anything"? A No.

Q Why did you say so on your direct examination?

MR. LEVY: I beg your pardon --

THE COURT: The jury will be guided by their own recollection of the testimony. What ^{he} said is perpetuated for ever, and if they, the jurors, want it read they can have

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it read. Then they can determine how much weight to give to it. That is the law. I was merely trying to help out by putting a few questions perhaps a little plainer. The witness said he did not understand Mr. Eder. If you (addressing the witness) want an interpreter you may have him. If you don't understand English, you can testify in the language you know best, because there is no desire to take advantage of you. You understand that. But everything you know you must tell.

THE WITNESS: I tell it.

THE COURT: If you want the Interpreter, you may speak to him in Jewish or Russian, or any language you like. If you wish to speak in English you may.

MR. LEVY: Do you know what an Interpreter is?

(No answer).

THE COURT: He knows what an Interpreter is. He will merely repeat to you whatever Mr. Eder says, and then he will tell the jury whatever you say. Understand that, without any change or modification. Now, you speak only to him, and speak in Yiddish only, so that you will be absolutely certain to say what you mean.

(The testimony from now on of this witness is given through the official Interpreter, Mr. Landau, unless otherwise stated).

BY MR. EDER:

Q Now, didn't the police officers after you denied any knowledg e

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of that pin, and after your wife's question to you, didn't they then show you this picture, and asked you whether you remembered this man, and asked you whether he had sold you a pin? A Nobody can recognise him.

THE COURT: Strike out the answer. Repeat the question to him. Tell him that his answer is not responsive.

A I didn't buy.

BY THE COURT:

Q You didn't buy a pin from the man represented by that picture? A No, sir.

BY MR. EDER:

Q And then it was that the man with the beard that came with the detective, Daly, brought the thief in; is that correct? A Yes, sir.

Q Didn't he have red hair when he was brought in then? A No; he had black hair. He had the hair same as yours meaning myself (the Interpreter's), perhaps a little lighter.

Q You recognised him, didn't you? A No, sir.

BY THE COURT:

Q When he was brought in, didn't you recognise him as the man who came in with Frank? A No, sir.

BY MR. EDER:

Q And why did you at once, after he was brought in and spoke to you, say, "Yes, I did buy the pin from him"? A It is not so. When he brought him in, he said, "Not he alone sold me the

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pin, but another man that was with him."

Q Who said that? A The detective.

Q Which detective said that "Not ^{he} alone sold you the pin, but somebddy else that was with him"? A Daly.

Q When was that? While the thief was in your place? A Yes, sir.

Q So that when he came in, you didn't at once admit that he was the man that sold you the pin, did you? A No, sir, because I didn't recognise him. Then he added that there were two of them, and I said, "This is probably the man who was with Frank."

Q Was your wife in the store? A Sure. (In English).

Q Did she tell you that she recognised him? A No, sir.

Q And did detective Daly then ask you ~~what~~ you did with the watch? A Yes, sir, I answered, "I didn't see any watch."

Q Did you know what watch he had reference to? A He showed me the picture..

Q Didn't you tell officer Daly and officer Dennison that you broke that watch? A No, sir.

Q And didn't you tell them that you took the works and threw them into the scrap pail, yes or no? A No, sir.

Q Wasn't it then that detective Lowenthal, the only Jewish detective there spoke up and said that works of that kind from --- from a watch of that kind, you would not throw away? A He didn't say so.

Q Now, yes or no. A He asked me where did you dispose of the movements that you had.

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Q And wasn't it in answer to that you said, "Well, I am no watchmaker"? A And the question, "Where are the old movements?" I told him "I am not a watchmaker; I threw them out; I have no use for them."

Q And your card has on it "D. Blecherman, Watchmaker and Jeweler," and you are no watchmaker? A Well, if you would open a similar store, you would have the same inscription on the card.

Q Do you keep a steady man to fix your watches? A I have not got much work. A man comes nights; he mends the clocks; he repairs the clocks and the watches he takes home as many as I have, three or four, and he takes them home, and the next day he brings them back.

Q Do you keep a scrap pail where you throw scraps in? A I show it to the watchmaker. If he tells me the movement can be fixed up, I goes over it; if not I throw it away; sometimes it is rusty or broken.

Q Now, do you remember when you were taken to Police Headquarters? A Yes, sir.

Q When you were arrested? A Yes, sir.

Q And did Dominick Vito shout across to you, "Sam, I want to talk to you?" A Maybe he did.

Q Well, didn't you hear him call you? A I heard him say, "Hello."

Q How do you know he meant you? A I could not sleep. I was walking around; he was right opposite me, by the gate. He threw

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over an orange or an apple at me. He told me, "eat it." I answered him, "Don't bother me; I have enough trouble without you."

Q What did he ask you when you said you have got enough trouble without him? A "If you would not have told the whole story, you would not have been arrested." I told him "Leave me alone." That is all the conversation I had with him. He kept on talking, shouting.

Q How did he call you, Blecherman or David? A "Hello."

Q Do you remember him saying to you, "If you give the watch back the Judge will be lenient with me"; do you remember him saying that? A No, sir.

Q And then he said to you that you will get a suspended sentence from the Judge if you will give it back? A This he told me in the store. I told him "What kind of watch have I got?"

Q What did you mean by a "suspended sentence"? A I give you my word of honor, I don't know the meaning; I never have been arrested.

Q Why do you say then that he said that to you in your store? A He said something, but I don't know what he meant by it, but I told him --

Q Didn't you say to him, "I am in trouble myself, and I won't tell you where I sold it, because I don't want to put any one else in trouble"? A I did not.

Q How many pins or earrings in all did you make out of that bar pin? A I remember for sure that I made three pairs of screw earrings. I mounted three or four rings, finger rings and one octa-

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gon out of the small stones, and also made one ring, three stones out of the bigger one.

Q I show you People's Exhibit No.4, in evidence, and ask you whether this comes out of the small or the large stones? A From the small stones in the corners.

Q There were nineteen on each side were there not of these small ones? A There were only two of the same kind, in the corners. The others were small, very small.

Q What did you make out of the very small ones? A Three octagon rings.

Q Did the police officers ask you to whom you sold these different articles? A Yes, sir.

Q And you could not give him a single name to whom you sold any of those articles, could you? A No, sir. If you would buy I would not ask you where you lived.

Q But you asked Frank Ritchie four and a half years ago where he lived, didn't you? A I didn't ask him; I knew it; I knew his mother.

MR. EDER: That is all.

MR. LEVY: That is all.

