

0179

BOX:

431

FOLDER:

3972

DESCRIPTION:

Isichsen, Michael

DATE:

03/11/91



3972

POOR QUALITY
ORIGINAL

0 180

Witnesses:

Phil Stein

Joseph Wines

Counsel,

Filed

11 day of March 1891

Pleas,

of Equity

THE PEOPLE

vs.

R

Michael Jackson

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code).

DE LANCEY NICOLL

JOHN R. FELLOWS

District Attorney.

A True Bill.

Alfred C. Munn

Foreman.

John C. Coffey

Grand Juror

Charles H. May

SP 5-40 17

27

The People
Michael Isichsen

Court of General Sessions. Part I
Before Judge Fitzgerald March 28. 1891
Indictment for assault in the first degree.
Phillip Stein, sworn and examined, testified.
You live where? No. 761 Elton Avenue in this city.
Do you recollect Friday morning the sixth of March?
Yes. Where were you that morning? I was at my
uncle's cigar factory. Where is that? No. 757 Elton
Avenue. Did you see the defendant there or
near there? Yes. What time in the morning?
About ten o'clock. What was he doing, what did
he say if anything to you? He knocked at the
door, and my uncle says, "Come in," and he
did not give any answer, and he says,
"Come in," again. He did not come in and
my uncle went to the door and opened it.
He looked at the man and he asked for
assistance. My uncle told him he had nothing,
he had better go away. He went down stairs
grumbling. My uncle and I were talking,
and he went away. That afternoon about five
o'clock or a little after he (the defendant)
comes back again; we were standing on the
sidewalk conversing. The defendant came
back to the same place and wanted to come
in again. My uncle said, "Young fellow, you
have been here before, you had better move
on." He was not satisfied, he persisted in stay-
ing there and trying to get in; we had to

tell him to go away again. He kept on grumbling some time all the way along. He walked down as far as the corner of Fifth Sixth street and my uncle stood on one side and I went to the other side. I got talking to him and said he was a very foolish man, coming around there making trouble, if he did not go away I would have him arrested. He said, "You can go to hell," and he pulled out a pistol. I hit him in the mouth with my hand and threw him down. I halloed to my uncle, and he came over and he tried to take the pistol away. With that the defendant put it in his pocket, and the officer came along and he took the revolver and arrested him. That was all. Is your uncle here? Yes sir.

Cross Examined. Had you ever seen him before? That morning was the first time? Will you look at that (showing revolver) did you see it before? I don't know. I never seen that, it might be the one that was taken from him. Was there any other man with him at the time? No sir. Is it not a fact that when he told you to go to hell that you struck him in the mouth? No sir. You saw a revolver in his hand? Yes sir. Show how he pointed it at you? He was about three feet away

from me and he had it in his overcoat outside pocket, and as I was talking to him he said, "Go to hell." I says to him, "Don't get so fresh." With that I seen him feel in his pocket, and I was wondering what he was going to do. He pulled the pistol out, and as he did shot him. You are not afraid of a revolver, are you? I was kind of afraid that time, I got too quick for him.

Joseph Weiner, sworn and examined, testified. Where do you reside? No. 420 Fifth street. Are you related to the complainant in this case who has just testified? Yes. How are you related? I am his uncle. Do you recollect the morning of the 6th of March last? Yes sir. Where were you the morning of that day? In my shop. Where is your shop? No 757 1/2 10th Avenue. Did you see the defendant near by there that morning? No sir, I saw him in the hall as he knocked at the door. Tell the jury what you saw? On the morning of the 6th of March of this year about nine or half past nine o'clock in the morning. There was a knock at the door, and I said, "Come in." I got no answer. I said the second time, "come in," still no answer. I went to the door and opened it, and that man he was standing before the door, he mumbled something. I seen he asked for alms. I did not like his appearance.

