

0370

BOX:

385

FOLDER:

3589

DESCRIPTION:

Imperioso, Dominico

DATE:

02/13/90



3589

Witnesses:

Joseph Barbare

The complainant in this case has a very bad reputation & that is good ground for the belief that he is an evildoer. He was convicted in this court upon his plea of assault dated Mar. 24, 1890. Nothing appears against defendant's character & it appears probable that he was first violently assaulted by complainant.

I therefore recommend the discharge of this defendant upon his own recognizance of \$100.

W. S. A.

It appearing by the within affidavit that it is impossible to secure the attendance of Joseph Barbare

a material and necessary witness for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein be

discharged

discharged on his own recognizance.

N. Y., July 28 1890

Lawrence J. Becker

District Attorney

Notion denied

R. B. M.

Counsel,

Filed

day of

1890

Pleads

THE PEOPLE

vs.

Dominico Imperioso

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

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Foreman.

On recom. of Dist. Atty, deft, discharged in his own recog. R. B. M.

0371

0372

Police Court— District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No.

Joseph Barbare
151 Leonard Street,
Laborer

being duly sworn, deposes and says, that

on *Wednesday* the *5th* day of *February*

in the year 18*90* at the City of New York, in the County of New York

he was violently and feloniously ASSAULTED and BEATEN by *Dominico*

Ipernosco (now here) who wilfully
and deliberately pointed and
aimed a pistol loaded with
cartridges containing powder and
leaden balls, at deponents' body
and while deponent held said
pistol in his ^{hand} and aimed at
deponents body, did discharge
one of said shots, shooting deponent
in the left arm wounding and
injuring deponent severely. That
said assault was committed

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~~ ^{bound} and bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this *5th* day

of *February* 18*90*

W. J. McMahon *Joseph Barbare*
POLICE JUSTICE. *mark*

0373

Sec. 193-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Domenico Imperoso 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. *Domenico Imperoso*

Question. How old are you?

Answer. *31 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *28 Cherry Street one year*

Question. What is your business or profession?

Answer. *Bar tender*

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*

his
Domenico Imperoso
mark

Taken before me this *5th*

day of *February* 189*0*

H. J. Mahoney

Police Justice.

0374

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 *Twenty* 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 *February 5th* 18*90* *J. M. Mahon* Police Justice.

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

Dated..... 18 Police Justice.

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

Dated..... 18 Police Justice.

$2 - \{ 2 \times 3 - 4 \times 2 - 6$
 $5 - 4 \times 6 - 69 - 2 \times$

Residence _____ Street _____

2000 Lire 4 Feb 6 25

0376

Court of General Sessions for the City & County of New York

The People sets

Doncenis Imperioso

City & County of New York s.s.

Antonio Barone, being duly sworn, deposes and says that he resides at 505 St. Mulberry Street, in this City, and is a General Contractor carrying on business at the above number, that he has known the above defendant for a period of five years last past, one year of which time he was in the employ of the deponent, that the deponent is intimately acquainted with the defendant and knows many people who speak highly of him, that defendant has been always regarded by all who know him, as a hardworking, honest and peaceable and industrious man, that deponent is satisfied, that this is the first charge ever brought against the defendant.

Sworn to before me

this 13th day of March 1880

Stephen S. Blake

Commissioner of Deeds,
N.Y. City & Co.

his
Antonio X Barone
mark

0377

City and County of New York ss.

Raffaele Guiradano, being duly sworn,
deposes and says, that he resides at 167
Mulberry St., in this City, and is engaged in
the wine and cigar business, at said address,
that he knows the above named defendant
for a period of three years last past and that
he knows the defendant's reputation and cha-
racter, and that both are of the very best,
that he knows other people who know the
defendant and that all without exception
speak of him in the highest terms as a
quiet, hardworking and industrious man,
Sworn to before me

this 13th day of March 1890.

Stephen S. Blatte

Commissioner of Deeds

N.Y. City & Co.

his
Raffaele X Guiradano
mark

City and County of New York ss.

Raffaele De Santis, being duly sworn,
deposes and says, that he resides at 106
56 Mulberry St. in said City, that he is
a scow contractor, that he knows the
defendant from his childhood and that
the defendant worked for him for a period
of two years, that the reputation of the
defendant, especially for peace and quiet,

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City and County of New York ss.

