0435

BOX:
278
FOLDER:
2666
DESCRIPTION:
Dinneen, Daniel W.

DATE:
10/13/87

2666

Witnesses:

officer Jas. E. Phillips

" Eaffey

#16 H.A. H.A.

Counsel,

Filed 13 day of Oct 1887

Pleads Criminally

THE PEOPLE

vs.

Daniel W. Dinneen

for Shooting

officer O'Reilly

Assault in the First Degree, Etc.

(*Firearms*).

(Sections 217 and 218, Penal Code).

RANDOLPH P. MARTINE,

District Attorney.

A True Bill.

Foreman.

The people

vs.

Daniel W. Dineen — Assault - first degree

-------xxx-------

Testimony of William L. Dowd, a witness in the above entitled action, taken de bene esse by agreement, this 4th day of January, 1888, at the District Attorney's Office.

Present for defendant: Mr. Joseph F. Moss.

" " People Mr. parker.

By Mr. Parker --

Q. What is your name ?

A W. L. Dowd.

Q. Where do you live ?

A I live at 5I Prospect Place.

Q. What is your business ?

A I am Superintendent of Schwartzchild & Sultzerberg's Refrigerator Co. bet. 45th & 46th Streets ~~and~~ with First Ave.

Q. Mr. Dowd, where were you at about half-past two on the morning of the 24th of August ult.?

A I was coming home from my place of business -- I was at the corner of

~~42~~ 42nd Street and Second Avenue.

Q. Did you see the defendant in this case at that time?

A Oh yes.

Q. Are you acquainted with Officer Charles McDonnell, the complainant in this case?

A I was not at that time.

Q. Are you acquainted with him now? A. Yes sir.

Q Are you acquainted with Officer James Gaffney ?

A Yes sir.

Q Did you see them or either of them there at that time?

A I did.

Q Please state as briefly as possible what occurred there at the time you saw the~~xe two are~~ defendant ?

A Well, I saw these two officers, McDonnell and Gaffney. Gaffney, I was acquainted with, and stepped across the street to speak to him. On my way across I heard a shot fired,- from the East of Second Avenue.

Q Where were the officers standing?

A The officers were standing at the corner of Second Avenue and 42nd Street -- North -- About a minute after this young man - a slim man - the defendant, came running down Second Avenue, on the West side of the way -- the side towards Third Avenue. When the defendant had got perhaps, seventy-five feet past the officers, Officer McDonnell started to pursue him towards 41st Street. He got close on to him - I should say within fifteen feet of him. As he shouted to him to stop, this young man,- the defendant, he shoved his revolver out and fired at McDonnell. I was standing in a position so that I could see the flash. I could see the flash go direct to McDonnell - heard the report - saw McDonnell throw up his hands and stagger. He gathered himself in a moment and followed on after the defendant. He ran him to 41st Street. They then went out of my sight. I walked to 41st Street , and when I got there, they were still firing. I saw him in custody sub-

sequent to that -- I think, in Officer Gaffney's.

Q. Did you see who fired any of these shots you heard subsequent to the first shot at McDonnell?

A No sir. I only heard the report.

Cross-examined by Mr. Moss.

Q. When this defendant ran by you, you were standing on the North-east corner of 42nd Street and Second Avenue ?

A Yes sir; I was standing close to the steps going up to the elevated road.

Q. On the down town side ?

A North-west corner.

Q. This young man ran by you?

A Yes sir.

Q. Did you see him pursued by any one?

A No sir.

Q. You heard one shot before ? A Yes.

Q. You don't know who fired it ? A. No sir.

Q. Was it a dark night ?

A Pretty dark.

Q. And the stores were all closed in that neighborhood ?

A Yes sir.

Q. How far away were you when you heard that second shot ?

A I was one hundred and fifty feet away.

Q. Did you see McDonnell pull a revolver ?

A No sir.

Q. Will you swear he didn't?

A I wont swear that he didn't pull one

Q. Before you heard the shot?

A Yes; I think that I could swear that he didn't pull a revolver.

Q. Gaffney was running too, was he not?

A Yes sir; he was behind McDonnell.

Q. He was running with McDonnell after this defendant?

A Yes sir.

Q. Will you swear that he did not pull a revolver ?

A Yes sir:

Q. Did you see the young man pull a revolver?

A No sir.

Q. How far away was he from McDonnell when he fired this shot ?

A About ten or fifteen feet - not over that.

Q. Did you see officer Phillips that night?

A No sir.

Q. Did you see any other officers besides those two?

A I saw several of them after that.

Q How soon after this officer staggered did you hear the other shots ?

A probably two minutes.

Q. When they had turned 41st Street?

A Yes sir.

Q. What part of the avenue or street was this shot fired at McDonnell ?

A I should say 75 feet from the corner of 42nd street and Second Avenue - I was probably 175 feet from where the shooting was.

Q. You mean 75 feet nearer to 41st Street, don't you ?

A No sir.

Q. You were walking after them ?

A Yes sir.

Q. You had walked a considerable distance before you heard the shot?

A I had not walked at all when I ~~xxx~~ heard the shot

Q Did you stand still when the officers started to run after him?

A Yes sir.- I remained there until after the shot was fired.

Q. Did they run down on the same side of the street ?

A Yes sir.

Q That is on the East side od Second Avenue?

A Yes sir.

Q On the same side of the street you were standing on?

A Yes sir.

Q This young man came from the direction of 41st Street then ?

A He came towards 41st Street.

Q. Are you sure you were not further away than 175 feet?

A Yes sir.

Q. Did you measure it?

A No sir.

Q. About how many houses from the corner of 42nd Street was it?

A Three or four houses, I should judge.- I know it was quite close to a lamp post.

Q. Where McDonnell was shot ?

A Yes sir.

Q Did you see him through his hands up before you saw the flash?

A Yes sir.

Q. Have you talked with McDonnell about this case?

A Yes; I have spoken about it. He asked me what I saw. I told him.

Q Did he tell you how it occurred ?

A No.

Q. Did you ask him ?

A No.

Q He did not tell you his story at all?

A No sir.

Re-direct examination.

By Mr. Parker--

Q. How far, in your judgment, was Dinneen from the corner of 41st Street and Second Avenue, when he fired at McDonnell?

A Seventy-five feet.

Q. At the time that shot was fired, where were you standing?

A I was standing on the opposite side of 42nd Street.

Q. On the East or West side of Second Avenue?

A On the East side.

Q. That is on the up town side of the elevated road ?

A On the down town side.

Q. You commenced the conversation with the officers, on which side of the avenue, the down-town or up-town side of the elevated road?

A Down tow side.

Q Did you move from that place from the time the defendant pssed these officers, to the time he fired the shot at McDonnell?

A No sir.

Q Did or did not Dinneen run down the same side of the Avenue, or the other side from that on which you were standing?

A He brushed my clothes as he passed me.

Q You stated to Mr. Moss on your cross-examination, that Dinneen ran down the East side of Second Avenue, is that correct or not?

A It was on the West side - that statement was not right.

Re-cross Examination.

By Mr. Moss.

Q. You stated in your re-direct to Mr. Parker that he was 75 feet from 41st Street, when the shot was fired, and you stated to me that he was 75 feet from 42nd Street, which is right ?

A 42nd Street and not 41st Street.

Re-direct.

By Mr. Parker.

Q. How far was he from the corner of 41st Street when the shot was fired?

A 150 feet from 41st Street

Q. When you say that he was 75 feet from the 42nd Street, do you mean from the Southern or Northern line,

that is from the line on the opposite side of the street or from where you stood?

A From the opposite side of the Street.

Sworn to before me this 5th day of January 1898.

A D Parker
Notary Public
N.Y. Co.

M L Daniels

THE PEOPLE OF THE STATE OF
NEW YORK,

against

File
Daniel W. Dimock

Testimony of
Wm L. Howck

Joseph N. Fellows,
~~RANDOLPH B. MARTINE,~~
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

0446

Law Department.
Office of the Counsel to the Corporation.

Stuart Feltwing Building,
2 Tryon Row.

New York, December 16th 1887

Andrew D. Parker, Esq.

My dear Sir:--

I regret very much that I did not see you when I called this morning. I am informed that the case of Daniel W. Dinneen was marked yesterday off the term. This must have been through some error or inadvertence on Judge Bedford's part, because I am informed that it was distinctly understood that the case was held owing to Mr. Howe's engagement in another branch of the criminal court, and that he, through a representative, positively promised to try the case on Monday. Wont you kindly put the two cases on the calendar for Monday, the 19th instant, before Judge Gildersleeve? All the witnesses for the prisoner were present in court yesterday, and he was fully ready for trial. It will be a great hardship for him to have to remain in the Tombs until after the holidays, which will be the case if the matter cannot be tried next week. Kindly do this for me if you can, and if you think I better do so, I will go to see Judge Bedford about it; but

restore it to the calendar for first us, if you please, and then let me know whether I had better see Judge Bedford.

Faithfully yours,

William R. Wills

0448

People
v.
Daniel W. Omeen.
Dec 16/87

0449

People
v.
Daniel W. Ameen.
Dec 1 1897.

0450

Court of General Sessions

The People
against
David W. Dineen

Trial Brief.

The defendant is indicted for assault in the first degree 1) for having on the 24th of August, 1887, fired two pistol shots at James F. Phillips and having wounded him thereby in his left hand and the right side of his chest, and 2) for having, on the 24th of August, 1888, fired several pistol shots at Charles McDonnell and having wounded him in the right side of his chest.

Order of Proof.

I 1) Charles Ryan
Defendants attempt or threat to shoot him; Conversation with complainant Phillips.
2) Driscoll Tucker
Corroboration of Ryan's testimony

3) James F. Phillips
Assault upon him.
4) Dr. Charles Wood.
Treatment of complainant at St Luke's Hospital. Nature of the wounds.

II 1) Charles McDonnell
Assault upon him.
2) James J. Caffrey
Corroboration of complainants testimony.
3) Thomas Brophy
Taking of pistol from defendant and its delivery to complainant.
4) John M. Haffern.
Firing of shots by defendant and defendants wish to have killed the son of a bitch.
5) Wm. Crosset.
Corroboration of testimony as to pursuit of defendant, his firing of shots and his arrest.
6). Dr. Charles Wood.
Treatment of complainant at hospital and nature of the wounds.

0452

Court of General Sessions.

The People
against
Daniel W. Dinneen

Assault
1st degree
2 indictments

Depositions. 1. Ind.

Charles Ryan,
318 East 41 Street.

