

1151

BOX:

445

FOLDER:

4107

DESCRIPTION:

Alberti, John

DATE:

08/13/91



4107

1152

POOR QUALITY
ORIGINAL

Witnesses:

Magnotti Luminio

Off O'Connor

Counsel,

Filed

Pleads,

13 day of *Aug* 18*91*

THE PEOPLE

23
191 *Brubaker et al*
John Alberti
H. B.

Robbery in the *2nd* degree.
(MONEY.)
[Sections 224 and 228, Penal Code.]

DeSancy Nicoll,
John H. Bellows

Sept 3 - Sept. 10 1891 District Attorney.

Pleads Robbery 2^d degree.

A True Bill.

Miss Woodruff

12 yr. 3 mos 5 p. Foreman.

Sept 14 1891
at
San Francisco

18

1153

POOR QUALITY
ORIGINAL

Witnesses:

Magnotti Sumin
Off

Counsel,

Filed

Pleads,

141 *Racey* *1057*
13 day of *Aug* 18*91*
Sept 10

THE PEOPLE

23
191 *Brubaker et al*
John Alberti
HQB

Robbery in the 2nd degree.
(MONEY.)
[Sections 221 and 228, Penal Code.]

DeSancey Nicoll,

Part 3 - Sept. 10/91 District Attorney.

Pleads Robbery 2nd degree.

A True Bill.

Wm Woodruff

124 *Imws S.P.* Foreman.

18

1154

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

Neil M. Connor
 of No. *Greene* Police Street, aged _____ years,
 occupation *Police Officer* being duly sworn deposes and says,
 that on the *11* day of *August* 188*9*,
 at the City of New York, in the County of *New York*,

Magnotti *Remino* (now here) is a
 material witness for the People
 against *John Altosta* charged with
Robbery and deposes believing that
 the said *Remino* will not appear
 when needed, prays that the said
Remino ^{give} *Altosta* a surety to
 appear

Neil M. Connor

Sworn to before me, this _____ day of _____ 188*9*

Do *Edmund* Police Justice.

1155

Police Court-- 10th District.CITY AND COUNTY }
OF NEW YORK, } ss

Magnotti Leonardo
of No 44 Manhattan Street, Aged 22 Years
Occupation Barber

being duly sworn, deposes and says, that on the
10 day of August 1888, at the 17th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money
of the United States of the
amount and value of two hundred
dollars, one gold chain with silver watch
attached valued at seventy-eight (78)
dollars the whole being of the
amount and value

of the value of Two hundred and seventy-eight DOLLARS,
the property of Dependent

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 force and violence as aforesaid by

John Alberti (now here), and two other
men now yet arrested who were acting
in concert for the reasons following
to wit: at the hour of nine o'clock a.m.
on said date deponent was enticed
into the premises of premises 98 East 7th
Street by the deponent and then two
unknown men. The defendant Alberti
seized hold of deponent and while
he was so held one of the unknown men
threatened to kill deponent with a razor which he
then held in his hand and the other
unknown man took the said property

1157

Sec. 198-200.

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

Taken before me this

day of

1887

J. C. Russell, Police Justice

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 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 May 18 1891 San Francisco Police Justice.

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 May 18 1891 San Francisco Police Justice.

Dated May 18 1891 San Francisco Police Justice.

Dated May 18 1891 San Francisco 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.

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.*

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

1159

Compl. by
Donato Tuzzo
37 Mulberry St.

Police Court---1057 District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Magnolia
37 Mulberry St.

John H. H. H.

A. D. B.
Offence

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

2 _____
3 _____
4 _____

Dated Aug 11 1891.

H. B. Reilly Magistrate.

H. H. H. H. Officer.

10 Precinct.

Witnesses

\$2500 & Aug 12 Street.

10 a M

No. _____ Street.

No. _____ Street.

\$2500 to answer

9

COMMITTED.

COURT OF GENERAL SESSIONS, PART III.

----- x
The People of the State of New York,:

against
John Alberti.

: Before
: Hon. Fred'k Smith,
: and a Jury.
:
: x

----- x
Indictment filed August 13, 1891.

Indicted for robbery in the first degree.

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

For the People,

Asst. District-Attorney Henry E.R. Stapler;

For the Defendant,

Mr. Robert H. Racey.

New York, September 15, 1891.

