

0933

BOX:

421

FOLDER:

3894

DESCRIPTION:

Urgo, Eugenio

DATE:

12/22/90



3894

Witnessed

W. J. [Signature]
Officer [Signature]

Subpoena Office
Repts [Signature]
Charach [Signature]
by Capt. Thompson
des reports done
to the very good
[Signature]

July 7 *Phy*

Counsel,
Filed *22* day of *Dec* 1890
Pleeds, *Arguably 23*

THE PEOPLE
2000 *251* *Ship*
Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code).
Eugenio Urge

JOHN R. FELLOWS,
District Attorney.
Park I
Jan 10 1891

2/1/91 *officer does not answer*
26/91
A True Bill Enay [Signature]
William [Signature]
Foreman.

Sept 2 - Oct. 12, 1891
Tried and convicted of
Assault in the 2nd deg.
24th Dec 91
Oct. 14

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK.

.....
 The People,)
 vs.) Before
 EUGENIO URGO.) HON. FREDERICK SMYTH,
) and a Jury.

Tried February 12th, 1891.

Indicted for ASSAULT IN THE FIRST DEGREE.

Indictment filed December 22nd, 1890.

APPEARANCES:

Assistant District Attorney Weeks, for The People.

Robert H. Racey, Esq., for The Defense.

0936

2

GIOVANNI LAVOLETTI, the COMPLAINANT, testified that he lived at 78 Sullivan Street, and was a bootblack. He lived, in November, at 68 Thompson Street. He met the defendant, Eugenio Urgo, on the 5th of November, 1890, at 58 Sullivan Street, at about half-past 11 o'clock, at night. He met the defendant in a room at that number, and there were several other persons present. There were Piaggio Petrucci and Antonio Barro, and others whose names he could not recall---eight or nine in all. He, the complainant, heard that some of his countrymen had arrived from Italy, and he went to 58 Sullivan Street, to pay them a visit. The defendant was in the room when he, the complainant, entered. He, the complainant, said, "I wish good night to everybody." Urgo said, "You're just the person I am looking for." He, the complainant, did not

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stay long, but went away almost immediately, making no reply to Urgo's remark. He walked towards his home. He met a friend, and stood with him talking for some time, and then they walked on together. He, the complainant, bid good night to his friend, and continued on his way home. The defendant then joined him; and the defendant put his hand in his pocket and drew a revolver, and, as soon as he, the complainant, saw it, he, the complainant, stooped down, and the defendant fired a shot, and ran away, and a police officer arrested the defendant, with the revolver in his hand. The defendant said, before he fired, that he wanted to shoot him, the complainant. The defendant said, "I'll break your face," and he, the complainant, and the defendant quarrelled. The defendant said, repeatedly, that he would break his, the complainant's, face. While this conversation was going on, the defendant put his hand into his pocket and pulled out his revolver and

the complainant testified that he saw the defendant

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fired. He, the complainant, did not strike Urgo. He did not draw a revolver, or a knife. He, the complainant, had no revolver or knife. He had nothing in his possession at the time of the arrest. When the defendant fired at him, the complainant, he, the complainant, fell on the sidewalk, though he, the complainant, was not struck with the bullet. He, the complainant, saw the revolver in the defendant's hand, and also saw him take it out of his pocket. As soon as he saw the defendant lifting his hand with the revolver in it, he, the complainant, fell upon the sidewalk. He, the complainant, saw a shot fired from the revolver, and if he, the complainant, had not stooped down, he would have received the bullet in his head.