I am 15 years old. My father is Captain Ryan of the 41st Precinct. On the 24th of August, 1887, I attended the picnic of the Latian's Literary Association at Jones Woods. At about half past one in the morning I started for home in company of Driscoll Tucker. No car coming, we walked down the First Avenue. At about 40th Street we met the defendant and another man. They were singing. When we had passed them, the defendant demanded that I should sing. I told him that I did not know how to sing. After a repetition of this question and answer, the defendant took a pistol from his pocket

and put it to my temple and said; Bang now! There are seven in there. I hummed there upon and he said; It is all right. We, Locker and myself, walked down the Avenue, where we met officer Phillips, whom we told what had happened. While we were speaking together the defendant came up, and Phillips asked him, why he was troubling no boys. The defendant said he was not troubling no. Phillips then asked him for his name and his residence and whether he had a pistol about him. The defendant denied having a pistol. The officer stepped up to him, took his left hand into his right hand and stretched his left arm around to his hip pocket. Then there was a pistol shot fired, and the defendant ran up the street on the other side of the way. Phillips followed him. I then heard another shot fired on the Avenue, but did not see who fired it. When the

defendant put the pistol to my temple, I could clearly see his face, so that when officer Phillips spoke to him, I could positively identify the defendant. I had not seen him before.

Driscoll Sicker.

313 East 41 Street.

Was in company of Ryan on the morning of the 24th of August, 1887, They met the defendant at about 60th Street. At about 44th Street he threatened Ryan with the pistol. Corroborates Ryan's story. Ofr Phillips fired a pistol shot into the gutter in Second Avenue. The defendant was not disturbed by Phillips.

James J. Phillips

Patrolman. 23d Precinct.

On the 24th of August, 1887, about two o'clock in the morning, I was on duty on First Avenue. My post extended from 42d to 45th Street, cross Streets, First Avenue to East River and half way to Second Avenue in 44th and 45th Streets. I was walking through 44th Street towards Second Avenue and on my way back to First Avenue I met the two boys Ryan and Sicker They were telling me that a fellow on First Avenue had a pistol and

threatened to shoot them, if they did not sing. Ryan told me that he was Police Captain Ryan's son. While thus conversing, the defendant turned around the corner of First Avenue and walked towards me. I asked him, what he was bothering the two boys for. He denied this. Then I asked the boys, whether he had been at the picnic with them. They had told me that they had been at a reception of the Italian Literary Association. They said no. The prisoner then said, it was time for him to go home to his virtuous couch. I asked him where he lived, and he said, he would never tell me. I asked him what his name was; he said, I would never know that. I asked him, whether he had a pistol; he said, no. At that he stepped a little back. I took hold of his left hand by my right hand and put my left hand around his right hand side to see whether he had a pistol, and the shot went off. pass-

I had not touched his hip pocket, and I did not see the pistol. He stepped further back, threw his right hand over my left arm with the revolver in it, and shot me in the right side of my breast. Then he broke away from me to the other side of 4th Street, and when he was across the street, I rapped for assistance, and broke my night stick. I did not hit him with my stick. I pulled out my revolver and fired one shot into the gutter to see whether he would surrender. He did not, and I took aim and fired directly at him, but did not hit him. I followed him as far as Second Avenue and 4th Street and lost sight of him. Without any other way to attract assistance, I fired a shot in the gutter on Second Avenue. He was the last I saw of him, until I saw him in the station house. From there I went to the St. Luke's Hospital, where I remained eleven days, but I was on the sick list until the first day of November, 1887. On the hospital the defendant said he did not mean to shoot me. He merely wanted

to scare me, but the scare was not worth a cent. One bullet went into my right side, and came out itself, without an operation, while I was in the hospital. The reason why I wanted to know, whether he had a revolver, was that in case he had dropped it in the street, I would go and look for it, to take it up, in order to prevent any body else from getting it and to corroborate the boys statement. The defendant had no marks of violence on his body, when he was searched in the station house.

2d Indictment.

Charles McDonnell
Patrolman, 23 Precinct.

On the 24th of August, 1887, at about two o'clock in the morning, while on duty. I was standing with officer James J. Gaffney on the corner of 42d Street and 2d Avenue. We heard a pistol shot in the direction of 44th or 45th Street. A very short time thereafter we saw a man running down on the West side of the Avenue close to the house. I made the remark to officer Gaffney, that the man might be the party that fired the shot. We both started for the man, when about halfway across 42d Street I gave chase for him and about 50 feet from the corner of Second Avenue and 42d Street I called on him to stop. He deliberately turned around and shot me with a pistol, which he had in his hand. The ball entered the right side of my chest. The pistol was afterwards taken from the

defendant by officer Brophy, and is now in my possession. After the shot the ~~fo~~ defendant started again on a run down the Avenue and turned into 41st Street towards Third Avenue. I chased him and just around the corner in 41st Street he fired another shot at me. I then fired my first shot at him, still keeping up the chase. I was constantly bleeding. About 50 feet from the corner in 41st Street, he fired another shot at me. My shot did not hit him. About half way down the block in 41st Street, the defendant fired a fourth shot at me. I still ran after him and exchanged shots with him. When the ~~front~~ defendant came to the front of 215 East 41st Street, he took refuge in the doorway and fired another shot at me. I walked into the doorway with officer Gaffney at my side and took the defendant by the collar. When I pulled him out of the doorway, officer Brophy, of the 21st precinct came

up from the other side of the street and snatched the pistol from the defendant's hand. I handed the defendant over to officer Gaffney who took him to the station house. I was brought there in a cab and then sent to St. Luke's Hospital, where I remained ~~of~~ eleven days. I was on the sick list until the 1st day of November, 1887. In the door way, the defendant asked me to let him vomit, because he felt sick. When the defendant was brought to the hospital for identification, he said Did I shoot you two blockies.

James J. Gaffney
Patrolman. 3d Precinct.

On the 24th of August, 1887, I was attached to the 28th precinct, and in the morning at about two o'clock I was in company of officer McDonnell and can corroborate all of his testimony in relation to the chase of the defendant, the pistol shots fired and the arrest in the doorway. I brought the defendant to the sta-

tion house. On our way in Third Avenue, between 41st and 42d Streets, a young man purporting to be the defendants brother, said to him: "Danny, what have you done?" I replied: "I shot a copper, and I hope I have killed the son of a bitch." I wished, she was loaded again (meaning the pistol) I would give it to you, you damned son of a bitch. He kept talking in that strain all the way to the station house. His brother advised him, not to give his right name and address, and the prisoner said at the station house that his name was Caspar Montgomery and that he resided ~~at~~ in East 56th Street. By some papers and cards found upon him, we got his right name and address. His brother had followed the defendant, and was arrested at the station house. He gave his right name and address. On searching the defendant in the station house we found nine cartridges in his pants pockets, which exact-

ly fitted the pistol. On the way to the hospital he was whistling, and he said, he would now find notoriety in the papers; his name would be high up. To McDonell he said; Was it you, whom I shot? I give you credit for one thing; you are a good runner.

Thomas Brophy,

Patrolman 21 Precinct.

On the 24th of August, 1887, about two o'clock in the morning, while on duty, I was on Third Avenue, between 39th and 40th Streets. I heard several pistol shots and ran back into 41st Streets towards Second Avenue. I saw a crowd, halloing: He is in the door way. I saw a man there, holding something shining in his right hand. I jumped into the doorway, ~~and~~ arrested the man and took the pistol out of his hand. It was one similar to that in possession of officer McDonell. When I brought the prisoner to the side walk, I

asked McDonnell, what he had done, and when informed that the defendant had shot him, I turned the pistol over to McDonnell and the prisoner over to Gaffney.

John M. Haffern
Patrolman, 21st Precinct.

On the 28th of August 1887, about two o'clock in the morning, while on duty and standing ~~at~~ in 41st Street about half the block between Second Avenue and Prospect Place I heard a shot fired on Second Avenue, When I ran to Second Avenue, I saw a young man run around the North West corner of Second Avenue and 41st Street and fire a shot from a pistol. He ran down the block towards Third Avenue, ~~and~~ fired two more shots while running, and rushed into the doorway of No. 215 East 41st Street. There he was arrested. When he fired the shots, he was pursued by officers McDonnell and Gaffney. On the way to the station house, the prisoner said, he wished he had killed the son of a bitch.

Wm. Cooper,

Patrolman, 21 Precinct

On the 24th August, 1887, in the morning about two o'clock I was on duty on 40th Street and Second Avenue, when I heard an alarm rap and ran towards 41st Street. There I saw officers run down 41st Street towards Third Avenue in pursuit of a man. I heard several shots fired. I ran up on the South side of the street and headed the defendant off. Then he ran into the door way of No. 215 East 41st Street. Officer Brophy came up and arrested the man and took the pistol from him, which he held in his hand and was snapping at him. I did not hear him say anything.

Dr. Charles Wood,

House Physician of St. Luke's Hospital, treated officers Phillips and McDonnell during their confinement in the hospital from the 24th of August until the 5th of September, 1887. Phillips suffered

from a pistol shot through his left hand and a scalp wound on the right side of his chest. McDonnell had a pistol ball in the right side of his chest. He underwent an operation to find the ball.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

D. W. Dincen

BRIEF OF FACTS.

For the District Attorney.

Dated May 15 1888.

Edward Grosse

Deputy Assistant.

0467

~~Grand Jury Room.~~

Part One

PEOPLE

vs.

Daniel Dineen

For trial

May 25

Subpoenas Issued May 17
Chas Reynolds Pennsly
officers Cook Driscoll
Meekers - Suffern
Philips & McDonald
Pennsly the rest
go out

Dismissed

Fourth District Police Court
New York September 29th, 1887.

The People on Complaint of
Charles McDonnell
vs.
Daniel Dineen } Assault

Examination before
Hon.
Daniel O'Reilly
Police Justice

Appearance
For Defendant Frank Oliver

Charles McDonnell, complainant being sworn testified as follows=

Cross examination by Mr. Oliver

Q. When was the first time you saw Dineen that night?
A. Officer Gaffney, and I, were standing at the corner of Fourty-Second street and Second

Avenue - we heard a shot - we looked up the street, and while we were there, this young man came running down near the houses on the west side of the Avenue - we could not see him on account of the Elevated rail-road station - we didnt see him until he got right close to us. Well, as he came I ~~said~~ spoke to Gaffney I told him that was the party that fired the shot - I went on after him; he was still running across Fourty-second street and I after him, when he got about fifty feet below Fourty-second street, off Second Avenue, I called for him to stop. He did, and turned right around and fired at me like that. He shot me right there, and then it kinder staggered me - I gave chase after him -

Q. You heard a shot fired?

A. Yes sir.

L. And he came running in the direction, from which the shot was fired?

A. Yes sir.

L. And he was on the other side of the street?

A. No sir, he was on the westside I saw him coming

L. On the same side with you?

A. Yes sir.

L. Coming down towards you?

A. He was.

L. How far from you had he got before you called to him to stop?

A. He was then about ten feet away.

L. You say he came toward you and passed you?

A Yes sir.

L. And when he got ten feet away from you, you ordered him to stop?

A. No he was further than that.

L. You ordered him to stop?

A. Yes sir.

L. While he was running towards

you, and past you, did you hear any shots fired?