M O R R I S L A N D A U, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

(Address: 600 West 174th Street, New York City).

DIRECT EXAMINATION BY MR. LEVY:

Q Mr. Landau, where do you live? A 600 West 174th Street.

Q Now, you try and help me. Talk out so that we can all

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hear you. Where do you live? A 600 West 174th Street.

Q What is your business? A Wholesale jewelry business.

Q Where is your place of business? A 71 Nassau Street.

Q How long have you been in business? A Twelve years.

Q Do you know this defendant, David Elecherman? A Yes, sir.

Q How long have you known him? A Seven years.

Q Do you know other people that know him? A Yes, sir.

Q Do you know what his reputation in this community is for

honest and truthfulness? Yes or no? A Yes, sir.

Q What is it, good or bad? A Good.

VP. LEVY: You may examine.

VP. ENER: No questions.

VP. LEVY: That is all. Next witness.

THE COURT: Are they all character witnesses?

VP. LEVY: Yes, sir.

THE COURT: Bring in all the character witnesses.

JOHN W FLYNN, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

(Address: 1733 Second Avenue, New York City).

DIRECT EXAMINATION BY VP. LEVY:

Q Mr. Flynn, what is your occupation? A I am a laborer down in the Appraisers' Warehouse.

Q In the service of the United States Government? A Yes, sir.

Q How long have you had that position? A Going on sixteen years.

Q Do you know this defendant? A Yes, sir.

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Q You are a neighbor of his? A I was, not now.

Q You were a neighbor of his? A Yes, sir.

Q How long have you known him? A Going on nine years.

Q And do you know other people that know him? A Sir?

Q Do you know other people that know him? A Yes, sir.

Q How closely have you lived to his place? A He lived on the ground floor; I lived on the second.

Q For how many years? A Over four years.

Q Do you know what his reputation in the community is for honesty and truthfulness? A From the time I knew him?

Q Yes. A I never knew anything against the man.

Q Is it good or bad? A Good. I never saw anything wrong in his place, as long as I knew him.

MP. LEVY: You may examine.

MR. EDER: No questions.

J A M E S C A R L I N, called as a witness on behalf of the de-

endant, being first duly sworn, testified as follows:
(Address: 428 East 83rd Street, New York City).

DIRECT EXAMINATION BY MR. LEVY:

Q And what is your business, Mr. Carlin? A I work for the New York Telephone Company.

Q What position do you occupy? A Assistant store keeper.

Q I didn't hear you? A Assistant store keeper.

Q How long have you been employed by the Telephone Company?

A Going on twenty-eight years.

Q Twenty-eight years? A Yes, sir.

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Q Do you know this defendant, David Blumenthal? A Yes, sir; I live in the house with him.

Q How long have you known him? A I lived in the house for three years, and I lived across the street for four years.

Q Altogether about seven years? A Yes, sir.

Q You live up on Second Avenue? A Yes, sir.

Q He had a jewelry store? A He had a jewelry store downstairs.

Q You know his family? A Yes, sir.

Q Do you know other people that know him, that? A Yes, sir.

Q You know other people that know him? A Yes, sir.

Q Mr. Carlin, do you know what the reputation of this defendant is for honesty and truthfulness? A Yes, sir; he was always known for that as long as I know him.

Q I didn't quite hear you? A He was always known to be honest as far as I know of him.

Q You say that his reputation is good? A Yes, sir.

Q And well spoken of by his neighbors? A Yes, sir.

MR. LEVY: That is all.

CROSS-EXAMINATION BY MR. BUSH:

Q Did you ever have occasion to speak about him? A No, I didn't.

Q How do you know he is so well spoken of? A I have heard people talking about him.

Q What was the occasion for that? A Well, I mean they

always said he was a nice man; that is all.

Q You didn't know what was meant by a "nice man"? A I could not say more than an honest, upright man.

BY MR. LEVY:

Q They said he was an honest, upright man? A Yes, sir.

MR. LEVY: That is all.

LOUISE LEICHTLEIN, called as a witness on behalf of the defendant, being first duly sworn, testified as follows: (Address: 318 East 93rd Street, New York City).

DIRECT EXAMINATION BY MR. LEVY:

Q Madam, how long have you lived where you now live? A Two years.

Q And before moving to where you are, where did you live?

A In the house where Mr. Blecherman is living.

Q Where was that, please tell me? A 1956 Second Avenue.

Q And what floor did you live on? A On the top floor.

Q And he lived where? A On the ground floor.

Q And he had a store there? A He had a store there.

Q Do you know his wife? A Yes, sir, his wife I know.

Q And his children? A Yes, sir.

Q And of course you know other people that know him? A I do.

Q Madam, do you know what his reputation is as far as honesty is concerned, or his truthfulness; do you know what it is? A His reputation was good.

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Q And he was well spoken of by the neighbors? A He is well spoken on by everybody I know.

Q Speak well of him? A Speak well of him.

Q How long did you live in that house? A Five years.

Q With your family? A With my family.

Q That is a tenement house, isn't it? A Tenement house.

Q How many families in that house? A There is two families on each floor, and it is four flights high, and a store.

Q Two stores at the bottom? A Yes, sir.

Q You say his reputation is good? A Yes, sir, his reputation was fine.

CROSS-EXAMINATION BY MR. EDER:

Q Did you ever speak to this defendant? Did you ever talk to him? A Well, I talked to him when I was there, when I was living there.

Q He understood you and you understood him when he spoke English? A Yes, sir.

BY MR. LEVY:

Q Did he speak English or German? A I speak English and German.

BY MR. EDER:

Q To him you spoke English? A English.

BY MR. LEVY:

Q Did you ever speak German to him? A Well, I could not understand him good, so I talked the English.

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~~BY MR. LEVY:~~

Q You could not understand his German; you could understand his English better than his German? A Yes, sir.

~~BY MR. LEVY:~~

Q He talked Yiddish and not German? A It sounded like

~~Yiddish.~~

BY MR. LEVY: That is all.

DAVID FINE, called as a witness on behalf of the de-

fendant, being first duly sworn, testified as follows:

(Address: 90 Canal Street, New York City).

~~EXAMINATION BY MR. LEVY:~~

Q Mr. Fine, what is your business; what business are you engaged in? A Wholesale jewelry.

Q Talk a little louder, please? A Wholesale jewelry.

Q Imagine that you are making a speech. A Wholesale jew-

~~elry.~~

Q Where is your place of business? A Sir?

Q Where is your place of business? A 90 Canal Street.

Q What? A 90 Canal Street.

