

0745

**BOX:**

423

**FOLDER:**

3910

**DESCRIPTION:**

Izzo, Raffaele

**DATE:**

01/19/91



3910

0746

Witnesses:

Joseph Ch. Gray  
John A. Stone  
Went to the knife  
FM

167 X

Counsel,

Filed:

Pleads,

19th day of  
August 1891

THE PEOPLE

vs.

Stafford J. ...

CONCEALED WEAPON.  
(Section 410, Penal Code)

DE LANCEY NICOLL

JOHN R. FELLOWS

District Attorney

ARTHUR BILL

Frederick Eason

Foreman

Part 2 - July 5, 1891

Tril and Council

1416 Mass Ave

LA

24/6

0747

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss :

Giocinto  
Giocinto Bellachio

of No. 134 Bleecker Street, aged 23 years,  
occupation driver

being duly sworn,  
deposes and says, that on the 17<sup>th</sup> day of January 1891 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 horse and wagon  
of the value of five hundred dollars  
\$500.

the property of Anthony Lombardo and in care  
and charge 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 Frank Iles (now here) for the  
reason that deponent saw the defendant  
and an unknown man who were in  
company with each other, driving the  
said horse which was attached to the  
said wagon, from the above premises  
deponent pursued them and overtook  
them but the said unknown man escaped.

Giocinto Bellachio

Sworn to before me, this 18

day

of January 1891

John Murphy  
Police Justice

0748

At a General Term of the Supreme  
Court of the state of New York held  
at the County Court House in the  
City of New York on June 12 1891

Present: Hon Charles F. Van Buren  
Presiding Judge  
George C. Bonnett } Justice  
Edward Patterson }

The people of the state of New York  
against  
Raffaelli Eggo defendant

The appeal in the above entitled case coming  
on to be heard upon the printed case and argument  
having been duly heard and due deliberation  
having been had, and after hearing Charles E.  
LeBarber in support of defendant-appellant  
and McKeuzie Simple Assistant District Attorney  
in opposition thereto. Now on motion of Charles  
E. LeBarber attorney for defendant-appellant

It is ordered, adjudged and decreed that  
the appeal be and the same is hereby granted,  
and the judgment of conviction heretofore  
rendered in the above entitled case on the 6<sup>th</sup>  
of February 1891 be and the same is hereby  
set aside

And it is further ordered, adjudged and  
decreed that the defendant be and he is hereby

*[Signature]*

0749

allowed a new trial and

It is further ordered, adjudged and decreed that in the meanwhile and pending the new trial surety allowed, that the defendant Raffaele J. Zzi be admitted to Bail in the sum of \$500

Ext. CAP.

Accepted

Leonard R. Gigerick  
Clerk

J.

0750

Daytime Copy  
General Lem

The People of the State  
of New York

James P. [Signature]

Raymond [Signature]

W. J. [Signature]

Other vacating  
Judgment of  
Chancellor

Charles C. [Signature]

Atty for [Signature]

Public Buildings

65 [Signature]

not  
copy

0751

Police Court, District.

City and County } ss.  
of New York,

of No. South Precinct Police Street, aged \_\_\_\_\_ years,  
occupation Police Officer being duly sworn, deposes and says,  
that on the Ninth day of January 1891, at the City of New  
York, in the County of New York,

Hugh J. McGrade

Raffaelizzo (now here), did unlawfully carry and conceal an instrument commonly known as a dagger or dirk from the following facts to wit:

That on the aforesaid date about the hour of 6.30 P.M. deponent was standing in Elizabeth Street near Spring, when he was accosted by Nicholas Grande of No 187 Elizabeth Street, who informed him that the defendant who was standing in Elizabeth Street, had threatened him with bodily harm, and to assault him with a knife.

And deponent further says that after being so informed by the said Nicholas Grande, he immediately went to the place where the defendant was standing, and searched the defendant, and found concealed in the inside pocket of a coat then and there worn on his person, an instrument commonly known as a dagger or dirk.

Deponent therefore charges the defendant with violation of Section 210 of the Penal Code, and asks that he be held and dealt with as the Law may direct.

Hugh J. McGrade

Sworn to before me

This 10: day of January 1891

*[Signature]*

*[Signature]*

0752

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Nicholas Grande*

aged *20* years, occupation *Shoemaker* of No.

*187 Elizabeth*

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Hugh J. McGrade*

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this *10* day of *May* 188*8* *Nicholas Grande*

*[Signature]*  
Police Justice.

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Sec. 108-200.

CITY AND COUNTY OF NEW YORK

District Police Court

*Raffae Izzo*

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. *Raffae Izzo*

Question. How old are you?

Answer. *39 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *215 Mott Street*

Question. What is your business or profession?

Answer. *Musician*

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 found the dagger in the street, and was showing it to Nicholas Grande. When he said Grande got frightened, and went and told the officer Raffae Izzo*

Taken before me this

day of January 1881

Police Justice

*[Signature]*

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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 January 10 1891 [Signature] Police Justice.

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

Dated Jan'y 12 1891 [Signature] Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0755

45

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Rough* *McGrade*  
*Raffael* *Esso*

Offence *Carrying concealed weapons, No. 100 & 110 Penal Code*

Dated *January 10* 188*9*

*Hogan* Magistrate.

*McGrade* Officer.

*10* Precinct.

Witnesses *Nicholas Grande*

No. *187* Street.

No. Street.

No. Street.

*500* to answer

*[Signature]*

*[Signature]*



BAILABLE

No. 1, by *Michael Girato*

Residence *217 West* Street.

No. 2, by *Cross Morasco*

Residence *150 West A* Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

0756

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Raffaele Izzo*

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

*Raffaele Izzo*  
of a FELONY, committed as follows:

The said *Raffaele Izzo* late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *January* in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety* at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain instrument and weapon of the kind commonly known as *dirk, dagger and dangerous knife* with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, 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

*Raffaele Izzo*  
of a FELONY, committed as follows:

The said *Raffaele Izzo* 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, feloniously did possess a certain instrument and weapon of the kind commonly known as *dirk, dagger and dangerous knife* by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, 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.

*DeLancey Nicoll*  
~~JOHN R. FELLOWS,~~

District Attorney.