A. I didnt see him running to-wards me.

L. Did you hear any shots?

A. Yes sir, before I saw this young man.

L. After you saw him and up to the time you told him to stop, did you hear any shots fired?

A. No sir, from the time I saw him until the time I ordered him to stop.

L. Where was your pistol?

A. In my pocket.

L. Did you use it at all, from the time you saw him, up to the time you were shot?

A. No sir

L. Didnt you fire it in the air or anything?

A. No sir.

L. And how far away was he from you when he turned around and shot at you?

A. about between six and ten feet.
Q. On the same side of the street?
A. Yes sir.
Q. Well after that - After you were shot you staggered?
A. A little yes sir. I put my hand up and felt the sensation.
Q. Then did you follow him?
A I did yes sir.
Q Did you shoot then?
A. I did. I didint shoot though until I got around Fourty-second street - Not until he fired the second shot at me.
Q. He fired the first shot, and you then pursued him?
A. I had pursued him before he fired the shot.
Q. But you then continued it?
A. I continued it - I didint see Mr Gaffney coming behind me.
Q. How far had you got before he fired the second shot?
A. We went to Fourty-first street - just turning the corner, when he fired

the second shot.

Q. Then you used your pistol?

A. I did.

Q. How many shots did you fire?

A. One shot then.

Q. And how many after?

A. He fired three more, at me and I fired three more at him.

Q. That makes five ~~the~~ he fired and four you fired?

A. Yes sir.

Q. How did Officer Gaffney fire any shots?

A. I couldn't tell you that.

Q. You couldn't tell that shot you heard when he was running, whether it was Officer Gaffney's or any others?

A. I knew it was not Gaffney's because I was talking with Gaffney.

Q. He was then behind you?

A. To my side.

Q. At the time you told him to stop

A. No.
Q. He was alongside of you?
A. Then
Q. At the time you told him to stop where was Gaffney?
A. I couldn't tell you. I was after this young man on the other side of Fourty-second street-
Q. You were not on the same beat?
A. My beat crosses Gaffney's.

James J. Gaffney, of the 23rd Precinct Police, being sworn, as a witness for the People testified as follows =

By the Court.
Q. Go on and state what you know of your own knowledge, in connection with this alleged assault?
A. On the morning of the 24th of August, I was standing at the corner of Fourty-second street and Second Avenue, in company

with Officer McDonnell, - He has got Fourty-second street, and I am on Second Avenue we heard the report of a pistol shot but could not place it - we both looked up the Avenue and saw this prisoner running down behind us - between us and the buildings McDonnell made the remark to me, "That might be the man that fired the shot". when McDonnell, followed him, instead of stopping he turned and fired at him, about fourty or fifty feet below the corner of Fourty second street and Second Avenue - I followed and rapped as I followed, and at the corner of Fourty-first street he turned again, and fired at McDonnell In the street he fired again and half way down the block he fired again, and took refuge in a door way and fired again

then we closed in on him and arrested him.

Q. State all that occurred?

A. Officer McDonnell made the remark to me -

Q. Never mind the remark, what did he do?

A. He shot McDonnell, in running I don't know which shot took effect - We arrested him in the door-way with the revolver in his hand.

Q State everything in connection with the case?

A. We followed him into the door-way when we thought he had done firing - McDonnell grabbed him first and I grabbed him by the shoulder The left side.

Q Previous to making the arrest what did McDonnell do while following him

A. He ordered him to stop, instead of obeying the order, he fired at

McDonnell.

L. Then what did McDonnell do?

A He followed him still.

L Yes, then what occurred?

A. He fired again at Fourty-first street.

L. Then what did McDonnell do?

A Kept following him, and on the way towards Third Avenue there was another shot fired about sixty feet down Fourty-first street, and McDonnell made the remark to me ——

L. Never mind the remark what occurred?

A. He fired again about the middle of the block, then he fired again in the door-way.

L From the door-way?

A. Yes sir.

L. Is that all that occurred?

A. Yes sir, until we arrested him.

L. What did McDonnell do all that time?

A. He followed and fired at him.
L. Why don't you state that - all that he did?
A. McDonnell didn't make an at-tempt to pull or fire at him, until he fired at him. When he made the remark "Jim he shot me" I said shoot him and McDonnell fired at him then I fired also in running for the purpose of stopping him or to hit him if I could.

Cross-examination by Mr Oliver
L. How many shots did Dineen fire, after you saw him?
A. Five in all.
L. Do you know whether McDonnell had his pistol out at the time he told this boy to stop?
A. I know he didint.
L. How far were you from him?
A. Within forty feet of McDonnell when he told him to stop.
L. You never got any nearer than

that to him did you?
A. I got nearer to sir.
L. How much nearer?
A. I might judge twenty feet
L. That was about as near as you got to him, before he was shot?
A. No sir
L. Before he was shot you were never nearer than twenty-five feet to him, were you?
A. No sir.
L. You didn't see him then to say whether he had a pistol in his hand or not at the time he told Dunn to stop?
A. See who
L. Officer McDonnell?
A. Yes sir, I saw him. He stood by me until he started to run.
L. You and Officer McDonnell were standing together?
A. Yes sir.
L. He got about forty or fifty feet away from you?

A. Yes sir.
L. And Dineen got how far away from Officer McDonnell before the first shot was fired?
A. Well he was further away before he fired at all. McDonnell was catching him to all appearances, when he turned and fired.
L. Now were you or Officer Phillips in a position to see any previous trouble?
A. Officer McDonnell you mean.
L. Yes, or you?
A. We heard a pistol shot that's all.
L. Did you hear a rap of a club or anything?
A. No sir.
L. How far was the pistol shot away from you?
A. We didint no at the time
L. Now what remark did Officer McDonnell say to this young fellow - He ran past him didint

he?

A. Yes sir.

L. He ran back you?

A. Yes sir.

L. You didn't try to stop him before he got fifteen feet away did you?

A. No sir.

L. Why not?

A. Our backs were to him - we were looking in the street.

L. You didn't hear him come toward you?

A. The first we knew of it, we heard feet running and we turned around and saw him pass us.

L. Then you told him to stop?

A. No sir, McDonnell spoke to him.

L. I mean what you said to him?

A. No sir, McDonnell did.

L. And he didn't stop?

A. No sir.

L. and then McDonnell started in chase of him?

A. Yes sir.

L. Then how far had he got away

from his original position, be-
-fore you heard the first shot
fired by Dinen, how far had
he got away from the place
where you were both standing?
A. I should judge it was one
hundred and twenty-five or
one hundred and forty feet.
Q. He had not done anything
then?
A. No sir, not that we knew of.
Q. What did you run after him
for?
A. It is our duty to stop any-
-body in the night that is
running as, after a shot is
fired.
Q. You suspected that he had
fired the shot?
A. Yes sir.
Q. And you wanted him to stop?
A. Yes sir.
Q. Now how many other officers
were there after Officer McDonnell
fired his shot?

A. There was no officer there that I could see except myself.
L. Was Officer Phillips there when you made the arrest?
A. No sir.
L. Who took the pistol away from this man?
A. Officer Brophy.
L. In what street was that do you know?
A. Ohio first street.
L. That was on the street-wasn't it?
A. Yes sir.
L. That was after he came out of the alley?
A. No sir, it was on the door-step.
L. He was inside the door-way?
A. No sir - McDonnell took hold of him, and had hold of him, when Brophy took the pistol from him.
L. Where was he firing from, when he ran in the door-way?

A. He fired one shot at me.

L. He was deep in the door-way wasn't he, three or five feet?

A. No sir, the door wouldn't allow him to be that far in. It was partly closed - He was not out of sight at all.

L. While he was standing in the door-way did Officer Brophy come there?

A. We had hold of him, and we just got him on to the step.

L. He took the pistol from him?

A. Yes sir, he took the pistol out of his hand.

L. And where did you have hold of him?

A. The left hand side, and McDonnell was at the centre in front of him.

L. Both of you had drawn pistols then.

A. Yes sir, we had.

Tenth District Police Court
New York September 29th 1887.

The People on Complaint of
James E. Phillips
vs.
Daniel W. Dineen } Assault

Examination before
Hon. Daniel O'Reilly
Police Justice

Appearance
For Defendant Frank Oliver

James E. Phillips an officer of the 23rd Precinct Police, being duly sworn testified as follows=

Cross-Examination by Mr Oliver

Q. Mr. Phillips, what time of the night was it, you saw Dineen?
A. Well it was between twenty minutes to two and two oclock I dont know the exact time. I didnt see the time - about twenty minutes to two.

Q. How long had you been on post then?
A. Since twelve oclock.
Q. Had you been off duty before twelve?
A. Yes sir.
Q. In the station house?
A. Yes sir, on reserve.
Q. Where did you see Dineen?
A. The first time was in fourty-fourth street.
Q. Between what streets?
A. In fourty-fourth street, between first and second avenues - nearer first.
Q. By himself — all alone?
A. No sir, there was a companion with him.
Q. And they were walking down together towards Second Avenue is that it?
A. Yes sir
Q. How far away were you, when you saw them walking down?
A. Well, I seen them turn the corner

Q. How far away were you from them?
A. When I seen them
Q. Yes?
A. I seen them coming - They walk-
-ed right up toward me.
Q. Did you walk toward them?
A. No sir, I was standing right
still, talking to two boys.
Q. They were walking leisurely
along?
A. Yes sir.
Q. When they came toward you
what did you say?
A. I says to them "What are you
doing to these two boys?
Q. Yes?
A. He said, "I am not doing any-
-thing to them". I said, "Where
were you tonight" He said "I
was up to the Italians". I turn-
-ed around to the boys and said
"Were these two boys to the pic-
-nic with you". He said "No" I
said "What do you want to bother
them for". He said "I am not

bothering them". I said, "What is your name". He said, "I will never tell you that". I said "Have you got a pistol" He said "It is time I was going home" I said "Are you going home", and he said, "I am going home to my virtuous little bed" I said "Have you got a pistol" He said "No." When he said no he turned from me, I said, "I think you have". I put my hand around him, and he hit me, and jumped away across the street, and he went on the south side of fourty-fourth street towards Second Avenue. I broke my stick, and I had no other, but I pulled my revolver with this wounded hand.

By the Court =

Q. Explain what he did to you now, and be cool?

A. As I had hold of his hand.

Q. Which hand?

A. The left hand. I asked him if he had a revolver. He said No. He turned that way with his back toward the gutter. I said "I think you have a pistol". He turned toward me. I didn't see him pull any revolver. He shot me through the hand The sensation was the same as a man hitting you with a hammer. He broke away from me, and the ball struck me here in the rib, and glanced off.