Q How long have you been in business? A About twenty-four

~~years.~~

Q And how long have you been in that place that you are in

now? A Well, about six or seven years.

Q Do you know this defendant, David Elecherman? A Yes, sir.

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Q How long have you known him? A About ten years.

Q Do you know other people that know him? A Well, I think I do.

Q And do you know, Mr. Fine, what his reputation in this community is for honesty and truthfulness? A Well, I know him as an honest man.

Q Is it good or bad? A Always good with me.

Q Always good with you? A Yes, sir.

MR. LEVY: That is all.

MR. EDER: No questions.

J O H N T O B I N, called as a witness, on behalf of the defendant, being first duly sworn, testified as follows:

(Address: 1825 Second Avenue, New York City).

DIRECT EXAMINATION BY MR. LEVY:

Q Mr. Tobin, will you do me the favor to talk loud, please?

A All right.

Q Where do you live? A 1825 Second Avenue.

Q And what is your business? A Well, I am working in the Grand Central Depot.

Q And how long have you worked there? A For the past -- going on about seven years now.

Q Do you know this defendant, David Blecherman? A I do, yes, sir.

Q How long have you known him? A About nine years.

Q Are you a neighbor of his? A I live next door to him

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for about two years, and I have known him since then. That is only live three or four blocks from him now.

Q And now you only live three or four blocks away? A Yes, sir.

Q You know his family? A Yes, sir, I do.

Q You live up in that neighborhood? A I lived next door to him for two years.

Q How long have you lived up there? A For the past seventeen or eighteen years.

Q Do you know other people that know this man? A Yes, sir, plenty.

Q Well, Tobin, do you know what his reputation in this community is -- A (Interrupting) He always had an excellent reputation so far as I knew him.

Q For truthfulness and honest? A Yes, sir.

Q It was good? A Yes, sir.

Q And as a truthful man? A Yes, sir.

Q A truthful speaking man? A Yes, sir.

Q Was his reputation good? A Yes, sir.

Q That has been the speech of his neighbors? A Yes, sir.

MP. LEVY: You may examine.

CROSS-EXAMINATION BY MR. EDER:

Q You never asked any of his neighbors whether he bought stolen goods, did you? A Well, I never knew the man to buy any.

Q You never asked them whether he did or not? A No, I never asked them, but I never knew that the man stole anything or bought stolen property.

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Q You never even asked him? A Do you think I would go in and ask a man if he had bought stolen property?

Q That is what I want to know? A I always knew that he bore an excellent reputation, as far as I knew about him. I know the man for the past nine or ten years; I knew nothing wrong about him.

MR. EDER: That is all.

MR. LEVY: Your Honor, could you now take a recess? I have a long witness yet. I can finish my case early in tomorrow's session.

THE COURT: Mr. Levy if you have any witness put him on.

MR. LEVY: It will be a long one.

THE COURT: Please put on your witness, if you have one. The public welfare must be considered.

MR. LEVY: I have a witness.

THE COURT: Call him.

W I L L I A M K A P L I N, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:
(Address: 1484 Eastern Parkway, Brooklyn).

DIRECT EXAMINATION BY MR. LEVY:

Q Mr. Kaplin, what is your business? A Diamond setter and dealer.

Q And dealer? A Yes, sir.

Q And you have been engaged in business for how many years?

A Well, eleven years.

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Q Are you in business now for yourself? A Now, I am for myself, for the past four years.

Q You must do me the favor to try and talk louder. How long have you been in business for yourself? A Four years.

Q Where is your place of business? A 24 Eldredge Street.

Q You are a dealer in diamonds, you say? A Yes, sir, a little.

Q And how long have you dealt in diamonds? A Well, since I am in business for myself.

Q Bought and sold them, have you? A Yes, sir.

Q With what concern in the course of your career have you been connected? A Well, I have worked for Stern Bros.

Q Where are they? A They are in Maiden Lane, and I have worked for Brandalano, and I have worked for an uncle of mine.

Q What is his name? A Eadvitsky. And then for myself.

Q You set stones? A Yes, sir.

Q And you worked at the trade how long? A Eleven years.

Q Diamond setting? A Yes, sir.

Q Do you know this defendant, David Blecherman? A Yes, sir.

Q How long have you known him? A Well, since I am in business for myself; four years.

Q Have you ever been to his place of business? A No, sir.

Q He has been to yours? A Yes, sir.

Q And you have done certain work for him? A Yes, sir.

Q And what as the work consisted of? A Well, setting dia-

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monds for him and occasionally selling him a stone and him selling me.

Q Has he ever sold you any goods? A Yes, sir.

Q And your work for him as a setter has extended over what period of time? A Four years.

Q Are you in business for yourself or are you associated with any firm? A Well, I am in with another firm.

Q And what is the name of that firm? A Theiler and Leventhal, engravers.

Q They are engravers? A Yes, sir.

Q Jewelers? A Yes, sir.

Q At wholesale? A Yes, sir, they are engravers; they do the engraving and diamond dealing.

Q In connection with the jewelry business? A Yes, sir.

Q Do you keep a record of work that you do for customers?

A Yes, sir.

Q And you regarded this defendant as customer of yours? A Yes.

Q For what period of time? A For the past four years I am working for him.

Q Does he have an account with you? A Yes, sir.

Q Or did he have an account with you? A I have an account with him.

Q How long has that account extended? A Well, I have an account with him since I started with him.

Q I see. When I speak about the account, I suppose that

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means he send syou goods to make up and you send him a regular statement what he has to pay you for the work you do for him? A At the end of the month.

Q Now, what has been the kind of work you have been doing for him for the past few years? A Everything in the diamond line, in the line of diamond settings.

Q Setting diamonds? A Setting diamonds.

Q I have to ask you this: When diamonds are set up, made for different customers, do you furnish the settings? A No, sir.

Q Or are they furnished by the person giving you the work?

A They are furnished by the person who gives me the work.

Q And that was the rule with regard to this defendant also?

A Yes, sir, he used to get the settings from other people.

Q From the people that you were connected with he would get the settings, and you would do the setting? A Yes, sir.

Q Now, I have to direct your attention to the month of March or the beginning of April of this year, 1917: do you recall doing any work for this defendant in those months? A Yes, sir.

Q What? A Certainly.

Q I didn't hear you? A Yes, sir.

Q Don't lower your voice. Keep up your voice. A I have.

Q I direct your attention to a cut, a printed cut, of a pin, Exhibit No.2 (showing witness). Look at that please. Have you looked at it? A Yes, sir.