Domenico Chukerosea, being duly sworn, deposes and says, that he is the defendant in the above entitled action, that he was arrested on the 5th day of February 1890, and was indicted on the 13th day of the same month, that said Indictment charges him with the crime of Felonious Assault, that since his arrest, he has been confined in the Tombs, that the facts concerning said alleged assault are briefly as follows: On the 5th day of February last, the complainant entered the saloon, at No 28 Mulberry St.) in this City, in which the deponent was the barkeeper, that the complainant was very much intoxicated and commenced to be very rough with every body there, throwing and pushing them around the room and creating a disturbance, that deponent remonstrated with complainant, but without avail; deponent then took complainant gently by the arm to lead him out, whereupon complainant raised a glass to strike deponent at the same time complainant, when near the door, gave deponent two violent kicks in the stomach, seriously injuring deponent and causing him terrible pain and at the same instant that complainant kicked deponent, the com-

0379

complainant with a quick movement put his
 right hand to his hip-pocket to draw
 his pistol, that deponent, knowing the
 desperate character of the complainant, know-
 ing him to be an ex-convict and capable
 of any deed and seeing the pistol or the
 handle of it in complainant's pocket, and
 believing that complainant intended to shoot
 him, the deponent, and that his, the de-
 ponent's life was in danger, the deponent
 fired his pistol, at complainant. But the
 deponent solemnly swears, that he so fired
 said pistol in self-defense and only when
 his own life was in imminent danger,
 that deponent has respectable witnesses who
 were present and would, upon trial of
 the case, corroborate the foregoing facts,
 that deponent has never before been ar-
 rested or charged with any crime.

Given to before me
 this 13th day of March 1890.

Stephen J. Blake

Commissioner of Deeds

224 City and Co.

his
 Dominick + Imbriusa
 mark

0380

Court of General Sessions
City and County of New York

The People of the City and County of New York

vs.

Romeo J. Dubois

Affidavit

BLAKE & SULLIVAN,
COUNSELLORS AT LAW,
No. 71 CENTINE STREET, N.Y.

By: atty.

0381

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Joseph Barlow
of No. 157 Leonard Street,

*None of these
will not come back
any more*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 26 day of February, 1890, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Domenico Imperioso

Dated at the City of New York, the first Monday of February,
in the year of our Lord, 1890,
1889,

JOHN R. FELLOWS, District Attorney.

0382

THE PEOPLE

vs.

Domenico Imperioso

City and County of New York, ss:

William Gallagher being duly sworn, deposes and says: I reside at No. *207* *Hester* Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the *25th* day of *February* 18*90*, *and on three other occasions,* I called at *151 Leonard Street*

the alleged *residence* of *Joseph Barbare* the complainant herein, to serve him with the annexed subpoena, and was informed by a relative of said complainant, that he had left this State and had gone to Boston, Mass. where he had obtained employment.

I was further informed that he had gone, shortly after I had personally served him with a subpoena to appear on *Feby. 25th*.

Sworn to before me, this *26* day of *Feby.* 18*90*

James H. Driscoll
COMMISSIONER OF DEEDS
N. Y. C.

William Gallagher
Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the Complaint of

Joseph Barbara

vs.

Domenico Imperious

JOHN R. FELLOWS,

District Attorney.

Affidavit of

Wm. Gallagher

Subpoena Server.

Failure to Find Witness.

0303

0384

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To

of No.

James Kearney
161 Worth

Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the ¹⁸⁹⁰~~1889~~ *26* day of ~~1889~~ at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Domenico Impurusso

Dated at the City of New York, the first Monday of ¹⁸⁹⁰~~1889~~ in the year of our Lord, ~~1889~~

February

JOHN R. FELLOWS, *District Attorney.*

0385

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court

Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To John Cagg
of No. 161 Worth Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 26 day of

1890 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dominico Impurus

Dated at the City of New York, the first Monday of Feb. 1890
in the year of our Lord, 1890

JOHN R. FELLOWS, District Attorney.

0386

Court of General Sessions.

THE PEOPLE

vs.

Domenico Imperioso

City and County of New York, ss.:

Daniel J. Hanley being duly
sworn, deposes and says: I am a Police Officer attached to the Sixth Precinct,
in the City of New York. On the 25th day of Feb'y. 1890,
I called at 161 Worth Street

the alleged residence of James Kearney & John Cazza
~~witnesses~~
the complainant herein, to serve them with the annexed subpoena and was informed by
the proprietor of the saloon situate at
said premises that said Kearney & Cazza
had left there a few days ago. He further
stated that they had been arrested &
were now in jail, where he did not
know.