Q. The same shot?

A. No sir, another shot.

Q. He fired another shot?

A. Yes sir, I seen the pistol, as it came over my arm. He was very close to me.

Q. Well, go on?

A. Then he jumped away from me and ran across fourty-fourth street, to the south side of fourty-fourth street

Cross-examination resumed

Q. Where were these two boys at the time you spoke to him about the pistol - where were they standing?

A. Behind me.

Q. And didn't you put both your arms around his body?

A. No sir, I had hold with one hand.

Q. You didn't put both your hands around his body?

A. No sir.

Q. How did you take his pistol from him, before this shooting took place?

A. No sir

Q. Didn't you have hold of it, in your hand?

A. No sir.

Q. Positive of that?

A. Yes sir.

Q. Is your recollection good on that point?

A. Yes sir. - I didn't have time

Q. And now, didnt he grab the pistol, when it was in your hand, and take it away from you?

A. No sir.

Q. So you didnt see the pistol until after the first shot was fired?

A. No sir.

Q. Do you know. Could you tell from the actions between you two, whether it went off accidentally or not. You are on your oath, and this man is your prisoner. Be square to yourself, and to the People, and him. Do you know whether that pistol went off accidentally?

A. I should imagine he intended to shoot me. Yes sir, I think he intended to shoot me.

Q. You didnt see the pistol you say, until after the shooting was done?

A. Not the first shot, the second I seen.

Q. Can you say Yes or No, whether he shot at you purposely, or by accident, when that shot was fired, Yes or No?

A. No sir, I cannot.

Q. Where was your club at the time that you felt this shock in your hand?

A. On this hand, hanging down this way (indicating)

Q. Did you raise it then immediately

A. No sir, not until he ran away from me; then I rapped for assistance.

Q. Then you say you were shot, and didint raise a club?

A. No sir, it was done to quick.

Q. Now what position did he stand in at the time that the second shot was fired off, describe it as closely as you can so that the Judge may know it all exactly?

A. He stood like that in front of me. (indicating)
L. Go on describe it?
A. The second shot hit me through that hand over this arm, as it was down.
L. And you say what?
A. It hit me in the body.
L. What hit you?
A. The ball from the revolver.
L. What clothes did you wear?
A. Uniform
L. How do you know that a ball struck your coat. How do you know. Tell the Judge how you know that?
A. I heard the discharge of the revolver, and felt the ball strike.
L. What part of the vest?
A. Right, in there (indicating)
L. You didn't bring that coat or vest?
A. No sir.
L. What I want to get at is this

was there any bullet hole in your clothing?

A. Yes sir.

Q. Which part?

Q. Through my coat shirt and undershirt.

Q. There was?

A. Yes sir.

Q. When did you first know there was a bullet hole there?

A. When I got on Second Avenue.

Q. That was the first you knew of the bullet hole being there - How long after the shot was it, that you knew that was the fact?

A. About a minute and a half.

Q. Did you pull your pistol?

A. Yes sir.

Q. What time was it, you pulled your pistol?

A. As soon as I could pull it out. As he got on the south side of fourth street - almost immediately - about half a mi

Q. Which hand did you have your club in, at the time you pull-ed your pistol?
A. In this hand. (indicating)
Q. You pulled your pistol with your left hand?
A. Yes sir.
Q. Out of which pocket?
A. Out of this pocket. (indicating)
Q. What did you do with your pistol?
A. I took it out of this pocket and caught it over in this hand, and cocked it, and fired one shot in the street.
Q. After getting wounded?
A. Yes sir, to see if he wouldn't surrender. He wouldn't stop and I took aim and fired, but he was to far away from me.
Q. You say you shot toward him, but it was in the ground, is that ~~it~~ so?
A. The first shot I fired in the

ground, not in his direction.

Q. Not directly to the ground?

A. Yes sir.

Q. And you rapped your club at that time?

A. Yes sir, and broke it.

Q. Then you did not really have any club in your hand, at the time you changed your pistol from your left hand into your right?

A. I had it in this hand - It was broke.

Q. How far away was he when you fired that shot?

A. About two hundred and fifty feet - Not quite, about two hundred and twenty.

Q. And you say, that when the second shot went off, that that was the position of his arm?

A. Yes sir.

Q. Did you see the pistol at the time the second shot went off, or before

it went off?

A. I seen it as it came over my arm.

Q. You had hold of him at that time?

A. Yes sir.

Q. And the pistol came over like that-? (indicating)

A. Yes sir.

Q. How can you tell positively, whether that pistol went off in the struggle or whether he shot purposely to shoot you?

A. Well, I can take an oath, he shot me that second shot intentionally.

Q. You then had hold of him?

A. Yes sir.

Q. With the hand the club was in?

A. Yes sir.

Q. The hand that was wounded?

A. No sir, not with the wounded hand;

Q. Was he standing there, sideways

to you, or right plumb, in front?
A. Face to face.
Q. How can you give us any reason why you didnt draw your revolver, as soon as you were struck the first shot?
A. I didnt have time.
Q. You had time to grab him?
A. I grabbed him before I was shot.
Q. Then you fired a shot after him when he ~~was~~ got two hundred and fifty feet away?
A. Yes sir.
Q. And that didnt hit him?
A. No sir.
Q. How far then were you going, before assistance came to you?
A. I ~~x~~ ran to Second Avenue and didnt get any assistance - I still had the revolver in my hand.
Q. How many shots did you fire from it?
A. I fired a shot on Second Avenue

Three shots altogether.

Q. One on the ground first - one at him two hundred and fifty feet away, and one on Second Avenue?

A. Yes sir.

Q. How far away from you was he, when the third shot was fired?

A. I didint see him at all;

Q. After that you didint see him until he was arrested did you?

A. No sir.

Q. How dont you remember Mr. Phillips, going back again, dont you remember you raised your club to strike this boy?

A. No sir.

Q. You dont remember that?

A. No sir.

Q. Do you remember when you asked him to give you the pistol, and because he wouldint do it you were going to strike him with the club?

A. I didnt ask him for his pistol;
Q. Didnt you tell him he would have to give it up?
A. No sir.
Q. Did you tell him you were going to arrest him?
A. No sir.
Q. Why did you get hold of him?
A. I had him under arrest, I wanted to find the particulars
Q. You had him under arrest?
A. Yes sir.
Q. You didnt tell him he was?
A. No sir.
Q. You didnt tell him he was accused of any crime, or carrying a pistol without a license You had him under arrest without telling him he was under arrest?
A. I would have told him when it was the right time.

Charles Ryan, of 318-East-41st street being sworn as a witness for the

People, testified as follows:
By the Court:
Q. How old are you?
A. Fifteen years of age.
Q. What is your business?
A. I am learning the plumber's trade.
Q. Just state what you know of this alleged assault if anything?
A. I met this young man in the neighborhood of forty-fifth street and first avenue.
Q. Which young man?
A. Mr. Dineen.
Q. The defendant here do you mean?
A. Yes sir.
Q. Well go on state what occurred?
A. He asked me to sing, and I told him I did not know how. He asked me again, and he took a pistol and pointed it to my head. Then he asked me to sing. He told me there were seven in it. I don't know what

he meant by it. Then he said "Will you sing". I commenced to hum something, I don't know what it was. I walked down First Avenue and turned through forty-fourth street, and told Officer Phillips. Duneen came up and Officer Phillips said, "What is the matter". He said, "There is nothing the matter, I am going home to my cosy little bed." He asked him what he was doing with these boys. He said he was doing nothing with these boys. He asked him where he was going home, and he told him he was not going to tell him where he lived. Officer Phillips asked him if he had a pistol. He remarked something and Officer Phillips had him by the left hand, to see if he had a pistol. Duneen stepped back three times, and there was

a truck there. I heard a shot and the boy and I walked up to Second Avenue. He seen him fire three shots in the gutter; then we walked down home.

Q. Is that all that occurred?

A. Yes sir

Cross-examination by Mr Oliver

Q. Now sonny, before officer Phillips fired a shot at all, you only heard one shot?

A. Officer Phillips didint fire any shot at all.

Q. After Duncan was away Officer Phillips fired a shot, didint he?

A. That I couldint say. There were trucks on both sides.

Q. You couldint see whether Officer Phillips fired a shot or not?

A. No sir.

Q. How close was Duncan and Officer

Phillips together, when you heard the first shot fired?

A. From here to that man in the room there.

Q. The first attack of all, we are asking. The very first shot- How near were Officer Phillips and Dineen to each other.

A. When he had him by the hand.

Q. The first shot, at any time?

A. By the Court=

Q. How close was he to him, when the first shot was fired?

A. About as he and I are now.

Q. That is when the first shot was fired?

A. Yes sir.

Q. How near were they when the Second shot was fired?

A. That I could not say.

Q. Did Officer Phillips at any time have hold of Dineen's Pistol?

A. Not as I saw.

L. Were you near enough to see?
A. Yes sir.
L. Did Officer Phillips have his club raised at any time?
A. No sir, it hung on his arm by the string.
L. Well now, how far away from Dineen and Officer Phillips were you standing when the first shot was fired?
A. Quite close up to Officer Phillips arm.
L. You don't know who fired the first shot do you?
A. No sir.
L. You don't know whether it was Officer Phillips or Dineen that fired the first shot?
A. No sir.
By the Court-
L. At the time the first shot was fired just show the position of Officer Phillips and the defendant - Just show us what position they were in?

A. Officer Phillips stood like this and Dineen stood there, and Officer Phillips was here, and had hold of him by the hand He went to raise this hand to his pocket to see if he had a pistol. David Jones's brewery truck was there, and I heard a shot.

L. Did he still have hold of him when you heard the shot?

A. That I couldnt say, sir.

Driscoll Tucker, a witness for the People, being sworn testified as follows=

By the Court=

L. Where do you live?

A. 313- East 41st Street.

L. How old are you?

A. Fourteen

L. What do you do for a living?

A. Go to school.

L. Were you present on the 24th of August last, at the time

of this alleged assault?

A. Yes sir.

Q. State what you know about it. Just describe everything you know in connection with it?

A. When we arrived at ~~fourty~~-fourth street we met Dineen and so Charlie Ryan and I were walking along, and Dineen asked Charlie, to sing He wanted to go home quick He said to Charlie "Sing", Charlie said, "I don't know any songs" He said, "Sing", and he put the pistol here and said "Sing" He commenced to hum a song. So then we got kinder scared. He went to put the pistol back in his pocket and he dropped it. The comrade that was with him picked the pistol up. The people behind him were afraid, and scattered, and I thought if we

walked right up through forty-fourth street to Second Avenue if Dineen ——

Q. Just tell us what you did?

A. We walked up forty-fourth street and Dineen followed us to Mr. Phillips. Charlie told him there was a fellow around there put a pistol to his head. Then Dineen came up and said to Phillips. "It is about time to be in are cosy bed. Mr Phillips said. "What is the matter". Dineen said, "I dont see anything the matter" He said, "Have you got a pistol" He held his hand. The club was wound around his hand, and with his hand he put it back like this, and asked him if he had the pistol He didnt have a chance, when Dineen pulled this hand here around. There was a truck right near him. They were near

the mudgutter. The truck shaded it off, and all we heard was the pistol shots. Then we hid, and Duncan ran up first and then Mr. Phillips afterwards, to Second Avenue Mr. Phillips club was broken He tried to rap, but nobody could hear it. He took out his pistol and shot in the mudgutter, and that drew the attention of the other policeman, and we walked through fourty-fourth street and went home

Cross Examination by Mr. Oliver

Q. You say you are a schoolboy?
A. Yes Sir
Q. Did you go to school that day?
A. The day of the picnic
Q. Yes?
A. Yes sir.
Q. How did you go to school that

day, it was vacation.
By the Court -
Q. What school do you go to?
A. The Brothers school.
Cross examination resumed
Q. There was no school that day?
A. No sir, it was vacation.
Q. You and Ryan were at that picnic?
A. Yes sir.
Q. What time did you leave there, Jones' Grove wasn't it?
A. Yes sir.
Q. Was your father and mother with you?
A. I have no father or mother.
Q. Did you have your guardian with you?
A. No sir.
Q. Did Ryan have his father with him?
A. No sir.
Q. When you came down fourth-fourth street, how many girls

were in your company?