Q Do you recall having placed in your possession for work any pin of that construction or similar to it? A Yes, sir; Mr.

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Blecherman brought me that pin with the three stones --

BY THE COURT:

Q He has asked you, yes or no? A Yes, sir.

BY MR. LEVY:

Q Did Mr. Blecherman bring you such a pin? A Yes, sir.

Q In what condition was the pin when he brought it to you?

MR. EDER: I object to that.

THE COURT: I will sustain the objection.

MR. LEVY: I except.

Q Describe the pin that the defendant, Blecherman, brought to you?

MR. EDER: I object to that.

THE COURT: I will sustain the objection. He said he brought him a pin like that on the picture.

MR. LEVY: I except.

Q Was the pin which he brought you in all respects like that on the picture, Exhibit No.2, or did it differ in any way from it?

MR. EDER: I object.

THE COURT: I sustain the objection.

MR. LEVY: I except. I would like to get your Honor's idea.

THE COURT: Why it is absolutely immaterial what this man did with the pin after he got it.

MR. LEVY: Your Honor, will remember that there was some testimony by the officers and others that he said he had the

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pin broken up, and that he took it to a man to have it made up, and that it was made up into various --

THE COURT: That does not affect the question of the guilt or innocence of any one who received it.

MR. LEVY: Of course not, your Honor, but it goes to the bona fide of --

THE COURT: A thief can have a pin broken up as well as an honest man.

MR. LEVY: I differ with your Honor. If a pin is broken up in the regular business way ---

THE COURT: It is absolutely immaterial what he did with the pin. You have your exception.

MR. LEVY: Under no aspect?

THE COURT: Under no aspect.

MR. LEVY: I except.

Q I show you People's Exhibits Nos. 4 and 5, in evidence, and ask you whether you have ever seen those before?

MR. EDER: I object.

THE REFEREE: I will sustain the objection as to whether he ever saw them before or not.

MR. LEVY: I except.

THE COURT: It does not make any difference what he did with the articles after he got them.

MR. LEVY: I except.

THE COURT: The question is did he receive them with knowledge that they were stolen.

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MR. LEVY: Just one question, in order to perfect my record, I must ask you.

Q The articles, People's Exhibits Nos. 4 and 5, were they made up of parts of the pin brought to you by the defendant, and which you have identified as being similar to the pin shown upon People's Exhibit No. 2?

MR. EDER: I object on the ground that there is no dispute.

THE COURT: I sustain the objection.

MR. LEVY: I except.

THE COURT: There is no dispute about that. The People have not contradicted it, and the defendant said so. It is absolutely immaterial what he did with it.

MR. LEVY: I respectfully except.

THE COURT: If any crime was committed it was when he received the article. His subsequent dealings could not throw any light on that.

MR. LEVY: His subsequent dealings, with all due respect, I contend would throw light on it for the enlightenment of the jury, as to what his intentions were, and what his knowledge was.

THE COURT: The jury will have the true lights. These are false lights. I will make the issue very plain to the jury. You could not gain any information, any legal information of any value by that.

MR. LEVY: I respectfully except to the false lights.

THE COURT: They would be false lights, and, therefore, I exclude same.

MR. LEVY: Your Honor finds no fault with me for that?

THE COURT: Of course not. I have my rules. They are absolutely unequivocal. There is no doubt about my meaning. If I am wrong, you have an absolutely good exception, but when you attempt to put before the jury your motives, I do not care about them, and, therefore, I shut them out. I want the jury to take the law from the Court only. You render it necessary for me to state the proposition very clearly to the jury, who, on their oaths, are to take the law from me and not from you. The facts they will take from the witnesses.

MR. LEVY: I only desire to^{con-}serve the defendant's interest, according to my understanding. If we differ in our points of view, it is an honest difference.

THE COURT: You are the attorney for the defendant, and of course you are bound to help him to the extent of your ability, there is no fault found with you, Mr. Levy.

Q When that pin was brought to you, as shown by Exhibit No. 2, will you state to his Honor and the jury, in what condition it was?

MR. EDER: I object to that.

THE COURT: I sustain the objection.

MR. LEVY: I except.

That is all.

CROSS-EXAMINATION BY MR. EDER:

Q Do you know the value of diamonds? A Yes, sir.

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RACHEL BLECHERMAN, called as a witness on behalf of the defendant, first being duly sworn, testified as follows: (Address: 1956 Second Avenue, New York City) (The witness testified through William Landua, one of the Official Interpreters).

DIPECT EXAMINATION BY MR. LEVY:

Q This defendant is your husband, is he not? A Yes, sir.

Q And how long have you been married to him? A Fifteen years.

Q And how many children have you? A Four.

Q Do you remember the occasion of your husband buying a diamond pin from a man who came with a man of the name of Frank Ritchie to your husband's place of business? A Yes, sir.

Q I show you People's Exhibit No.2, and ask you whether this picture of a pin resembles the pin which your husband bought?

A Yes, sir.

Q Do you remember^{on} what day of the week it was that that pin was bought? A On a Sunday.

Q Do you remember what time of the morning it was? A About dinner time; about twelve o'clock.

Q Who was in the store at the time the purchase was made? Talk to the Interpreter? A Myself and my husband.

Q Now, I want you to tell his Honor and the jury all that you remember that happened on that morning; all that was said by your husband, or anything that was said by any of the other people that was there -- and in Yiddish? A Frank Ritchie came in with the

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man, and he said this was his cousin, and he came from Chicago and he is broke; he wants to return to Chicago and he has no money. He wants to sell his wife's pin. Frank said that. My husband asked how much do you want for the pin. He answered three hundred dollars. My husband answered, I think it is only worth two hundred dollars. He said, no, I want to have three hundred dollars. My husband answered, leave the pin until tomorrow. I will give you now two hundred dollars. I will examine it. If it is worth it, I will give you tomorrow a hundred. He left the pin. He took two hundred dollars and he left. The following morning my husband got up in the morning and he went down town in order to appraise the pin, whether it is the value --

MR. EDER: I object to that.

THE COURT: You may go on.

A (continued) He went down to the setter.

BY THE COURT:

Q Did you go with him? A No.

THE COURT: Well, please only state what you know.

BY MR. LEVY:

Q Anyway the next morning, on Monday morning, did the man, Vito, come into your place of business again? A Frank and the other man.

Q Then what happened then? A They said, "Well, what do you say, Blecherman? Has it got the value?" My husband said "Yes, it is worth \$340.00," and he gave him the hundred dollars. Then they went away.

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Q Was there anything at any of these conversations ever said about a watch? A No, sir.