GIOVANNI MAGNOTTI LOUMANO, a witness for the People, sworn,
testified:

I have a bakery at No. 141 Mulberry Street. I sold that bakery last month about the first part. The man who bought the bakery took possession of it on the first of the month. His name was Papino. I got the sum of \$135 for the bakery on the same day. I put the money in my pocket. On Sunday the 9th. of August I had \$200 in money in my pocket and a gold watch and chain. The value of the gold watch and chain was \$65. I met the defendant at No. 190 Mulberry Street in the restaurant. The boss of the restaurant asked me "What have you done with your bakery?" and I answered him that I had sold my bakery. The defendant was present at this time

2.

and when he heard this statement from me he turned to me and told me: "If I can get you a bakery in the country, out of town, will you buy it?" I told him I would see about it, and he said: "If you think about it, to-morrow we will go and speak to the owner and will try and buy this bakery out of town." He left me and we were to meet the next morning at 8 o'clock. The following morning at 8 o'clock I met him in the same restaurant and we went from there to a house in 7th. Street. On 7th. Street we entered into a saloon on the corner and we had some drinks. We each had a glass of soda water and we also entered into a cigar store and we bought a package of cigarettes each. He says: "Now, let us go and see this party on 7th. Street". We went through the yard and then into a basement, and while we were there two other people came in. The house was No. 193 Seventh Street. The prisoner at the bar, after we all got into this house, took out a revolver and put it against my neck and one of the other men opened a razor and put it on the other side of my neck, and the third one put his hands in my pocket and rifled me. This man took the watch and chain and \$200. I had my watch in my vest pocket and the money was in the inside pocket of my vest on the right hand side. After the men had taken the money from me in the manner I have stated, all three of them ran away. I ran outside also and I could scarcely speak I was so much frightened.

3.

I went away. That same evening I met the prisoner at the bar at No. 193 Mulberry Street and had him arrested. When we were at the Station House the defendant told me to go to Salvatori Longo at 195 Mulberry Street and to Francesco Murri at No. 195 Mulberry Street and they would return me the money and the watch and chain. When I went to the place indicated by him and claimed my property I was turned out of the place. When the defendant put the pistol to my neck he said: "Don't move, otherwise we will kill you". When the man put his hand in my pocket to take my money I could not make any resistance, because I was already half dead. I was frightened by seeing the revolver and the pistol.

Cross-examination:

- Q What time of the morning was this when you were in this cellar or basement ? A It was about nine o'clock.
- Q Just describe to the Jury what you mean by a basement. Did you go downstairs ? A Yes, sir.
- Q How many steps ? A I am not sure if there were two or three.
- Q Was it a cellar, or was it the hallway of the house?
- A There was the stairs leading to the hallway upstairs, and this is where the door was, underneath those steps.
- Q Was it a private house or a tenement house ? A I don't know who lived in the house.
- Q Was it a tall house ? A It was a large house.

4.

- Q Were there windows facing the street ? A They faced the yard.
- Q Do you mean the street or the yard? A No, sir; it was not the street but inside on the yard.
- Q You went into a hallway first ? A It was from the street that we went through.
- Q They went through a hallway or what ? A Through an alley-way.
- Q Did you notice any doors leading into rooms, as you went through that alley-way? A There were doors, but they were closed.
- Q How far were you inside from the yard in this passage-way? A A few steps.
- Q How did you come to get into this place with this defendant ? A He told me to go there to meet this person from whom I wanted to buy the bakery out of town.
- Q Did he tell you the name of this person? A No, sir.
- Q How long were you in this passage-way? A As soon as I was inside they caught hold of me.
- Q Two persons beside the defendant ? A Yes, sir.
- Q Did you see the defendant take the pistol out of his pocket? A Certainly, because he immediately put it near my throat.
- Q Did you have the defendant arrested the first time you saw him after this ? A No, sir. I did not have him arrested at that time, because he promised to give me back my things and wanted me to see him at half past seven

5.

that night.

Q Didn't you go down to Mr. Pinoli's restaurant at about 12 o'clock? A It was about twelve o'clock, when he told me he would give me back the watch and chain and money.

Q There was a woman there, wasn't there? A No, sir.

Q Didn't you make a statement to the defendant when you saw him there at 12 o'clock that somebody had robbed you of your money and your watch and chain up in 7th. St.?

A No, sir.

Q Didn't he state to you then who were the persons that robbed you? A No, sir; that is not true.

Q Didn't he state to you that he would try and get you back your watch and chain and your money? A No, sir.

Q Didn't you know at the time you were being robbed that the Station House was only two or three doors away?

A No, sir.

Q When did you go to the Station House? A That night. I found the defendant in Mott Street and I asked him if he had my things with him. He said no, and I called an officer. I asked a friend of mine who was near by to go and get me an officer.

Q Did he have any pistol with him then? A He left his things with the owner of the restaurant.

Q Did you see this man searched in the Station House?

A Yes, sir.

Q Was there any pistol found on him at that time? A No, sir.

6.

- Q Did he have your watch and chain then? A No, sir.
- Q Did he have any money? A Only three or four dollars.
- Q What were the words he used when he placed this revolver at your neck? A He pulled his revolver and says: "Don't move" and then the other two men caught me from behind.
- Q You didn't cry out or make any noise at all? A No, sir; I was afraid of them killing me when I saw the revolver.
- Q Did the defendant put his hands on you at all? A One hand was on my shoulder and the other hand was holding the revolver at my throat.