A. Only Ryan, and I. The people were behind us. Knew nothing about us

Q. And the people in front of you?

A. There was no one in front of us, we were close together.

Q. And who was singing?

A. Nobody was singing at all.

Q. Nobody was singing when Dineen came up?

A. No sir.

Q. He simply came up and said I want you to sing, didn't he?

A. Yes sir.

Q. Wanted Ryan to sing?

A. Yes sir.

Q. Nobody else was singing at all?

A. No sir.

Q. Whose head did he put the pistol to, yours or Ryans?

A. Charlie's.

Q. To Ryans?

A. To Ryans.

Q. Did Ryan run away?
A. No sir, he didint have a chance
Q. After the pistol was taken from his head?
A. First we walked up forty-fourth street from Second Avenue.
Q. You didint run away?
A. No sir.
Q. You met Officer Phillips next?
A. Charlie met him first.
Q. You and young Ryan met him first?
A. Yes sir.
Q. And how soon after was it that Dineen came up?
A. About one hundred yards behind us.
Q. Now when he came up and the officer said have you got a pistol, what conversation did he have with him. By the by, he said what?
A. HE walked up and Dineen commenced to say it first

L. He was the one that spoke first?
A. Yes sir.
L. Tell us what it was?
A. He said "Dont you think it is time to be in our cosy bed"
L. To who?
A. To Mr Phillips. "What is the matter", Mr Phillips said — Dineen said, I dont see anything the matter, and he looked at us two boys. Mr Phillips said, "Have you got a pistol", and just put his hand near the pocket.
L. Which pocket did he put his hand to?
A. I will show you — Mr Phillips was standing here, Dineen there, and he put his hand right there, on his right hip pocket.
L. What did he feel do you know?
A. No sir, we were kinder afraid

Joe kept behind Mr Phillips.

Q. How get behind Mr. Phillips and show us.

A. I was here and Charlie was here (indicating)

Q. Then Mr Phillips put his hand there?

A. Yes sir.

Q. Well now tell us what you saw after you got that- what did you see Mr Phillips do- He put his hand here?

A. Yes sir to feel for the pistol.

Q. How did you see any pistol there at the time Mr Phillips put his hand there?

A. I couldnt see- His coat was there like that.

Q. How where were his hands?

A. He put his hands back like that- to feel for the pistol.

Q. And where were Dineens hands?

A. I don't know where his hands were.

Q. You don't know whether they

were up or down?

A. No sir.

L. Now then when Mr Phillips took his hand away from him — How long did he keep his hand there?

A. Not very long.

L. A minute, half minute or second?

A. I don't believe it was a minute.

L. Did he take anything out of Dineen's pocket?

A. No sir, he didint have the chance - He was backing and Mr Phillips was following him up - He was moving back.

L. In what position was Mr. Dineen standing to Officer Phillips, at the time the first shot was fired off - Just tell us so the Judge can understand it - How was Mr. Phillips and Mr Dineen standing to each other, when the first

shot was fired - How were they standing to each other?

A. I didn't see the shot.

Q. How near were they standing to each other when the first shot was fired?

A. About as near as you are, together when the first shot was fired.

Q. Who fired the first shot, do you know?

A. Dineen.

Q. How do you know?

A. Because Mr. Phillips didn't have a chance to put his hand back - He had his club on that hand - Dineen pulled around this hand - He was standing like this - He shot like that. It struck Mr Phillips in the finger

Q. Do you know which side Mr. Phillips pistol was on?

A. No sir, he was standing like that.

Q. You dont know whether Mr. Phillips at the time, put his left hand back or not?

A. I am sure he didnt - Dineen was a great deal quicker - He had the pistol out before Mr Phillips had his hand just down, when the shot went off.

Q. They were as near together as that then?

A. Yes sir.

Q. Could you tell whether that shot went off accidentally or not?

A. No sir, I dont know - I could not say.

Q. Did Mr. Phillips have hold of Dineen at the time the shot went off?

A. No sir.

Q. He didnt?

A. No sir.

Q. How soon after the first shot did you hear the second shot

fired?

A. I don't know sir.

Q. A minute, two minutes, five minutes, ten minutes?

A. About two minutes I guess.

Q. How near to each other were they then?

A. Dineen was way ahead of him when the second shot was fired.

0519

This may certify that David W. Dinneen has been known to me from his infancy, and that I have had almost daily opportunities of witnessing his conduct through life. I have never seen or heard of an error in his conduct previous to his recent trouble.

I am fully convinced that the boy never associated with evil doers. I know whereof I speak, as he attended two schools in which I have taught. In both institutions he earned and won the confidence and respect of his teachers, by his conduct and fidelity in performance of duty, and was a favorite among his associates.

John F. Shanahan A. M.
Teacher.

342 E. 53rd St.
N. York, Oct. 9th 1887.

0520

[illegible]

[illegible] exchanging the clothes
of Robert and [illegible]
[illegible]

Robert Dinnes was a
[illegible] of [illegible], then
calling [illegible] of the
[illegible] from [illegible]

0521

[illegible] Hypothesis [illegible]
[illegible] Author [illegible]
this capable [illegible]
[illegible]

I finally believe
that the accuracy of which
he is accused [illegible]
[illegible] section of [illegible]
[illegible]

[illegible]

0522

Oct. 10th 1887

I have known Daniel W. Dinneen for more than 12 years, we went to St. Gabriels School together and were classmates.

I know him to be honest, industrious, and of good character; he has lived next door to me for the past two years, and during that time never saw or heard of him misbehaving himself in any way.

My parents, brother, and sisters can testify as to the truth of this statement.

Very respectfully
Frank J Sullivan
130 E 41st St
City

0523

Office of—

GEORGE J. THEISS

BUTCHER

No. 641 THIRD AVENUE

ONE DOOR NORTH OF 41ST STREET.

New York Oct 10 188 7

To whom it may concern!

This is to certify that I have noticed Daniel Denen for the past two years, going in and out of my store, and in that time, have found him of a quiet and inoffensive disposition.

Hoping that the Court may be very lenient with him

I Remain Respectfully

Geo J Theiss

0524

YOUNG MEN'S SODALITY

OF THE SACRED HEART,

St. Patrick's Cathedral,

Rooms. 111 E. 50th Street.

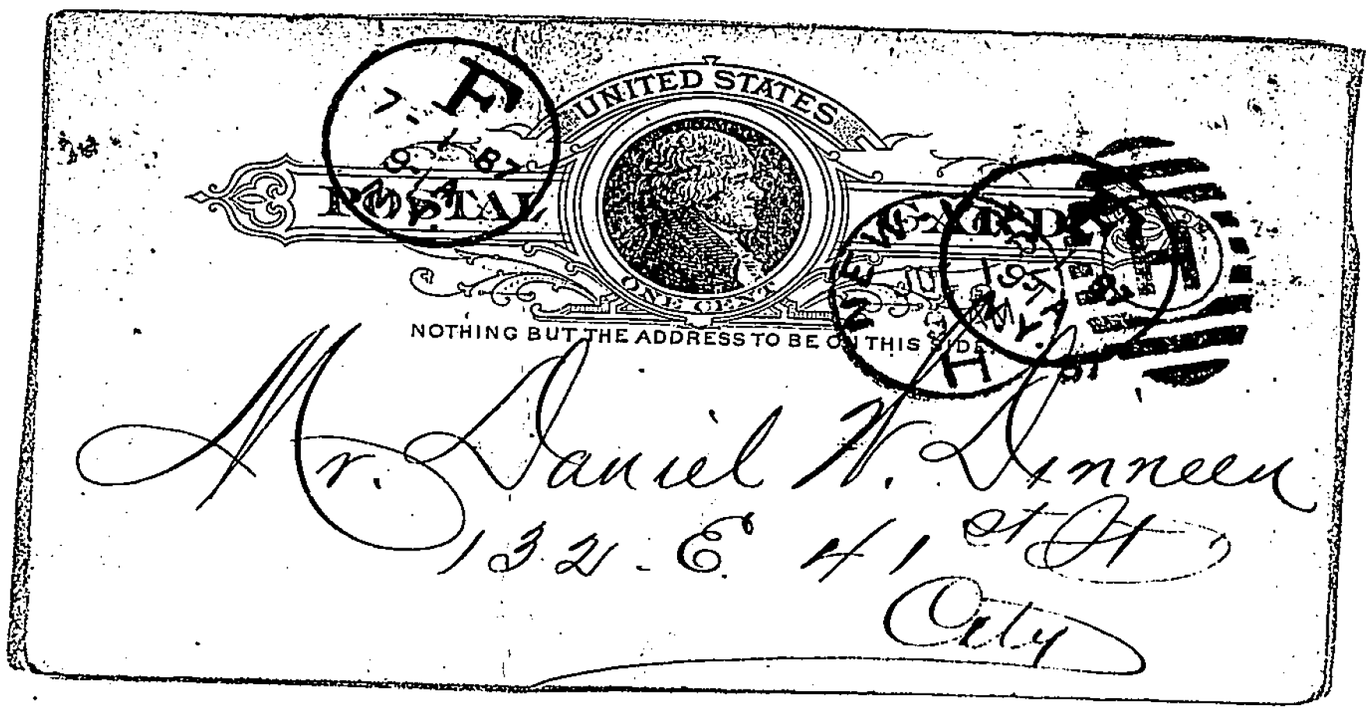
Dear Sir:

You are requested to attend a regular meeting of the Sodality to be held Sunday July 3 1887. at 2 30 P.M

By order of President

John S White *Secretary.*

0525


UNITED STATES
POSTAL
NOTHING BUT THE ADDRESS TO BE ON THIS SIDE
Mr. Daniel W. Linneen
132 E. 41st St
City

0526

N. J. Barry Esq -

Paul Dinneen Worked in
Genl Operating Dept of the Western Union
Telegh Co and gave good Satisfaction.
Leaving the Co voluntarily

Western Union Telegraph
OCT 21
W.C.HUNSTONE
NEW YORK

Oct 21. As far as I know yours truly -
the boy left our R. J. Stephenson
service in good
standing
J. J. Barry Esq.
Chf Opr

128 E. 41 St.

Oct. 10/87

I hereby certify that I have lived in the same neighborhood as Daniel Duneen for several years past, and can testify that he is a highly respectable young man, being both honest and industrious.

