

0460

BOX:

2

FOLDER:

24

DESCRIPTION:

Infantino, Dominico

DATE:

12/08/79



24

0461

After Examining the Evidence in this case quite carefully, I am disposed to consent that the defendant be discharged, on condition that he return at once to his home in Italy. The *Procuratore del Re* to whom case he was sent has promised that he shall be so.

The case shows a bar room fight. The Evidence is very conflicting. The Complainant is confessedly a desperado who has been twice on the Island for a criminal offense. The defendant is a young man, the son of well to do people in Italy. He came out here to seek his fortune; and was recommended to the care of *Procuratore del Re*, to whom his funds were committed. As between him and the Complainant he is rather to be pitied. But the Evidence of other witnesses would seem to show that while the Complainant tells a grossly false story, still the assault was not justifiable, at least in its extent. The deft has been in jail over two months. He is now, being well, has left the hospital. If the Court approves, let *Procuratore del Re* be allowed to return to Italy to be sent home. *Jan 6. 1880.*

63
Spencer
Filed 8 day of Dec 1879
Pleads Not Guilty (9)

THE PEOPLE

vs.

P

Dominic A. Infantino

Felony Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

Did on his recognizance. Jan 6. 1880

A True Bill.

M. W. Cooper

Foreman.

Jan 6. 1880

Discharged

0462

St. Vincent's Hospital
Nov. 9. 1879.

Hon. Justice Hammer.
Dear Sir:

Vincento Bianco
who was brought here
on the 5th inst. suffer-
ing from an injured
wound of the throat
is doing even better
than expected. He is
not out of danger
and it may yet
prove fatal.

Very truly yours
J. A. Bucke, M.D.
House Surgeon

0463

St. Vincent Hosp.
Nov. 26. '79.

This is to certify that
Vincent Brando
was admitted to the
hospital Nov 25
suffering from
an infected wound
of the neck.

He is in a danger-
ous condition and
there are only small
hopes for his recovery.

J. W. Burkhead, M.D.
Home Surgeon

0464

St. Vincent Hospital
Nov. 14, 1879.

Dear Sir:

This is to certify that
Vincenzo Bianco will
not be in a condition,
probably, to appear in
Court before four weeks.
He is doing well but
is not out of danger.

Fatal hemorrhage may
set in at any time.

Should he improve quicker
than we anticipated and
be able to go out I will
let you know.

Yours &c.

J. A. Burke, M.D.

Hon. Justice Flannery.

0465

St. Vincent's Hospital,
175 December 2, '79

This is to certify that Vincenzo
Bianco not at present in
danger of death, and will prob-
ably recover from his injuries.
He is walking about the ward.

John C. Schappe.
Acting House Surgeon

0466

St. Vincent's Hospital,
Nov. 25/49.

Judge Flannery;

Sir:

Vincenzo
Bianco is making a good
recovery though he is not
entirely out of danger as
yet.

Yours
John C. Schaffo—
Acting House Surg.

0467

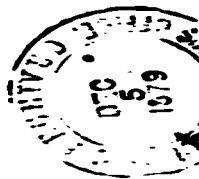
Form 116.

Police Court—Second District

THE PEOPLE, &c.,
IN THE CHARGE OF

John Reynolds
85 Avenue

Domestic A. Infants



John Reynolds 6th 1919

Reynolds Magistrate

Reynolds P. Officer

Chief

Vincento Reyes
405 Avenue

No.

No.

No.

1000 to answer Complaint

Received in Dist. Atty's Office.

0468

City of New York.

William Hatfield

Being duly sworn - depose and say,

I recite, ^{at} at 27 Sullivan Street, New York, my home is in Williamsburg, where I go once a week on Saturdays. I am a dock laborer am married and have no children. I was at 105 B Avenue St on the 5th of November I don't know what day of the week it was. It was after election day I believe. I can't say precisely what day of the month it was. I was in the saloon after nine o'clock at night I think. I saw the prisoner there. He was sitting at the next table to where I was sitting. He and the man that got cut were playing some kind of a game with their fingers a little while after words they both got up & commenced to talk to one another across the table. Now the prisoner while at the man that got cut, but whether he hit him or not I can't say. The man that got cut picked up a chair & hit the prisoner with. Before he was cut he said that and that the man who keeps the saloon, we call him Smey, took the chair away from him & the two glasses that were on the table.