I could not obtain any other
information respecting the whereabouts
of said witnesses.

Sworn to before me, this 26 day

of

Feb'y

1890

Just M. Scoll

COMMISSIONER OF DEEDS

N. Y. C.

Daniel J. Hanley

Court of General Sessions.

THE PEOPLE, on the Complaint of

Areph. Barlow

vs.

Domenico Infurno

Offence: *Prossely*

JOHN R. FELLOWS,

District Attorney.

Affidavit of Police Officer

Paul J. Stanley

6th Precinct.

Failure to Find Witness.

0387

0388

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To

of No.

Joseph Barba
157 Leonard Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the *26* day of *February*, *1889*, at the hour of 11 in the forenoon of the same day, as a witness in

a criminal action prosecuted by the People of the State of New York against

Romeo Impunato
Dated at the City of New York, the first Monday of *February*,
in the year of our Lord, 1889

JOHN R. FELLOWS, District Attorney.

0389

Court of General Sessions.

THE PEOPLE

vs.

Domenico Inferno

City and County of New York, ss.:

Daniel J. Stanley being duly
sworn, deposes and says: I am a Police Officer attached to the *6th* Precinct,
in the City of New York. On the *25th* day of *Feby.* 18*90*,
I called at *151 Leonard St.*

the alleged *residence* of *Joseph Barbare*
the complainant herein, to serve him with the annexed subpoena, and was informed by

the mother of said complainant that
said he had left the State, and had
gone to another section of the country.
She did not know when he would
return to this City.

I could not obtain any other
information regarding the whereabouts
of said complainant.

Sworn to before me, this *26* day }
of *Feby.* 18*90* }

John H. Driscoll
COMMISSIONER OF DEEDS
N. Y. C.

Daniel J. Stanley

Court of General Sessions.

THE PEOPLE, on the Complaint of

Joseph Barba

vs.

Domenico Imperio

Offence:

JOHN R. FELLOWS,
District Attorney.

Affidavit of Police Officer

Paul J. Stanley

6th Precinct.

Failure to Find Witness.

0390

0391

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York
To James Kearner
of No. 161 North Street,
known to the Court
known to the Court
known to the Court

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 25 day of 1890 at the hour of 11 in the forenoon of the same day, as a witness in

a criminal action prosecuted by the People of the State of New York, against

Domestic Impersonation

Dated at the City of New York, the first Monday of 1890 in the year of our Lord, 1890

JOHN R. FELLOWS, District Attorney.

0392

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

In the Name of the People of the State of New York,

To

of No.

John Casza
161 West

Street.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the *26* day of *March* 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Domènec Imjurnas

Dated at the City of New York, the first Monday of in the year of our Lord, 1889.

JOHN R. FELLOWS, District Attorney.

0393

THE PEOPLE

vs.

Domenico Infernoco

City and County of New York, ss:

William Gallagher being duly sworn, deposes and says: I reside at No. *161 Worth* Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the *25th* day of *Febry.* 18*90*, and on *one other occasion* I called at *161 Worth Street*

the alleged *residence* of *James Kearney & John Cizza* *witnesses* the complainant herein, to serve them with the annexed subpoenas and was informed by

the housekeeper of said premises, who accompanied me to every apartment in the house, that said witnesses never resided there. I could not obtain any information from any of the tenants of said premises regarding the whereabouts of said witnesses.

Sworn to before me, this

of

26
Febry.

day

18*90*

William Gallagher
Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the Complaint of

Joseph Barford

vs.

Dominico Imperino

Offence:

JOHN R. FELLOWS,
District Attorney.

Affidavit of
Wm. Gallagher
Subpoena Server.

Failure to Find Witness.

0394

0395

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dominico Impernos

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

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

The said *Dominico Impernos*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *February*, in the year of our Lord one thousand eight hundred and eighty ~~ninety~~, with force and arms, at the City and County aforesaid, in and upon the body of one *Joseph Barbare* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Joseph Barbare* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Dominico Impernos* 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 *Joseph Barbare* 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

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

The said *Dominico Impernos*

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

JOHN R. FELLOWS,

District Attorney.