Q Did they show any watch? A No, sir.

Q Did you ever see such a watch, as shown on Exhibit No. 2, in the possession of either Vito or Frank, or your husband? A No.

Q Now, you remember the night that your husband was arrested? A Oh, sure, (in English).

Q Do you think you can talk English better than Yiddish?

THE COURT: I do not think she can, but if she wishes to and can she may do so.

MR. LEVY. My purpose is to expedite matters.

BY THE COURT:

Q How long have you been in this country? A (in English) Twelve years.

Q Which language do you understand best? A Jewish.

THE COURT: Well, speak Jewish.

BY MR. LEVY:

Q Well, I want you to tell his Honor and the Judge and these twelve gentlemen here, everything that you remember, everything that you remember that happened upon the night that your husband was arrested? Now put that just the way I put it (addressing the Interpreter). A A cousin of mine was getting married that evening -- I cannot talk any louder -- she has no parents in this country. The ceremony was performed before a Rabbi. My husband invited them to my house for an enjoyment. They come in. I bought some corned beef and brandy and cake, and we enjoyed ourselves. About eleven o'clock

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in the evening, I told my husband to take in the goods, because after you will take a little whisky you will not know where you are. He started to take in the goods, and at that time it was almost twelve. Then all the guests left. We went over to lock the door; detectives came in.

BY THE COURT:

Q How many? A Two.

Q Tell us what was said now when they came in? A When they came in, they said, "Did you buy a pin and a watch?" He said, "No." The detective said, "Yes, you bought them." My husband said, "I didn't buy." He took out the exhibit, the one I was shown here.

MR. LEVY: The paper, such as this, she said.

A (in English) That paper (indicating).

THE INTERPRETER: They asked him, "Did you buy such things?" He said, "No." They said, "Well, we will call in the man" -- before they showed me a picture of the man.

BY MR. LEVY:

Q Showing People's Exhibit No.3 in picture -- like that? A Yes, sir. My husband said, "I don't know him, because when he came in with Ritchie he was dressed well; he had red hair."

BY THE COURT:

Q Tell us what your husband said, not your reasons?

BY MR. LEVY:

Q I beg your pardon, if you please. I only want you to tell us what your husband said. They showed him a picture. Did he know

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it, yes or no? Did he say he knew the picture? A No.

Q Then they called the man in? A Yes, sir.

Q Now, what happened when the man was called in? A When the man came in, he said, "He looks something like the man that was with Frank."

Q And then what happened? What was said? A The detective said, "Is this the man?" He said, "I think he is the man that was here with Ritchie."

Q Now, then did they ask him whether he bought a pin; what he did with the pin; where it is? Tell me all about that? A He said, yes, he reset it it, took out the stones and reset it, because the pin was all bent in, and three stones in the middle were missing.

Q Did your husband ever say that he had the watch? A (In English) No.

Q He did not. Did you go into the back room of the store with the Jewish detective -- you remember him taking you into the back room? A Yes, sir, the detective took me in by the hand.

Q And you had a talk with the detective. What did he say to you? A He asked me how many children I had. I told him four. He said, "Do you want your husband to be free?" I answered, "Sure." He said, "If he bought any, he should tell the truth." He said, "Call him in." I called him in. I said, "Dave, what do they want about a pin?" "I don't know what," he said; "I don't know either." Then he added "May be --

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MEL LEVY: "Perhaps."

THE INTERPRETER: "May be" is the same thing.

A (continued) "Perhaps, it is the pin that Frank sold us?" My husband said, "Oh, yes."

Q Go on. A Then the detective said, "Come on, open the safe." He opened the safe, and he said, "I have a few things; a few articles from them" and then he gave him a pair of earrings. He gave him also a ring with several stones.

Q I show you two exhibits, Nos. 4 and 5, People's Exhibits; are these the articles he gave him? A Yes, sir.

Q And he gave those to the detective? A Yes, sir. They took a piece of paper and they wrote something on it, and they told him to sign it.

Q And your husband signed it? A Yes, sir.

Q And then they took him away? A Then they took him away.

MR. LEVY: You may examine -- oh, pardon me.

Q Now, you knew this Frank Ritchie? A (In English) Yes, sir

Q His mother was a neighbor of yours for many years -- Yiddish, I mean? A I am living there for nine years; I know her for all the nine years.

Q She is dead now? A Yes, sir, three years already.

Q Now, this boy, Frank Ritchie; did you try to find him since this case has commenced? A Yes, sir.

Q My office gave you a subpoena, to subpoena him with? A Yes,

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sir, I have it.

Q Now, what did you do last night to try to find that young man? A I went at nine o'clock in the evening to look after him.

Q Where to? Ask her where she went to? A In the rooms that I knew he occupied.

Q Where was this? Tell us where that was? A It is not far from me; I don't remember the number.

Q What was it, -- the next block? A Two blocks.

Q Where you knew he used to live? A Yes, sir.

Q And tell us what you did? A I went into the hall where he was living. I was knocking, knocking. Nobody answered. I went down to the janitress. She told me that he has moved; she did not know where to.

Q And you didn't know where to go to look for him? A No.

MR. LEVY: You may examine, Mr. Eder.

CROSS-EXAMINATION BY MR. EDER:

Q Were you ever in Ritchie's house before? A No, sir.

Q Then how do you know where he lived? A (In English) Because I knew --

Q How do you know? A He told me that he was living there.

Q When did he tell you that he was living there? A About a year before he was in the store and he told me.

Q Did you mark it down anywheres? A I did not. He told me in the hall where the butcher store is, on one side, and next door the bakery.

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Q Whom did he live with there? Did he tell you that? A
With his wife.

Q Don't you know that his mother lived there, and since his
mother died none of them lived there? A No.

Q How many times did he come into your store, as far as you
know? A I cannot remember.

Q What business dealings did you or your husband/^{ever} have with
him? A Oneeche bought a marriage ring. Another time he had
his wife's engagement rings re-set. Then he also gave us a watch
to repair. That is, all I can tell you.

Q You knew his first and his second name? A Yes, sir.

Q Now, were you in the store when he came in that day with
Vito? A Yes, sir.

Q You know whom I mean by Vito, don't you? A The other
man.

Q They spoke English? A (In English) A little bit.

Q Did Frank speak English? A Yes, sir.

Q And Vito? A Yes, sir.

Q You understood every word? A Sure.

Q Were you standing together with your husband? A No.

Q Where were you? A I was behind the door; my husband
was behind the counter.

Q Was that in the back of the store or in front of the store?