I would be pleased to give oral evidence as to his good character, if necessary.

Peter J. Loughlin,

L250

0528

128 E. 41 St.

Oct. 10/87

I hereby certify that I have lived in the same neighborhood as Daniel Duneen for several years past, and can testify that he is a highly respectable young man, being both honest and industrious.

I would be pleased to give oral evidence as to his good character, if necessary

Peter J. Loughlin,

0529

This is to certify that I have known Daniel Dinneen of # 132 - E. 41st St. for the last 2 years, I always believed him to be a young man of excellent behaviour, I never knew or heard any thing to the contrary.

Charles Gross
130. E. 41st St.
N.Y. City.

0530

People
vs
Dan W. Dinneen

Testimony of
Neighbors &c.
as to
Dinneen's character

0531

128 East 1st St
New York N.Y.
Oct 8. 1887

To whom it may concern

This is to certify that I have known Daniel W. Kinney of 137 East 1st St this City for the past 3 or 4 years and always found him a highly respectable and well conducted young man. And that during the whole of this time I never heard or knew anything to the contrary

Henry Parker

7/89

The People
vs.
Daniel W. Dineen.

Court of General Sessions, Part I.

Before Judge Gildersleeve.

Friday, May 25, 1888.

Indictment for assault in the first degree.

James E. Phillips sworn. I am an officer of the municipal police and on the 24th of August I was on duty in 44th Street between First and Second Avenues, I was in uniform.

Charles Ryan sworn. I remember the 24th of August of last year about two o'clock in the morning, I attended a picnic at Jones' Wood held by the Tatians, it ended about two o'clock and I started with a friend to go down home and walked through a lot in 69th Street about half ways to 68th St. and First Avenue; in the meighborhood of 45th St. and First Avenue we met with two young men the Defendant and another, they were enjoying themselves singing and carrying on down the Avenue in front ofus. I started to go ahead of them and Dineen asked me to sing, I told him I did not know how to sing andwith that he pulled out a pistol and put it at my head, he says, "now sing", I was pretty much frightened and I hummed something and then he says, "that is all right", we walked down the Avenue and I went to 44th Street, I met Officer Phillips and related the case to him, I stayed with the policeman, Driscoll Tucker was with me; the officer asked them what they were bothering these boys for; the Defendant said he was not bothering them, the officer asked him where he was going and he said he was going home, the officer asked him if he had a pistol and went to search him and had a hold of his left hand, I think he had his club in his belt, he

went to put his left hand to the prisoner's hip pocket and with that the prisoner pulled back and I heard a shot; we stood aside and the officer ran after the prisoner. It was dark that night and I could not see very distinctly whatwas going on, I was too much excited, the Defendant pulled away from the officer.

Driscoll Tucker sworn and examined. I remember the 24th of August of last year, I was with Charles Ryan coming down from the picnic, we met Dineen and his companion and we were walking down singing: we came to about 44th St. in front of a brewery and Mr Dineen asked Charlie to sing. He said he did not know how, then he said, sing, and he hummed a little bit and then he put the pistol to Charlie's head, I did not see where he took it from, he did not say anything when he put it to his head, Charlie and I met the policeman Phillips and told him that the man around there had a pistol and he wanted to shoot Charlie; so Dineen came up and Officer Phillips asked him what was bothering these boys for and he said he was not bothering the boys; so then he took hold of Dineen's hand and put his hands toward theback pocket and then I was over a little distance from them and there was a truck in front of the sidewalk and they were moving back of the truck and that was all I could see: we walked up to Second Avenue and heard some shots and then we went home, Officer Phillips shot in the gutter, he was ahead of us, I saw Dineen running in Second Avenue on the down town side of 44th St.

Cross Examined. What happened behind the trucks I do not know, I know Captain Ryan's son, Charles

Ryan the witness here is his son. I swore at the Police Court that Dineen must have been quicker than Phillips and he shot first, I say that is not true now, that was just my opinion. When they were behind the truck I heard shots but I don't know who fired them. Ryan spoke to me about the facts before I went up to Court, he told me if I was wrong to correct that and say what he said, he did not tell me to swear that I saw Dineen shoot the officer, he did not tell me to swear anything in reference to Dineen putting the pistol to his head, he told me his father said not for us in any manner to go different, to be the same, that is not to contradict each other, I heard two or three shots: when Officer Phillips fired his pistol in the gutter Dineen had run away.

James E. Phillips recalled. On the 24th of August while we were talking these two young fellows walked towards me and one of the boys says, "here they come:" as they got right in front of me I asked Dineen what he was bothering the two boys for and he said he was not bothering them, then I asked the boys was Dineen at the picnic with them and they said no. Dineen says, "it is time I was going home." I said to him, "where do you live?" He says, "I will never tell you." "What is your name?" He says, "you will never know that;" with that he steps a little back and I reached out to take hold of his left hand with my right hand, I said, "hold on, have you got a pistol?" He says, "no", and he stepped a little further back, I says, "I think you have", I pulled him to me and put my hand to see if he had a pistol and the pistol shot went off The first shot struck in between the two little fingers

and the second shot was in my right breast, I saw the pistol when the first shot went off, I saw the hand come over my left arm; then he broke away from me and crossed towards the down town side of 44th Street and as he did I rapped my stick for assistance and it broke; then he got on the south side ahead of me and he turned toward Second Avenue and ran, I took out my pistol and I fired a shot in the gutter to see if he would not surrender, he was still running, I followed him, I lost him at Second Avenue and that was the last I seen of him until I saw him in the Station House. I fired three shots in all, one in the gutter and two for assistance. I did not strike the defendant; we were both close together when he fired the pistol, it penetrated the flesh and passed through my hand.

Cross Examined. The ball was not extracted it came out itself, when I was in the Hospital and took off my clothes it came out of my shoe. Captain Ryan is the captain of the 21st precinct, the boy Ryan is his son; the doctor at the hospital saw the breast wound. I do not know that he had the revolver in his hand when the first shot was fired, I will not swear that he intended to shoot me when he fired the first shot but about the second shot I swear he did it intentionally.

Charles McDonnell sworn. I am an officer of police and on the morning of the 24th of August I was patroling toward Second Avenue and met Officer Gaffney and we were talking a few minutes and heard a shot, we stepped out to the mud gutter, the elevated station is right there and we were under the stairs, we heard the shot in the

direction of 44th Street and looked up the street and presently we saw Dineen running down on the west side of Second Avenue, I started to run after him and called on him to stop, he kind of stopped, and turned right around and shot me in the breast with a pistol, I was between six and ten feet from him at the time, I kind of staggered a little and he started to run and I ran after him, he turned the corner running towards Third Avenue and fired again at me, I then pulled my pistol and fired at him and in going towards Third Avenue about fifty feet down in 41st St. he fired again and I fired at him again, then we were down half way the block to Third Avenue and 41st St. and he fired again and I fired also as he ran in the door, we went in and caught him, I saw the pistol taken out of his hand: the pistol now shown me is the one: the first shot fired at me was here. (Pointing to the breast) I think Officer Gaffney took him to the Station House, I was in the hospital eleven days.

James J. Gaffney sworn. I arrested Dineen on the morning of August 24 and took him to the Station House, he was caught by Officer McDonnell before I got hold of him: on the way up Third Avenue he was swearing in an excited manner and some young man in the crowd asked, "what have you done Danny?" He says, "I have shot a cop and I hope I have killed the son of a bitch." I said, "he ought to have killed you", he said, "you big son of a bitch if she was loaded again I would give it to you." On going further up the avenue he said,"wont it be fine to have my name in large print in the papers" -- he said,"it would be

fine to have his name in the papers, that he would gain notoriety by it. I searched him in the Station House and found nine pistol bullets: the cartridges now shown me are those I found on him, they fitted the pistol, they are the same size used in the pistol.

Cross Examined. I looked around and saw it was his brother that he spoke to when he said he shot a cop. The brother said, "I hope you wont give your right name and address." He said, "you bet I wont."

John M. Hefferon sworn. I am an officer of police; I participated in the arrest of the defendant on the morning of the 24th of August, I went with him to the Station House. When his brother asked him what he had done he said he shot a cop and he wished he had killed the son of a bitch. I did not see the Defendant clubbed by any one.

Thomas Brophy sworn. I am an officer and was present at the time the Defendant was arrested, I took the pistol now shown me from him, he did not say anything at all, Officer McDonald came along and said he had shot him and Gaffney and McDonald took him.

Charles S. Wood, Jr. I am a physician attached to St. Luke's Hospital, on the 24th of August Officer Phillips was brought to the hospital, he had a wound which passed between the third and the little finger obliquely, crushing the joint and breaking off two fragments of bones, he also had a wound in his chest about two inches below his ribs, it was a flesh wound and passed merely through the skin and superficial muscles. I cannot say positively as to the

course of the bullet.

The Case for the Defence.

William A. Ingelhart sworn. I run an elevator in the White Building, corner of Franklin St. and Broadway. I know the prisoner slightly and was with him on this night, I went to Washington Park to a picnic and was alone until about ten o'clock when I met this young man and we entered into conversation, I met his brother and a couple more young men and walked around and had a couple of dances and about one o'clock he made the remark that we had better go home; so we started to go home; when we were near 61st Street and First Avenue we came up to two girls and two young men walked down the avenue and they were singing, we were singing with them until we got down to about 47th Street, I live at 47th St. and Thidr Avenue and I turned to say good-night to Dineen and he asked me to walk down with him and have some supper, I told him I would and just then he put his hand in his pocket and drew out his handkerchief and something dropped on the sidewalk and as he was picking it up I saw it was a revolver: just then young Ryan came back and said, "my father is a police captain, you aint got no business to carry that, you could be arrested for that." Dineen said, "go on with this singing, there is nobody going to bother you," there was a few more words passed between them and Dineen and I walked away from them; they walked on down ahead of us and we thought no more of them, we entered into conversation about one thing and another and we turned up 44th St. and when we were near the middle of the block I saw an officer talking

to one of these boys who had the trouble with us, the one who had asked him in regard to the pistol, Ryan. The officer says, "which one was it?" and young Ryan pointed to Dineen; the officer reached out and grabbed hold of Dineen and he asked him where he was going and he said, "I am going home." He said, "you have been flourishing a revolver"; Dineen said, "no, I have not:" he says, "have you got a revolver", and as he said that he pulled Dineen over toward him and Dineen said, "I have not one", the officer told him he lied and went to strike him with his hand and Dineen pulled away from him and as soon as he did the officer hit him with his club, Dineen threw up his hand and he hit him in the hand, the officer made a blow at him and Dineen threw up his hand and he then seized hold of Dineen again pinning him up against the wall with one hand and he shoved his hand behind him and he pulled something out of his pocket and just then I seen Dineen put his hand behind him. As he did he booke away and started to runacross the street and just then I heard the officer make a jump, I turned around to see what he was doing and there was a flash coming from the pistol in the officer's hand; then Dineen kept on running and I heard a couple more shots and I started to go home, I do not know who fired the shots.