I told him I had nothing to clear out, and he went out. I worked till five o'clock and then stopped. I sat down at the next house with my nephew talking, and he (the defendant) came along the second time, and he wanted to go in the house. This was at the hall door. I said, "There is no need of your going in, you have been here this morning and you got nothing - clear on." He said, "I will not clear on," mumbling. I says, "yes, you will clear on, go ahead." My nephew and I went down to the corner about 150 feet from the house, and he crossed the crosswalk, the opposite walk, and my nephew was talking to him, but I paid no more attention until I heard my nephew call "Joe, help me, he has drawn a revolver," and I ran over there. I saw he was putting the revolver in his pocket and I went over and assisted my nephew to try to take the revolver from him, and as I did the officer came along and he took it out of his pocket. Somebody said, "Is it loaded?" and the officer said, "yes." He said, "will you make a charge?" What did you see the officer do? I saw him put his hand in his pocket and took out a revolver. I saw the officer take the revolver out of the defendant's pocket. Did you see the

defendant do anything before that with the revolver? No sir, I only saw him hold it in his hand and put it in his pocket. Where were you at the time? I was on the opposite side of the street? About how far from where the defendant stood? About seventy five feet. And your nephew he was near by was he? Yes sir, the two of them were together. You did not see your nephew strike the defendant? No sir. Lewis Kneer, swore and examined. What is your occupation? Patrolman of the city of New York. Did you arrest the defendant? Yes sir. When? On Friday the sixth of March at half past five p. m. Whereabouts? The south east corner of Elton Avenue and 156th street. What was he doing at the time? I was going home to supper and just turned the corner of 156th street and Elton Avenue where I saw a crowd of boys running down shouting "a fight," and I turned and looked. I seen the defendant and Stein. They were tusseling. I stepped in between them. I got hold of each of them by the shoulder and I separated them. This Stein says, "I want that man locked up, he threatened to shoot me." I looked at the defendant there. I said, "Has he got a revolver?" He says, "yes." I says, "How do you know?" He pointed at me. So the uncle says he has got it in his overcoat. So I searched his overcoat.

and I found it. Look at that (revolver shown)
That is it. I found it in his overcoat pocket
These things I took out of his pocket when I
searched him in the station house. What
was the condition of the revolver when
you found it? It was loaded. What is
the make of that revolver and British ball
dog they call it. That is the caliber is it?
It is not a genuine British ball dog but
they call it that. It says on the back,
"British ball dog?" Yes, sir, every chamber
was loaded.

By the Court With ball and cartridge? Yes sir; when
we took them out in the station house -
the Sergeant generally empties it and those
other things were taken from him, those
knives? Yes sir, they were found in his
vest pocket. You arrested him, did he say
anything to you? Yes sir. Did he say any-
thing to you? No sir, I asked him what was
the matter? He said this other man
struck him. I asked him if he had any-
thing to say for himself? He said, no; that
was all. Then you got him to the station
house did he say anything? No sir. You
know nothing further about it? No sir.
The Sergeant took the cartridges out.
Mr. Townsend. That is the case for the people.

The case for the Defence.
Michael Isichere, sworn and examined
by Counsel. What is your business, Michael?
Labourer. Where were you last employed? I do
many things, wash dishes in a hotel - a
labourer. Where were you last employed? I have
been shoveling snow in the winter time and
doing anything for a living. You are
charged with pointing a revolver at the com-
plainant in this case, will you please ex-
plain to the Court and jury how that happened
and if you did so? I say it is not true
what he says about me, I think my word
is just as good as his. I say it is not true
what he said about licking me and knock-
ing me down. I don't know anything about
pointing a revolver

By the Court Did you point a revolver? No sir. I don't
know anything about it. Were you there in
the morning, where did you get that revolver?
I don't know anything about it. Where did you
get the pistol? I don't know anything about it.
Cross Examined by Mr. Townsend. Did you have this
revolver? I do not know; that is what they say.
Didn't you buy it? I don't know anything
about it. Do you recollect seeing the com-
plainant here - that man who testified against
you? Yes. I seen him on the corner. I
only remember the man himself

complained against me. Do you remember that witness hitting you in the mouth? Not much of it. You do not recollect his striking you? Yes, that is what he said. Was that true? Yes sir. Was it true that you pulled out a pistol and pointed it at him? No sir.

By Counsel Where you drunk or sober? No sir, I am never drunk.

By the Court Where were you born? Pennsylvania. How long are you in New York? Three years. Where have you lived in this city? No. 155 Christie street. Near what street? Between Delancey and Rivington streets. What place did you work at? I work at any thing; most of the time I am out of work. What do you pay rent for your room? A dollar a week.

The jury rendered a verdict of guilty of assault in the second degree. His Honor in passing sentence said that reputable people who go around unarmed in this community should be protected against persons like the defendant who go armed. He was sentenced to the imprisonment in the State prison for the period of five years.

Testimony in the
case of
Michael Dickson
filed
March
1891.