In

C r o s s - E x a m i n a t i o n,

the complainant testified that he saw the defend-

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ant, before the shooting, at 58 Sullivan Street, a tenement house. He, the witness, was not looking for the defendant, and met him accidentally that night. When he saw the defendant in the room, he, the complainant, went out and started for his home. He, the complainant, did open his trunk, when he got home. He did not take a revolver from his trunk and put it in his pocket and go out into the street again and meet the defendant. After the defendant was arrested, he, the complainant, went home, and went to bed. He saw his landlord, Michael Bertieri, at that time, but he did not tell his landlord that he got square with Urgo. He did not tell Bertieri and his wife that he had tried to shoot the defendant with the pistol that he had taken out of his trunk and put in his pocket, and that the defendant took the pistol from him, the complainant, and that one shot was fired, after the defendant got possession of the pistol accidentally. He, the complain-

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ant, had never even owned a pistol. He, the complainant, had supper about half-past 8 or 9 o'clock, that evening. Between 7 and 8 o'clock he, the complainant, visited the grocery of the defendant. The defendant asked him, the complainant, to have a game, and they played three or four games of cards together. He, the complainant, lost some games, and the defendant other games. When the defendant lost, he quarrelled with him, the complainant. The defendant did not claim that he, the complainant, owed him money for groceries, and he, the complainant, did not say to the defendant that he would get square with him. The pistol that the defendant had was probably a six-chambered revolver. He, the complainant, never threatened to do any injury to Urgo. They did quarrel early in the evening, about the cards, when the defendant refused to pay his losses. The defendant's wife came in when they began to quarrel, and said, "Don't quarrel." The defendant wanted to beat

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his wife, because she came in and interferred,
and then the defendant turned to him, the complain-
ant, and said, "I'll break your face, to-night."
The games were played for bottles of wine. He,
the complainant, lost two bottles, and the de-
fendant lost two bottles; but the defendant
claimed that he, the complainant, had lost all of
the wine, and wanted him, the complainant, to
pay for the four bottles.

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ANTONIO BARRO, bootblack, of 179 Prince Street, testified that he was walking in Sullivan Street, with the defendant, at about 11, or half-past 11, o'clock on the night of November 5th, 1890, when they met the complainant in Sullivan Street, between Broome and Spring. He, the witness, had been in the room at 59 Sullivan Street before that, and had seen the complainant come to the door and wish everybody in the room a "Good Night!" When the complainant said this, the defendant said to him, the complainant, "Here you are. I was going to look for you." The complainant left the room, and the defendant left it soon afterwards, accompanied by the witness and another friend, Piaggio Petrucci. They were walking in the direction of their homes. When they met, the defendant, Urgo began to converse with the complainant, and the com-

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plainant said, "You want to break my face. Why don't you do it now?" Then he heard the defendant and the complainant quarrel about a bill for wine. The defendant said that the complainant had lost in the game of cards, and did not want to pay his losses in bottles of wine. He, the witness, and Petrucci walked in front, and the defendant and the complainant behind. He, the witness, heard a noise, and, turning around, saw the defendant drawing out his pistol and firing a shot. He, the witness, saw the flash of the pistol close to his, the complainant's, face. He, the witness, saw the defendant draw the pistol from the pocket of his trousers. The defendant had on an overcoat.

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C r o s s - E x a m i n a t i o n .

the witness testified that while the complainant and defendant stood talking on the sidewalk, an

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officer walked along the street, but he, the witness, did not hear the defendant call the officer over; but he did hear the complainant say, "I don't want to have any trouble here. I'll call an officer, and have you arrested."

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PIAGGO PETRUCCI, bootblack, of 59 Sullivan Street, testified
to the same effect as the preceding wit-
ness.

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OFFICER THOMAS CALLAHAN, testified that he arrested the defendant on the night of November 5th, 1890, at about 11:40, in Sullivan Street, near Prince. He heard the report of a pistol shot. He was standing in Prince Street. The shot was not fired on his, the witness's post, but he turned around into Sullivan Street, and was going in the direction of the shot, when he heard the defendant coming towards him. The defendant was running very fast. He, the witness, stepped into a dark place, and, as the defendant passed, he, the witness, caught hold of the defendant, and found the revolver in his hand. There were four cartridges and one empty shell in the pistol. The revolver was quite damp---the barrel, at least. He, the witness, put his finger into the barrel. It was so damp as to indicate that it had been shot off recently.