Cross Examined. I was standing about four or five feet from the officer when Dineen broke away from him; before the officer fired at him Dineen had not struck him or resisted in any way, it all happened in about three or foure minutes.

John F. Cowan sworn. I live 1655 Madison Avenue and am a stenographer employed in the Corporation

Counsel's office, I know the defendant about ten years, he was learning stenography, he is perfectly quiet and peaceable, I knew him at school.

Micheal G. Frenghiadi sworn. I live 1435 Lexington Avenue and am a stenographer employed by Mr Rockwell in 33rd Street, I have known the defendant ten years and his character for peace and quietness is very godd.

Johanna Dineen sworn. I live 132 East 41st St., my husband is a carpenter, the Defendant is my son and he has been learning stenography, he is a well behaved, good boy. He was employed in the Western Union office as a clerk a year ago last March, then he commenced studying stenography under his brother, I do not know of his being employed by Dr. Knapp.

Daniel W. Dineen sworn. I went to school under Father Lavelle four or five years ago, I have not served in the altar but I belong to a religious society, I am studying stenography. On the night of this occurrence I left the picnic of the Literary Union at Washington Park and was walking down First Avenue with a friend and somewhere between 66th and 65th Sts. we overtook two boys and two girls singing, we walked on with them and listened and after a while we joined the singing until we reached about 46th or 47th Street; up to this time nothing unpleasant passed between us, everything had been of a friendly nature, I stopped on the corner and talked to my friend and put my hand in my pocket to get my handkerchief, I had this pistol this night , the only night I ever had it and it

dropped on the sidewalk. One of the boys made a remark to the effect that I had no right to carry a pistol, I told him to mind his own business; he then told me his father was a police captain and he could get me into trouble, I told him it made no matter who his father was the pistol was not bothering him, to go on with the singing; he kept on talking and got hold of my hand with his, I told him to go about his business, we stood on the corner for a minute and followed down behind them; we turned down 44th Street and a short distance down the street I saw an officer and a boy standing together, I su sequently learned it was Officer Phillips and the boy was Captain Ryan's son. As I drew near the boy walked away. As I was passing the officer seized me by the left wrist and turned me around, he asked me where I was going and I told him I was going home. He said, "have you got a pistol?" I said, "no." He said, "You lie, you have", and he put his hand behind me toward my hip pocket, I broke away from him, I stepped back, I intended to make an explanation but instead of that he made a rush for me and raised his club and made a blow at my head I threw up my arm to protect myself and the blow struck my wrist, the officer seized me and pinned me up against the wall and put his hand behind into my pocket and drew the pistol out, I made a grab and got hold of it and wrested it from him, I broke away and started to run across the street, I got half way across the street and heard a shot and felt the bullet pass through my coat, I saw the officer with the pistol leveled at me and I fired, I ran on and heard another shot and I turned again and fired and as I was crossing Second Avenue I stumbled and fell, I heard another

shot and I fired and ran down Second Avenue until I reached 41st Street, the firing continued all the way, I fired back at intervals and as I neared Third Avenue my strength gave out, it was my intention to surrender but before I had the opportunity the officers came up, they stood across the street and began firing at me, I ran out and the other officers seized me. It is a lie when the officer said that I fired at a cop and hoped that I had killed him and that I would gain notoriety by getting my name in the papers in large type. I believed and knew I was in danger when I fired at the officer, he struck me with a club and fired at me first.

Cross Examined. I had the pistol this day at the picnic for the purpose of pawning it or selling it, I met my brother at Third Avenue and he gave me two dollars and I went to the picnic. I have never been in any trouble before, I worked for Dr Knapp in West 48th Street.

Officer McDonnell recalled. I heard one shot fired before I saw the Defendant, he came running down Second Avenue on the west side, I was on the northwest side , he deliberately turned around and fired at me, I saw the doorway 215 East 41st Street after I came out of the hospital, I saw where there had been one bullet-hole in the door but I do not know who fired it. I made the examination after I came out of the hospital.

Officer Gaffney recalled. It was in the Station House that I saw Officer Phillips search the defendant; undoubtedly the Defendant had been drinking but he was not to say drunk, I fired three shots in pursuit of the prisoner.

Officer Phillips recalled. I did not at any time on the evening in question have the Defendant's pistol in my hand before I was shot, I did not put my hand in his pocket and take it out nor did I strike him with a club or hold him up against the wall; he did not wrench any pistol from my hand, I did not fire at him as he was running across the street. There were trucks alongside of where he stood when I took hold of him and he ran between those trucks across the street. He was about 220 feet away from me when I fired at him towards Second Avenue. I fired three shots altogether. I did not notice Mr. Inglehart there; there was somebody else there, but I did not notice Inglehart. I will not say that he was not there. He swore that I struck the defendant with a club, but it is not true.

~~The jury rendered a verdict of guilty of assault in the third degree.~~

Officer Heffernan recalled. I fired five shots; the defendant was about 150 feet ahead of me when I fired. There were no shots fired while I was in the doorway of Forty First st.

Charles Ryan recalled. I joined the defendant that night in the neighborhood of 45th or 46th st. I was part of the way behind him and part of the way a little before him.

The jury rendered a verdict of guilty of assault in the third degree.

Testimony in the case of
Daniel W. Dincer
filed
Oct. 3
1889.

0545

St. Luke's Hospital,

54th STREET AND 5TH AVENUE,

NEW YORK, Sept. 2 188 7

To whom it may concern:

I hereby certify that Charles McDonnell and James E. Phillips are at this hospital; the former suffering from a pistol shot wound of the collar bone & doing well free from any danger; the latter suffering from a pistol shot wound of the hand; at present his condition is favorable but he will be incapacitated from work for several weeks to come.

Act. House Surgeon C. Wood Jr.

0546

St. Luke's Hospital,

54th STREET AND 5th AVENUE,

NEW YORK, Aug 24 188 1

To whom it may concern

This certifies that Thos

J. E. Phillips & E. McDonnell are

[illegible]

E. Ellwood Jr.

Cor. Fourth & Lexington Ave.

0547

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

James J. Joffrey

of No. the 23d Precinct Street, aged 35 years,

occupation Police Officer being duly sworn deposes and says

that on the 24th day of August 188 7

at the City of New York, in the County of New York, H. Armstrong

Daniel W. Dineen (now here)
charging him with having assaulted
Officers James E. Phillips and
Charles McDonnell at about
2 O'clock A.M. of the above date.
That at about the hour herein
named while deponent and Officer
McDonnell was standing on the
N.W. Corner of 42d street and 2d Avenue
he heard the report of a pistol shot
and immediately thereafter saw said

Sworn to before me, this day of 188

Police Justice.

142

Police Court, 4 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jas J. Goffney

vs.

David W. Sinnen

AFFIDAVIT.

Dated Aug 24 1887

Ford Magistrate.

Goffney Officer.

2/3

Witness,

Disposition, bail for Ex

$5000 Ex

Defendant running down Bowery
Opposite Officer McDonnell
Interfered defendant and obstructed
officer and struck between
the eyes and knocked down
defendant turn around
then and there shot at
officer McDonnell has been
that defendant has been
officer in pursuit of
[illegible]

James J. Goffney

David Sinnen
Aug 24th 1887
Disorderly Conduct
Police Justice

0549

Police Court— 4 District.

CITY AND COUNTY OF NEW YORK, } ss.

Charles McDonnell of the 23d Precinct Police aged 29 years being duly sworn, deposes and says, that on the 24 day of August in the year 1887 at the City of New York, in the County of New York, he was violently and feloniously ASSAULTED and BEATEN by Daniel W Duncan (now here) who wilfully and maliciously pointed a pistol and discharged a pistol loaded with powder and ball five times at deponent one of said shots striking him in the breast. Deponent further says that said defendant acted in the aforesaid manner while he was in pursuit of him in the lawful discharge of his duty and that said defendant committed said act

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 4 *day of* Sept 1887. } Charles McDonnell

Daniel O'Reilly POLICE JUSTICE.

0550

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Daniel W Dineen being duly examined before the undersigned, 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. Daniel W Dineen

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer, New York

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

Answer. 132 E 41st St 2 years

Question. What is your business or profession?

Answer, Clerk

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 have nothing to say at present as I desire an adjournment by advice of counsel who is not present

Daniel W. Dineen

Taken before me this 4 *day of* Sept 1887

Police Justice.

0551

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 Daniel O'Dineen

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifty *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 Sept 29 188 7 ..... *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *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 ..... 188 ..... *Police Justice.*

0552

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street,

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

The Justice presiding in this Court will hear and determine this case by reason of my absence

Daniel O'Reilly
Police Justice

163 #166 1600

Police Court-- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles McDonnell

vs.

Daniel W Dineen

2 .....

3 .....

4 .....

Offence Assault & Battery

Dated Sept 4 188 7

Daniel O'Reilly Magistrate.

McDonnell Officer.

23 Precinct.

Witnesses James Gaffney

23 Precinct Street.

$5000 Bail 10 A.M. 2 P.M.

No ..... Street.

$5000 to answer

(Obs)

0553

Police Department of the City of New York,

Precinct No......

New York,.....188

Daniel W Dimmock - 18 yrs
arrested Under the Name of
James - Dunn - Residence
132 E 72nd St - For assaulting
Officer Andrew Drouhres While
trying to arrest him at No 40 - W
48th St - For Intoxication
Sentenced to 10 Days by Judge
Duffy
on May - 14th 1887

0554

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

David W. Dimmeen

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

— David W. Dimmeen —

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

The said David W. Dimmeen,

late of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of August, in the year of our Lord one thousand eight hundred and eighty-seven, with force of arms, at the City and County aforesaid, in and upon the body of one Charles McDonell, in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Charles McDonell, a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said David W. Dimmeen, 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 Charles McDonell, 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

— David W. Dimmeen —

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

The said David W. Dimmeen,

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 one Charles McDonell, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and to, at and against him the said Charles McDonell, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said David W. Dimmeen, in his right hand then and there had and held, the same being 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.

RANDOLPH B. MARTINE,
District Attorney.

Witnesses:

Officer Chas. Mc Donnell 23
" Lafferty 3
" Phillips 23
" Murphy 21
" Hoffner 21
" Cossett 21
Francis Kelly
Chas Ryan
208 E 41st
Dr Chas Wise
St Luke's Hospital
Off Sinclair 2-3

Counsel,

Filed 13 day of Oct 1887

Pleads Not guilty

THE PEOPLE

vs.

Daniel W. Dunnell

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

For Shooting Officer Mc Donnell

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Foreman.

0556

Police Court— 4 District.

CITY AND COUNTY OF NEW YORK, } ss.