A In the back of the store, the door that leads to the rooms.

Q You were in the back room when they came in? A I was not

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in the back room, but by the door.

Q Was it in the room that you call the kitchen or in the store proper, that you in there at that time? A The kitchen is the third room from the store.

Q Was it the first room from the store that you were in? A Yes, sir.

Q And was your husband with these two men in the front part of the store, or in the back part of the store? A Towards the front.

Q And Frank spoke out very loudly, "This is my cousin" didn't he? A Yes, sir.

Q And tell us the exact words that you can remember that Frank used? Try to speak them in English, if you can. (in English) Frank said that "this is my cousin"; he came from Chicago, and he is broke; he wants to go back to Chicago, and he wants to sell his wife's pin."

Q You remember that those are the exact words that Frank used at that time? A (in English) Yes, sir.

Q That is right? A I believe I am about positive.

Q Did you ever go over those words with your husband?

A No, sir.

Q Since then? A No.

Q Did you talk over this case with your husband since the trial? A Yes, sir, of course.

Q Did you speak to him last night about it? A We talked about it every day.

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Q. Did you go over the words that you used now, last night? A. No, sir.

Q. Well, after he used those words, what did your husband say? A. My husband said, "I cannot buy it". He said, "What, are you afraid of me? Don't you know me?"

Q. When was that? As soon as this man said that he was broke and he wants to go back to Chicago, your husband said he don't want to buy it, and then who said, "Are you afraid of me? You know me."? A. (in English) Frank.

Q. What did your husband say? A. He said, "I am not afraid of you; I know you, because I know you."

Q. Then what happened? A. (in English) That I can't remember.

Q. What happened after that you can't remember? A. I can't remember every word.

Q. Well, what happened after that? Was there anything else said that you overheard? A. Nothing.

Q. Did you come to the front of the store; did you go about your business in the back again after that? A. If I see somebody in the store, I don't leave the store until the man leaves.

Q. Well, was there a price made? A. Yes, sir, there was one made.

Q. Did you overhear it? A. Frank said he was wanting \$300.

Q. When was that, before he asked your husband if he was

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afraid, or after that? A After that.

Q Well, then you heard something else after that. Tell us everything you say you heard Frank say that night or that day?

A I can't remember.

Q Well, you remembered when Mr. Levy asked you, everything, didn't you? A I don't know what you want me to remember.

Q Well, after \$300 was asked by Frank, what did your husband say? A My husband said, "I think it is only worth \$200."

Q Did your husband examine it? A He looked at it, but he said he will have it examined by a diamond setter.

Q Did you see your husband look at it? A Yes, sir.

Q Where did he look at it? A (in English) In the store.

Q In the back of the store? A In the front of the store.

Q Did he use a magnifying glass? A Yes, sir. The glass that has been used.

Q You saw him test other diamonds in the place, didn't you? A Yes, sir, he tests.

Q He bought and he sold diamonds, didn't he? A Yes, sir, when he buys diamonds he takes them to a special man who understands it.

THE COURT: Strike out the answer. The question is, you saw him test diamonds on other occasions, didn't you? What did she say?

THE INTERPRETER: "No".

BY THE COURT:

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Q Is that the only time that you ever saw him examine diamonds? Put that question. A He examines diamonds all the time, to understand about that.

BY MR. EDER:

Q Now after he examined the diamonds, he said, "I will give you \$200 now and \$100 tomorrow;" is that right? A No, he said he will bring it over to the special setter to find out whether it is the value.

Q And where did he take the \$200 from? A From the safe.

Q You saw him go to the safe? A Yes, sir.

Q That is, in the back of the store? A On the other side.

Q But it is in the rear of the store? A Yes, sir.

Q And you saw Vito go with him to the back of the store?

A No, sir, nobody followed him; it was in the store.

Q And after he handed him the \$200 the men went out; is that right? Did you look at the pin yourself after that?

A Yes, sir, my husband showed it to me.

Q Then next day you saw Vito come in again for the \$200?

A With Frank.

Q Did you hear anything said about the watch? A No.

Q When, for the first time, did you hear anything said about a watch? A When the detectives came.

Q Now you remember when the detectives came in that night, don't you? A Yes, sir.

Q When the detectives came in, you were in the store, and

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your husband was in the store; is that right? A Yes, sir.

Q The store was lit? A Yes, sir.

Q And you heard the detective come in and say, "I am a detective"; is that right? A Yes, sir.

Q And the first thing he asked was, "Did you buy a bar pin?"; didn't he? A Yes, sir.

Q And your husband said "No"? A Yes, sir.

Q And then he showed him this picture, People's Exhibit No. 2, in evidence. He showed him this picture of this watch and he asked him if he ever bought either or both of these articles; is that right? A Yes, sir.

Q And your husband said no? A My husband said "No".

Q You were there, too, weren't you? A Yes, sir.

Q You saw this picture, too, didn't you? A Yes, sir.

Q Now look at this pin, and tell me whether this is the same as the one brought in by Vito? A It looks to me, it is the same, but I cannot remember.

Q You remember when Mr. Levy showed you this, you said without any hesitation, that is the same? A Yes, sir, that is the pin -- I can't remember.

Q Well then they showed the picture of this thief, Vito, to your husband, People's Exhibit No. 3 in evidence? A Yes.

Q And they also showed it to you? A Yes, sir.

Q And at that time they again asked you whether this isn't the man that sold your husband the pin and the watch? A Yes, sir.

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Q And your husband answered "No"? A No.

Q He examined the picture? A Yes, sir.

Q You don't know of any bar pins that your husband bought before this, do you? A No.

Q Or any wrist watches, diamond wrist watches? A Never.

Q And then it was that the detective took you into the rear; is that right? A Yes, sir.

Q At that time the thief was not in your place yet; was he? A No, sir.

Q And the police officer asked you whether you have any children; is that right? A Yes, sir.

Q And whether you don't want your husband arrested? A Yes.

Q Then they said, if he bought the stuff, he had better tell the truth, didn't they? A Yes, sir.

Q And you went over and told that to your husband, didn't you? A Yes, sir.

Q That was also before the thief was brought in; is that right? A I believe that he was inside at the time.

Q Isn't it a fact that as soon as the thief was brought in, your husband admitted that he bought the stuff from him?

A He said he thought this is the man who was with Frank.

Q Did you, or your husband mention the name of Frank before the thief was brought in that night? A My husband said Frank Ritchie was with a man.

Q When was that, after the thief was brought in? A I can't remember.