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EUGENIO URGO, the DEFENDANT, testified that he kept a grocery at 133 Thompson Street. Early on the evening of November 5th, the complainant came into his, the defendant's, store. There were two or three other friends of his, the defendant's, there. He, the defendant, learned that a friend of his had arrived from Italy. He, the defendant, asked one of the men to wait for him, and he would go and pay a visit on his countryman, who had just arrived from Italy. He, the defendant, closed up his place of business, at 9 o'clock, and went to pay a visit at 59 Sullivan Street. There he met Barro and Petrucci. He remained there about two hours. At the end of two hours they all got up and left the house. On the way downstairs, he, the defendant, met a friend, and talked with him for about five or six minutes. In front of 59

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Sullivan Street he met Barro and Petrucci, and Barro told him, "Let us go home," and they walked up the street together, intending to go home. While they were on their way home, they met the complainant, at the corner of Spring Street, and the complainant said, "What do I owe you?" and the defendant answered, "You owe me nothing." The complainant did really owe him, the defendant, some money, but, finding himself confronted with three persons, he, the defendant, said, "You owe me nothing." Then the complainant continued the talk about the money that he owed, and he, the defendant, saw a police officer passing. The complainant was nervous, and kept biting his nails and saying, "We'll see about it to-night." He evidently wanted to get up a quarrel. At this moment Barro said, "Let us go home! Let us go home!" He, the defendant, was then living at 133 Thompson Street, and the complainant lived at 68 Thompson Street, and they had to go in the same

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direction. He, the defendant, tried to get away from the three men, but they followed him. Near Prince Street, Petrucci said to the complainant, "Give him the first blow." Then the complainant jumped at him, the defendant, and struck him a blow on the side of his face, and the defendant fell upon the sidewalk. He, the defendant, believed it was a blow with the fist. As soon as he got on his feet again, the complainant pulled a revolver out of his pocket. He, the defendant, caught hold of the complainant's hand, and, while they were struggling for the revolver, a shot was fired. After the shot was fired, he, the defendant, found that he had the revolver in his hand. Then he saw an opportunity to run away, and did run away as fast as he could. If he had desired to do so, he could have shot all three, but he had no wish to do so. All that he wanted to do was to get home.

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C r o s s - E x a m i n a t i o n ,

he testified that it was the first time that he had ever been charged with any offense. He had been in the United States about seven years. He had known the complainant for about three years. He had never seen the revolver before in the possession of the complainant. He had known Barro for about 4 or 5 years. He and Barro had had a quarrel, and Barro had tried to assault him about three years before. Barro was drunk at that time. They afterwards made up their quarrel. He, the complainant, had known Petrucci also about five years, but he had never had any trouble with him. The house that they went to to pay the visit on the evening in question, was the house of Rocco Langetta. At about 4 o'clock, on the preceding evening, he and the complainant started a game of cards in his, the defendant's, grocery. They played for bottles of Italian wine. After the

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18

game, they had dinner, and he, the defendant, asked the complainant to pay his bill---thirty cents for the dinner, and thirty cents for the wine---but the complainant refused to pay. The complainant had frequently taken his dinner there, before, and had always paid promptly.

0952

TORN PAGE

19

MICHAEL BERTIERI, of 68 Thompson Street, testified that he had known the complainant for two or three years, and that the complainant was living with him, the witness, at the time of the arrest of the defendant. He, the witness, had seen the complainant have a revolver. The complainant came in at about 9 o'clock, on that evening, and opened his trunk and took out the revolver. The revolver was wrapped up in paper. He, the witness, saw that the complainant was going out with the revolver, and he locked the door and said, "You'll better stop here, and remain here." But, at that moment, a countrywoman of the witness's came in, and the complainant slipped out. The complainant returned to the house about 1 o'clock, on the following morning, and told him, the witness, that he had done what he intended to do. The complainant also said that he had had a fight with the defendant, and that

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a man came to the defendant's assistance, and that he, the complainant, fired a shot at him, the defendant, and that a police officer then arrested the defendant with a revolver in his hand, and that the defendant would have to pay well for it, because the officer had found the revolver in his hand.