Police Court—City District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 761 Elton Avenue Street,

being duly sworn, deposes and says, that

on Yuesday the Seventh day of March

in the year 1897 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Michael Pearson

who came in the morning of that day, deponent
says to the house no 761 Elton Avenue begging & on
deponent's refusing him, went away complaining and
uttering abusive words against deponent, and on
being ordered off, went reluctantly still abusing
deponent; that again in the afternoon of said day
said Michael came to deponent at the
store at said building, and demanded assis-
tance by begging, for any thing deponent would give. He
deponent again ordered him away, & refused to give
him any thing, whereupon said Michael went off
along the Avenue to the corner of the next street
which was about fifty feet away, all the way abusing
deponent with brutal & insulting words, till when he
reached the corner where deponent was then taken him to
go away & then when the night watchman of his firm, the
said Michael, suddenly, and with rage, came from his pocket a
coarse pistol & held it within hand pointed at deponent, that deponent
immediately grasped his hands holding the pistol, so that he could not
fire it at deponent, and deponent says that if he had not done so, he thought
+ that he thinks that said Michael would have fired the same at deponent, &
crowd of people mostly boys, was about the said corner of said street
with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 7th day
of March 1897 }

Philip Stein

John Behrens POLICE JUSTICE.

City & County of
New York

Chas. Deo. Corne

James K. Kinsman being duly sworn says
that he is a police officer in said City that
he has heard the affidavit of Philip Stearns that
he came up to him & the said Nicholas Reason at
the time & place named in said Stearns affidavit that
there was a crowd collected there and that before
said Stearns & Reason & another man & travelling
to go to New Orleans asked what the matter was and
that the two persons said that Reason had a pistol
upon him then said that he Reason had his hand in his
pocket & immediately searched him taking from the pocket
in which his hand was a loaded pistol and from
the pocket then pocket he took and a travelling
compass - Reason questioned him & said Reason
would answer no question & except on a deposition
took him under arrest to the police station the next
day. Deo. Corne says not

Subscribed & sworn
before me March 7 1891
John J. McKenna
Police Justice

Lewis Kinsman
34 Precinct

Police Court	District	AFFIDAVIT - A. & B. FELONIOUS.		Dated	Magistrate	Officer	Precinct	Witnesses
THE PEOPLE, Etc., ON THE COMPLAINT OF		38.		188				

POOR QUALITY
ORIGINAL

0192

Sec. 198—200.

CITY AND COUNTY } ss.
OF NEW YORK, }

6th District Police Court.

Michael Isaacson being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *his* right to
make a statement in relation to the charge against *him*, that the statement is designed to
enable *him* if he see fit to answer the charge and explain the facts alleged against *him*
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *Michael Isaacson*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Pennsylvania*

Question. Where do you live, and how long have you resided there?

Answer. *150 Chrystie St. Four months*

Question. What is your business or profession?

Answer. *Laborer*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. *I am not guilty*
Michael Isaacson

Taken before me this

day of *March* 188*8*

John C. Deane

Police Justice.

POOR QUALITY
ORIGINAL

0193

Police Court... 6th District.

3/9

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William D. Stein

761 13th Avenue

Michael Pearson

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

2

3

4

Offence

Assault
Felony

Dated

March 7th 1891

Josephine
Magistrate.

Theremin
34th Officer.

Witnesses

Josephine
420 East-5th Street.

Theremin
34th Street.

No.

Officer Theremin

No. 34th Street

RECEIVED
MAR 10 1891
DIS. RICH. ATTORNEYS OF RE.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

Michael Pearson

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated March 7th 1891 John J. Bohannon Police Justice.

I have admitted the above-named.....
to bail to answer by the undertaking hereto annexed.

Dated.....18..... Police Justice.

There being no sufficient cause to believe the within named.....
guilty of the offence within mentioned. I order he to be discharged.

Dated.....18..... Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Isicksen

The Grand Jury of the City and County of New York, by this indictment, accuse

Michael Isicksen
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Michael Isicksen

late of the City of New York, in the County of New York aforesaid, on the
sixth day of March, in the year of our Lord
one thousand eight hundred and eighty-nine, with force and arms, at the City and County
aforesaid, in and upon the body of one Philip Stein
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against him the said Philip Stein
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said Michael Isicksen
in his right hand, then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge
with intent him the said Philip Stein
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

Michael Isicksen
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Michael Isicksen

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said Philip Stein in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and to, at and against him the said Philip Stein
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said Michael Isicksen
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

DE LANCEY NICOLL.

JOHN R. FELLOWS,

District Attorney.