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Q Now, listen. Until the thief was brought in, into your place, your husband didn't admit having bought any such property such as is described in this exhibit? A He said that he bought some but of Frank.

Q When was that, before the thief was brought in? A When the thief came in, he recognized him. He said, "I think that is the man that was here with Frank Ritchie".

Q I am talking now of before the thief was brought in to that place, into your store. Did you or your husband admit to the detectives of buying anything, any bar pin, or any wrist watch, from anybody? A No, at the time when they brought in the thief.

Q Now listen to this question: When they took you into the back of your store, the thief wasn't in there yet, is that right? A One detective went out to take him in, to call him in.

Q What color of hair did this thief have when he came to sell the stuff; did you look at it? A (in English) Red.

Q And you could see it from where you were standing? A Yes.

Q What color of hair did he have when he came in with the detectives? A Black.

Q You are sure of that? A I think so.

Q Will you swear to that, that he had black hair when he came in with the detectives? A I can almost swear to it, still I don't remember exactly.

MR. EDER: That is all.

MR. LEVY: That is all. The defendant rests.

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THE COURT: If you want to have a witness testify as an expert as to the value of any articles shown by this defendant, I will allow his bare estimate to go on the record. Who was the last witness? Where is he?

MR. LEVY: Kaplin.

THE COURT: Where is he? Call him.

MR. LEVY: I called him to prove, your Honor, as I indicated, what was done with the articles.

THE COURT: That is immaterial what was done with it. The defendant denies that he ever received the article in controversy.

MR. LEVY: He admits he took the pin.

THE COURT: No, he does not admit this is the pin he took. He said there were three stones missing, and that the pin was bent. I will allow you to ask him whether or not he made any appraisal of that article which was shown to him, and what his appraisal was. There is one point from which this testimony might be admissible. Nothing else of his testimony will be of any value.

W I L L I A M K A P L I N , recalled as a witness.

BY THE COURT:

Q He brought you a pin, you identified it from the picture shown to you -- don't you understand English? A Yes, sir.

Q Now he showed you a pin? A Yes, sir.

Q You spoke something about three stones being out of it?

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A Yes, sir.

Q You started to say that when I stopped you. Now did you form any estimate of the market value of the pin that this defendant brought you, as you say? A Yes, sir.

Q Now what was that? A I told him?

Q What was it in figures? A \$340.00.

THE COURT: That is all. Now that much of his testimony may be admissible and competent. Nothing else.

MR. LEVY: Now, if your Honor please, the defendant rests.

REBUTTAL.

J O S E P H A D A L Y (Police Officer) recalled.

DIRECT EXAMINATION BY MR. EDER:

Q Officer, at the time you brought Vito into this defendant's place of business that night of this arrest, what was the color of his hair? A Dark red.

Q Did this defendant ever inform you that there were any stones missing out of this bar pin at any time? A No.

Q Did anyone -- did his wife or anyone ever inform you that there were any stones missing out of People's Exhibit 3? A No, the first time I ever heard it was here in court.

Q Was there any demand made by this defendant or his wife as to having that pin or that watch until the thief was brought into his store that night?

MR. LEVY: Wait a minute. I object to the form of the question.

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MR. EDER: I withdraw the question.

Q It has been testified to here, Mr. Daly, that before the thief was brought into the store, this defendant admitted to you that he bought such a pin; is that correct? A That is not so.

Q What is the fact? A The fact is when the thief was brought in, the defendant --

BY THE COURT:

Q Did he not admit it before the thief was brought in?

A I don't understand.

Q When did he make his admission, before or after the thief was brought in? A After; when we first brought the thief in he denied it. Then the thief said to the defendant, "Sam, you might as well tell the truth; the detectives have been following us -- they have been following me, and they know all what I have been doing." He said, "Yes, I did buy the pin, and I bought the watch."

BY MR. EDER:

Q Did this defendant ever tell you that he didn't buy the watch after Vito spoke to him? A Oh, no.

MR. EDER: That is all.

MR. LEVY: No cross examination.

MR. EDER: Now, if your Honor please, this is a copy of an ordinance -- I have not got the original here. I suppose Mr. Levy will concede it is a regular copy and let it go on the record.

MR. LEVY: I object to it as not material, competent or relevant.

MR. EDER: I intend to show that there is a provision here-

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MR. LEVY: Never mind reading it. Show it to the Court.

THE COURT: Well, I will admit it, if Mr. Levy waives the technical, formal proof. If not, you will have to prove it.

MR. LEVY: The technical proof of its being a correct copy?

THE COURT: Yes.

MR. LEVY: I make no point of that. I object that the ordinance is neither relevant, competent or material. I object to its introduction.

THE COURT: I will allow it.

MR. LEVY: I take an exception.

MR. EDER: I only offer that section relevant to the purchase -- Section 40, requiring the

THE COURT: Requiring the license, and duty of the licensee.

MR. EDER: Yes, sir, Sections 40 and 42.

MR. LEVY: It is only proper for me to say to your Honor that I cannot understand under what theory this can be admissible in evidence. Of course I have no doubt your Honor has given proper consideration to this, but, in my humble opinion, it has no more connection, has no probative force in a case of this kind --

THE COURT: It merely shows the circumstances under which the defendant was doing business.

MR. LEVY: I differ with your Honor.

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THE COURT: It has been offered for that. You may discuss that with the jury. It is just one of the facts submitted. If he was buying second-hand jewelry, without a license, why, he was breaking that ordinance.

MR. LEVY: Does that establish any guilt?

THE COURT: No, it does not establish guilt in itself.

MR. LEVY: Suppose he broke the whole code?

THE COURT: That is solely a circumstance to be taken into account by the jury.

MR. LEVY: On what proposition.

THE COURT: The circumstances under which he received this article. They must determine whether he received it honestly or not.

MR. LEVY: I respectfully except.

THE COURT: It is one of the circumstances. The weight to be given to it is entirely in the hands of the jury. It may have some weight, and it may not. They may absolutely disregard it, but I think it is a circumstance which they are entitled to know.

MR. LEVY: Only guilty knowledge -- how can any alleged violation be regarded as bearing on that proposition? It is absolutely foreign to my conception.

THE COURT: If it shows that this defendant was carrying on his business in a way that violated the law, made to guard against the purchase of such goods, and to protect the public

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generally in that respect, is a circumstance that they may consider.

MR. LEVY: If he was a dealer in second-hand goods, but where a party purchases an article that has been worn --

THE COURT: The People claim the defendant would buy from anyone who came there.