James E Phillips

of No. 23d Precinct Police aged 28 years

being duly sworn, deposes and says, that

on the 24 day of August

in the year 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Daniel W Dineen

(now here) who willfully and maliciously pointed aimed and discharged a pistol ~~twice~~ loaded with powder and ball twice at deponent striking him on the breast and hand injuring him severely while he was in the lawful discharge of his duty on East 44th Street in said City

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 4 *day of* Sept 1887. } James E. Phillips

Police Justice.

0557

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Daniel W Duncan being duly examined before the undersigned, according to law, on the annexed charge, and being informed that it is h — right to make a statement in relation to the charge against h — ; that the statement is designed to enable h — if he see fit to answer the charge and explain the facts alleged against h — that he is at liberty to waive making a statement, and that h waiver cannot be used against h — on the trial,

Question. What is your name?

Answer. Daniel W Duncan

Question. How old are you ?

Answer. 18 years

Question. Where were you born ?

Answer, New York

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

Answer. 134 E 41st St 2 years

Question. What is your business or profession ?

Answer, Clerk

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 have nothing to say at present as I desire an adjournment by advice of counsel who is not present

Daniel W. Duncan

Taken before me this 4th *day of* Feb 188 7

Daniel Connelly

Police Justice.

0558

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 Daniel W Dineen

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifty *Hundred Dollars,* $5000 *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated Sept 29 188 7 Saml C Ff Ff *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *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 ..... 188 ..... *Police Justice.*

0559

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

His Justice presiding in this Court will hear and determine this case by reason of my absence

Daniel O'Reilly
Police Justice

163 / #165 / 1601

Police Court-- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James E Phillips

vs.

Daniel W Duncan

2 .....

3 .....

4 .....

Offence Assault & Battery

Dated Sept 4 1887

Daniel O Reilly Magistrate.

Phillips Officer.

23 Precinct.

Witnesses James Gaffney

No. 23rd Precinct Street.

$1000 E Sept 8 10 A M

No. ..... 2 P M Street.

Subpoena Sept 8 1887 2 P M

Driscoll Sept 8 2 P M

No ..... Street.

$ 5000 to answer

See List of Witnesses on the Back of Information

Commonly Personally

(Com) Dismissed

RECEIVED OCT 3 1887 OFFICE OF THE CLERK

0560

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Daniel W. Dimmeen

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

— Daniel W. Dimmeen —

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

The said Daniel W. Dimmeen,

late of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of August, in the year of our Lord one thousand eight hundred and eighty-seven, with force of arms, at the City and County aforesaid, in and upon the body of one James E. Phillips, in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said James E. Phillips, a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Daniel W. Dimmeen, — 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 James E. Phillips — 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

— Daniel W. Dimmeen —

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

The said Daniel W. Dimmeen,

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 one James E. Phillips, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and to, at and against him the said James E. Phillips — a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Daniel W. Dimmeen — in his right hand then and there had and held, the same being 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.

RANDOLPH B. MARTINE,

District Attorney.

0561

BOX:
278
FOLDER:
2666
DESCRIPTION:
Donigan, George

DATE:
10/24/87

2666

Witnesses:

Joseph Yenny

Counsel,

Filed, 24 day of Oct 1887

Pleads,

THE PEOPLE

vs.

George Donigan

Grand Larceny second degree

[Sections 528, 531 and 550, Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

J. G. Myers

Oct 24/87 *Foreman.*

Pleads Guilty

S. P. Dunigan 6 mo

0563

Police Court— 1st District.

Affidavit—Larceny.

City and County of New York, } ss.

of No. 257 West 40th Street, aged 23 years, occupation Blacksmith being duly sworn deposes and says, that on the 6th day of October 188 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

One suit of clothes one diamond scarf pin one Nickel & Good & lawful Money of the United States of the Amount and value of Nine Dollars & Seventy five Cents one Silver watch & Gold Collar button all of the value of Seventy five dollars

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect that the said property was feloniously taken, stolen, and carried away by George Donigan (now here) from the fact that on said date deponent found the trunk in the closet of deponents room broken open and said property missing and deponent is informed by Officer John Jones of the Central Office that he found the collar button and scarf pin shown in Court as a portion of said property in the defendant's possession and defendant informed said Officer where he defendant had sold the above described scarf pin and deponent has since seen the same and identified said pin

Joseph Gerny

Sworn to before me this 6th day of October 188

Police Justice.

0564

CITY AND COUNTY OF NEW YORK, } ss.

aged 32 years, occupation Police Officer of No. Central Office ~~Street,~~ being duly sworn deposes and says, that he has heard read the foregoing affidavit of John Jenny and that the facts stated therein on information of deponent are true of deponents' own knowledge.

John J. Breen

Sworn to before me, this 18th *day of* Oct 188

John J. Breen

Police Justice.

0565

Sec. 198 [illegible] 200.

182 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

George Dougan being duly examined before the undersigned 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. George Dougan

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. New York City

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

Answer. 43 Bowery 3 years

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 guilty

Geo Dougan.

Taken before me this 10th *day of* [illegible] 188[illegible]

[illegible]

Police Justice.

0566

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 .....

.....

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of .....10..... *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 .....Oct 10th..... 188 .....*Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking h[redacted] *annexed.*

Dated ..... 188 .....*Police Justice.*

There being no sufficient cause to believe the within named .....

.....*guilty of the offence within mentioned, I order h to be discharged.*

Dated ..... 188 .....*Police Justice.*

0567

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

#485

Police Court 15 — 1662 — District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Joseph Gainey
24th Pct. 40
George Dougan

2

3

4

Offence

Dated Oct 11th 1887 188

Magistrate.

Officer.

Precinct.

Witnesses Call the Officer

No. Street.

No. Street.

No. Street.

$ 1000 Bail taken

RECEIVED OCT 12 1887 DISTRICT ATTORNEY'S OFFICE

0568

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Frank Doringer

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

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Frank Doringer,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the sixth day of October, in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, with force and arms,

one cask of the value of twenty dollars, one coin of twenty-five dollars, one coin of the value of seven dollars, one cask of the value of four dollars, one coin of the value of twenty-five dollars, one cask of the value of two dollars, one watch of the value of ten dollars, one cotton button of the value of ten dollars, one mouth glass of the value of one dollar, and the sum of nine dollars and seventy-five cents in money, lawful money of the United States and of the value of nine dollars and seventy-five cents,

of the goods, chattels and personal property of one Joseph Rosenzweig

then and there being found, then and there feloniously did steal, take and carry away, 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 George Donigan

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said George Donigan,

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

one scarf pin of the value of twenty five dollars, one collar button of the value of ten dollars, and one month glass of the value of one dollar,

of the goods, chattels and personal property of one Joseph Nyman,

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Joseph Nyman,

unlawfully and unjustly, did feloniously receive and have; the said George Donigan

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, 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.

RANDOLPH B. MARTINE,

District Attorney.

0570

BOX:
278
FOLDER:
2666
DESCRIPTION:
Dorian, Thomas

DATE:
10/25/87

2666

Witnesses:

Anibal Callisin

Officer Butler.

Upon the within statement of complainant concerning the facts attending the assault herein charged, & the absence of intent on defendant's part, I am of opinion that the case is one in which the interests of justice will suffer no impairment by acceding to complainant's request that the complaint be withdrawn, & the deft. discharged on his own recognizance. I am further informed & believe that the defendant is a man of good character, has lived all his lifetime in the neighborhood where he now resides, & has reared a family there, of reputable character & connection, & that he was never before arrested for any crime.

Upon all these facts I recommend that the deft be discharged upon his own recognizance.

Nov. 17, 1887. Vernon M. Davis

RBM

Asst Dist Atty.

#311

Counsel,

Filed 25 day of Oct 1887

Pleads Originally

THE PEOPLE

vs.

Thomas Dorian

Assault in the Second Degree.
(Section 218, Penal Code.)

RANDOLPH B. MARTINE,
District Attorney.

Nov 10 P 1 3 RBM

Nov. 17. 1887 - Withdrawn

Nov. 22/87

A True Bill.

J. Ennis
Foreman.

November 17/87. Part III

Bail discharged and Defendant discharged on his own recognizance.

0572

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS
Thomas Dorian

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The defendant Thomas Dorian has been and still is a neighbor of mine. He is also a man of family who are dependent upon him for support. Previous to the time of this alleged assault he has been as I have ascertained upon inquiry and investigation a man of excellent reputation, and the pistol to the best of my knowledge and belief was not loaded. He was also under the influence of liquor at the time. I do not believe that he was in a position or condition at the time to do me bodily harm, even had he desired so to do ~~though at the time~~ though I thought so and therefore made the Complaint. I was impelled to make it through irritation.

Nov 15/89
Witness
A D Barber

Enrico Caliori

0573

Police Court— 1st District.

CITY AND COUNTY OF NEW YORK, } ss.

Anibale Ballisi

of No. 135 Mott Street, aged 47 years,

occupation Model Maker being duly sworn, deposes and says, that

on the 21 day of August 188 at the City of New York,

in the County of New York,

he was violently **ASSAULTED** and **BEATEN**, by Thomas Dorn

(brother) who struck deponent a violent blow on the body with a pistol held in his hand and caught hold of deponent by the neck

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 22 day of August 188 } Anibale Ballisi

Cornell Police Justice.

0574

POLICE COURT 1st DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Thomas Doran

On Complaint of Anibal Ballesteros

For Assault

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated August 188

Thomas Doran

Wyman *Police Justice.*

0575

Sec. 198—200.

152 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Doran being duly examined before the undersigned, 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. Thomas Doran

Question. How old are you?

Answer. 38 years

Question. Where were you born?

Answer, New York City

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

Answer. 113 Elizabeth one month

Question. What is your business or profession?

Answer, Fireman in the Registers office

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

Thomas Doran

Taken before me this 1st *day of* March 188 }

John Duff

Police Justice.

0576

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 Defendant *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 August 188 ..... W. J. Ower ..... *Police Justice.*

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

Dated August 22d 188 ..... Ower ..... *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 ..... 188 ..... *Police Justice.*

0577

BAILED,

No. 1, by [illegible]

Residence 217 Mott Street.

No. 2, by Fred K. Rabbe

Residence 175 Hester Street,

No. 3, by

Residence Street.

No 4, by

Residence Street.

#31 151 1388

Police Court-- — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anibale Ballisi

13 vs. Mott St

1 Thomas Doran

2

3

4

Offence Assault

Dated Aug 22 188

Power Magistrate.

Butler Officer.

10 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer G.S.

Cont Dallard

0578

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Doran

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

Thomas Doran

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

The said Thomas Doran,

late of the City and County of New York, on the twenty-first day of August, in the year of our Lord one thousand eight hundred and eighty-seven, with force and arms, at the City and County aforesaid, in and upon one

Aristide Robinson,

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said Thomas Doran,

with a certain pistol which he the said Thomas Doran

in his right hand then and there had and held, the same being then and there an instrument and weapon likely to produce grievous bodily harm, he, the said Aristide Robinson, then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, 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.

Randolph B. Martine

District Attorney.