NEIL W. CONNOR, a witness for the People, sworn, testified:

I am an officer of the Municipal Police of this city, assigned to duty in the 10th. Precinct. I saw the complainant on the 10th. of August last in the Station House of our precinct. On his complaint I arrested the defendant at No. 193 Mulberry Street at about 8 o'clock in the evening. The complainant told me that he had been assaulted and robbed of \$200 in money, a gold chain and a silver watch. At the Station House the prisoner denied having any connection with the matter. I searched the defendant and found no pistol on him.

7.

DANIEL J. HOGAN, a witness for the People, sworn, testified:

I am a Police Officer attached to the 10th. Precinct. At half past 8 o'clock on the evening of August 10 I came into the Station House and the Sergeant told me there was a prisoner laid up for robbery, and that the complainant was sitting in the back room and had stated that he got robbed some place in the neighborhood of 8th. Street. I took the complainant with me to 8th. Street and Second Avenue and he told me it was down at First Avenue. I then took him to First Avenue and he took me into a cigar store and he said that the defendant and himself had been in there and bought a box of cigarettes. From there I took him to the corner of 1st. Ave. and 7th. St. and he said he had a drink in there with the defendant. From there I went with him to No. 98 East 7th. Street, which is a tenement house with a high stoop. He took me under the stoop two steps down and into a basement or hallway leading into the yard and he told me that was where he was robbed by the defendant. I didn't search the premises for a revolver.

JOHN FALVELLA, a witness for the People, sworn, testified:

I am an interpreter connected with the Tombs Police Court. I saw the prisoner and the complainant at the Tombs about the 11th. of August last. I was called upon to interpret the complaint made by the complainant to the defendant. I did so word by word. His answer was

8.

"not guilty". Then he told the complainant that if the complainant would not prosecute the case, when he got out he could go to a man by the name of Salvatori, I don't know his last name, and get his goods and things back.

Cross-examination:

This conversation took place in front of the Judge's desk in the Tombs Police Court. I am positive that I have correctly stated the words used by the defendant in speaking to the complainant. The defendant said "not guilty" in answer to the charge, and afterwards turned to the complainant and said if he would not prosecute him that he could get his goods and property by going to Salvatori when he got discharged, but he did not mention the last name at the time.

PASQUALI STINGONI, a witness for the People, sworn, testified:

I am a bar-tender employed at No. 44 Mulberry Street. I know the defendant John Alberti. I had a conversation with him in the court room at the Tombs on the 11th. of August. He told me "Go and find Salvatori Longo and let him come here to arrange this business". That is all I know about the case. I went and got Salvatori Longo to see if he would come and make some arrangement. Salvatori Longo went to the Tombs, but I did not hear the conversation that took place.

Cross-examination:

Q Did you go to see Salvatori Longo? A Yes, sir.

9.

Q And he denied that he knew anything about it, didn't he ?

A Yes, sir. Salvatori declared himself independent.

The prisoner withdrew his plea of "not guilty" and pleaded guilty to the crime of "Robbery in the second degree".

Indictment filed Aug. 13, 1891

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE vs.

against

JOHN ALBERTI.

Abstract of testimony on

trial New York September

15th 1891.

Indictment filed Aug. 13, 1891

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

JOHN ALBERTI.

Abstract of testimony on

trial New York September

15th 1891.

8

1171

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Alberti

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

John Alberti

of the crime of ROBBERY IN THE *First* DEGREE, committed as follows:

The said *John Alberti*.

late of the City of New York, in the County of New York aforesaid, on the *Fourth* day of *August*, in the year of our Lord one thousand eight hundred and ~~eighty-nine~~ *one* in the ~~day~~ time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Margaret Sumner*, in the peace of the said People then and there being, feloniously did make an assault, and *Ken* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *Twenty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *Twenty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *one hundred* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *Two hundred* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *Ken* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *Twenty* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *Twenty* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *Ken* United States Silver Certificate of the denomination and value of twenty dollars *each*; *Twenty* United States Silver Certificate of the denomination and value of ten dollars *each*; *Twenty* United States Silver Certificate of the denomination and value of five dollars *each*; *one hundred* United States Silver Certificate of the denomination and value of two dollars *each*; *Two hundred* United States Silver Certificate of the denomination and value of one dollar *each*;

Two United States Gold Certificates of the denomination and value of twenty dollars
each; *Twenty* United States Gold Certificates of the denomination and value of ten
 dollars *each*; *Twenty* United States Gold Certificates of the denomination and value of
 five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury
 aforesaid unknown, of the value of *Two* dollars; *one* *chain* of
the value of Twenty dollars, and *one*
note of the value of *Twenty* *eight*
dollars. —

of the goods, chattels and personal property of the said *Magette Sumner*, —
 from the person of the said *Magette Sumner*, against the will,
 and by violence to the person of the said *Magette Sumner*, —
 then and there violently and feloniously did rob, steal, take and carry away, *the said*
John Alberti Sumner, *then* and *there*
aided *by* an *accomplice* *actually*
present, whose name is to the Grand
Jury *aforesaid* as *yet* *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.

Samuel M. Wells
 JOHN R. FELLOWS,

District Attorney.

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**END OF
BOX**