MR. LEVY: This is purely an illustration. Suppose a man met me in the street and I should admire his scarf pin -- it is worn. He says, "How much will you give me for that?" I dicker with him and buy it. Would that constitute me a dealer in second-hand goods?

THE COURT: Mr. Levy, nobody would impute that to you.

MR. LEVY: I respectfully ask that the Sections be read into the record.

THE COURT: Mark it, and put it in the record.

(Section 40 of Cosby's Code of Ordinances, City of New York, marked People's Exhibit 8, and is as follows):

"Sec. 40. Definition; exceptions.-- Any person, copartnership, or corporation dealing in the purchase or sale of second-hand articles of whatever nature, or dealing in the purchase or sale of any secondhand manufactured article, composed wholly or in part of gold, silver, platinum or other metals, or in the purchase or sale of old gold, silver or platinum, or any person, copartnership or corporation dealing in the purchase of articles or things comprised of gold, silver, or platinum,

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for the purpose of melting or refining, or engaged in melting precious metals for the purpose of selling, or in the purchase or sale of pawnbroker tickets, or other evidence of pledged articles, or, not being a pawnbroker, who deals in the redemption or sale of pledged articles, is hereby defined to be a dealer in secondhand articles. * * *

(Section 42 of Cosby's Code of Ordinances, City of New York, marked People's Exhibit 9, and is as follows):

"Record of purchases and sales.-- Every dealer in second hand articles shall keep a book in which shall be legibly written in English, at the time of every purchase or sale, a description of every article so purchased or sold, the number or numbers and any monograms, inscriptions, or other marks of identification that may appear on the article, a description of the articles or pieces comprising old gold, silver, platinum or other metals, and any monogram, inscription, or marks of identification thereon, the name, residence and general description of the person from whom such purchase was made or to whom sold, and the day and hour of the purchase or sale, except articles or things purchased or received for the purpose of refining or smelting by persons, firms, or corporations principally engaged in such business."

MR. LEVY: I ask your Honor with all due respect to instruct the jury to entirely disregard this ordinance, as not being competent, relevant or material. With all due defer-

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ence I have to comment on it by saying that it has asmuch to do with the case, in my very humble opinion, as the flowers that bloom in the Spring.

THE COURT: I deny your motion.

MR. LEVY: This ordinance, your Honor, reads about a dealer.

THE COURT: Yes. Well, if they find he was not a dealer they will disregard it.

MR. LEVY: A dealer in secondhand goods. I except.

THE COURT: If the jury find he was engaged in the business of a secondhand dealer by selling articles of the value, kind and description set forth in the ordinance, why then he should have had a license, and he should have made the entries in his books. If this was simply an isolated transaction and it was not within the ordinary line of his business, why then disregard it. If he was simply there to sell goods, or repair metals, or not buy or sell anything secondhand, then he would not be required to have a license under that ordinance, and it will not be considered by you in any way. But, if you find that he was doing business in the way that the ordinance says, then he came within its provisions. He is not on trial for violating any ordinances, but you may take into account the fact that he was violating the ordinance, as one of the circumstances under which property was received by him. He admits that he received it. His defense is

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that he had no guilty knowledge. The law requires the people to prove both of those propositions beyond a reasonable doubt before you can convict him, and the circumstance under which the article was received may always be considered by a jury on the question of guilty knowledge only.

MR. LEVY: Will your Honor say to the jury, if you please, that the question of violating a City ordinance, is not, in itself, any proof of any guilty knowledge.

THE COURT: Exactly.

MR. LEVY: In the matter of the receiving of stolen goods.

THE COURT: But it is a circumstance which may be taken into account with all the other facts. You must not say he violated the ordinance, and, therefore, he is guilty. He may be absolutely innocent, and still violate the ordinance. But you must take into account all of the circumstances which have been established to your satisfaction by credible testimony in determining did he ever receive this article, in the first place, and in the second, whether at the time that he received it, he knew that he was dealing with a thief, and that the goods handed to him were stolen goods. Those two propositions must be proved beyond a reasonable doubt by evidence which is competent and material and which appeals to your reason and conscience, and this is merely a circumstance that may be considered by you on

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the question of guilty knowledge.

MR. LEVY: Just indulge me a second, please. How does a violation of an ordinance bear upon the question of guilty knowledge?

THE COURT: Well, you may address yourself to the jury on that question.

MR. LEVY: I am addressing myself to your Honor's legal sense.

THE COURT: You may address that argument to the jury. The weight of evidence I do not pass upon. I hold merely whether it is competent or incompetent, and I hold this to be competent.

MR. LEVY: We differ on that, your Honor, with all due respect.

THE COURT: It may not have the slightest weight with the jury, but it must be taken into account in connection with all the other circumstances, his way of doing business there.

MR. LEVY: I respectfully except.

THE COURT: Then the defendant stated that he did not know of that regulation at the time. If they believe that, they will entirely disregard it. I will charge them to that extent. But if they believe he did know of the ordinance, it is a circumstance, I say, which may be considered by you in determining the operation of his mind, what he knew as to the character of these goods, whether they were honestly

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obtained or stolen.

MR. EDER: And why he failed to make such an entry as the law provides that he should have done.

THE COURT: That is a circumstance also that may be considered by the jury.

D O M I N I C K V I T O , recalled as a witness, in rebuttal.

DIRECT EXAMINATION BY MR. EDER:

Q It has been testified to here by the defendant, that when you brought the pin into this defendant's, there were three diamonds in the center missing; is that correct? A No, sir.

Q Were all the diamonds in their places? A Yes, sir.

Q What color of hair did you have when you were placed under arrest? A Red.

MR. EDER: That is all. The People rest, your Honor.

MR. LEVY: I renew the motion made by me at the close of the People's case, upon the grounds then stated, your Honor.

THE COURT: I will deny the motion. If you have any additional evidence tomorrow morning, we will hear it. You may each take all the time you agree upon for your summation.

MR. LEVY: Exception.

THE COURT: Gentlemen of the jury, we will now take an adjournment until half past ten tomorrow morning. Meanwhile remember the admonition I have given to you before, that you must not talk about this case with anyone whatever, and that,

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of course, includes yourselves as well as strangers. The time to discuss it is at the end of the case, after you have heard all the arguments of counsel, and after the Court has submitted it to you for your decision. When you retire, you will discuss the evidence, and then come to a decision, and not before that. In the meantime, keep an open mind on the question of the guilt or innocence of the defendant.

Be in your places tomorrow morning at half past ten.

(Whereupon the trial was adjourned to Thursday, December 6, 1917, at 10:30 A.M.)

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