In

C r o s s - E x a m i n a t i o n .

the witness testified that he had never seen the revolver in the complainant's possession before that night, but that his wife had. The revolver was wrapped in paper, and he, the witness, only saw the end of it. He saw the complainant put it in his trousers pocket. In putting the revolver in his pocket, the complainant said that he was going to kill Urgo, because Urgo had spoken badly of him. He, the witness, got up on the following

0954

21

morning, early, to go to Urgo's store, to find out if what the complainant said, when he returned to his home on that morning, about 1 o'clock, was true. He, the witness, found Urgo's wife in the grocery, and asked her where Urgo was. She said that Urgo had gone out the evening before, to visit some of his friends, but had not returned. Then, he, the witness, said, "It is true that the fight has taken place, between himself and the man that is in my house, my boarder." Then Mrs. Urgo began to cry, and she went to the police court, and found her husband there. When the complainant took out the pistol from his trunk, he also took out some silver money, and put it into his pocket.

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I N R E B U T T A L .

GIOVANNI LAVOLETTI, the Complainant, being recalled, testified that he did not have a pistol in his trunk, under his bed, and that he did not open the trunk on the night in question, and take a pistol out and put it in his pocket. He also contradicted the two last witnesses, as to the statements that they attributed to him.

0956

Office of Fred^{lc} Smyth,
Counsellor at Law,

(POTTER BUILDING)

415 Nassau Street, (Rooms 159 & 161)

New York, _____ 189

Per
No 90. }

Mr. Godmann

and

0957

Police Court 2 District.

City and County }
of New York, } ss.:

of No. 68 Thompson Giorgio Larolette
Street, aged 26 years,
occupation Bootblack being duly sworn

deposes and says, that on 5 day of November 1889 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED ~~by~~ by
Eugenio Urgo (now here) who did
willfully, maliciously, and
deliberately, point, and aim
a pistol loaded with powder
and ball, at deponent, and
did discharge one barrel of said
revolver at the person of deponent.

Prison near Sullivan St 11:40 P.M.

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 dealt with according to law.

Sworn to before me, this 6 day of November 1889 } Giorgio Larolette
of Prison } mark

J. J. Smith Police Justice.

0958

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Eugenio Urzo 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. *Eugenio Urzo*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *133 Thompson Street - 1 year*

Question. What is your business or profession?

Answer. *Grocery*

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-

Eugenio Urzo

Taken before me this

day of *December*

188*9*

Police Justice

0959

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 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 November 6 1890 J. H. [Signature] Police Justice.

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

Dated March 7 1890 J. H. [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.

0960

Police Court--- 2 1684 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Vincent Laroletto
68- 28 Thompson
59 Sullivan Street
Eugenio Negro

Office of Court
Callahan

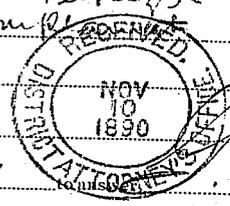
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Dated *November 6* 189*0*
Callahan Magistrate.
Callahan Officer.
J Precinct.

Witnesses *Luigi...*
Eugenio Bario
No. *of Complaint* Street.

Biasio Petrucci
No. *Co Court* Street.

No. _____ Street.
\$ *1000*



Callahan
Marked *Anal. motor*

BAILED,

No. 1, by *Raffaele Guidetti*
Residence *25 Murray* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Eugenio Urigo

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

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

The said *Eugenio Urigo*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *November*, in the year of our Lord one thousand eight hundred and ~~eighty-eight~~, with force and arms, at the City and County aforesaid, in and upon the body of one *Giovanni Larolette* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Giovanni Larolette* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Eugenio Urigo* 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 *Giovanni Larolette* 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 *Eugenio Urigo* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Eugenio Urigo*

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 *Giovanni Larolette* 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 *Giovanni Larolette* a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *Eugenio Urigo* 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.