0469

and put them behind the bar and
 sat the chair by the bar. Then Downey's
 mother-in-law she got in between the
 two men that were fighting and separated
 them. This fellow that got out he
 started at the prisoner again, the pris-
 oner struck at him again and after that
 I saw the blood running all over down
 his neck. The prisoner's complainant was
 out just after they were separated.
 I saw the prisoner put his hand in
 his pocket & after that struck at the
 complainant, who was standing up &
 was going to start at him again. I couldn't
 see anything as the prisoner's hand, &
 was done so quick. At the time the
 complainant started at the prisoner
 & when he was out I did not see any-
 thing as the complainant's hand.

Cross Ex. The complainant did not
 have his hands behind him, his
 hands were up as if to hit him with
 his clenched hand. The left hand was
 doubled up as if to strike & the right
 hand half way open.

Done to before me this
 4th day of December 1879
 Wm. H. H. H. H.
 Police Justice

William Hatfield

0470

City of New York:

Anders Day being
duly sworn deposes and says

I reside at no 140 Thompson
Street & work alongside the single
and was at premises for Browne &
at the time of the occurrence last
spoken of and heard his testimony
It is correct except one thing the
prisoner pulled his coat off when the
quarrel began and then struck over the
table at the complainant & then the com-
plainant picked up the chair, Browne
grabbed the chair, the glasses were
removed, they both stepped around
from the table, Browne's mother in
law separated them, I saw the com-
plainant rushed back after the pris-
oner who put his hand in the inside
pocket, I saw something in his hand
glitter, it was either a knife or razor
I called out look out he has a knife
He will cut you, I said then to
Browne's mother-in-law, the pris-
oner struck over the mother-in-law's
shoulder & that was the time he cut
I saw. I saw he yelled oh Mamma
& put his hand up & threw a handful of
blood off in the floor, we got the doctor

0471

Crow Ex

He took his new coat off. All
the boys call Boverys mother in
law Mamma. The complainant is
not related and knew of
no names, day

from before
the 4th day of Dec. 1879
John W. Hayman
Notes from

City of New York

Antonio Rattundo

being def sum

I live in New York. I think 1866
saw the trouble between the prisoner
& the complainant.

They were playing nora, after
that they played again who will be
the boss of the beer, the complainant won
& gave a drink to the other party & won
to the prisoner. The complainant did
the first time. The fifth game, the
prisoner was the boss and did the
same thing the complainant did. The
complainant wanted to drink by force
they began insulting me another

0472

The complainant threatened the prisoner to beat him. After that the complainant took up a chair & tried to strike the prisoner. The mother in law of Brown tried to separate them. There were some glasses on the table the complainant tried to throw them at the prisoner. After this the prisoner took off his overcoat & threw it on the floor. Complainant tried to fight the prisoner again, who put his hand in his pocket. I don't know what he took out. I saw them grab one another. A minute I saw some blood in the complainant's hand, whose left hand was on his neck & in the right hand he had a pistol. When the prisoner ran away the boss of the place, took the pistol & put it away. There was another man there, who picked the prisoner's coat & went after the prisoner who had gone out. As my father spoke to me about this case. I was one of the party playing Morra. No one has told me what to swear to. Neither has anyone offered me any money.

Seen before this
4th day of Decemr 1879
Chas. J. Flannery

Antônio ^{his} de Rato ^{name}

0473

City of New York.

Mom's Fiorentino

being the person says

I keep the saloon at 105 Broome
Street. Am sometimes called Benny
Deratando told the truth, he could
see better than I. My father-in-law
took the pistol I did not see him
take it I saw the pistol in my
father-in-law's hand

Sum before
he was 4 days
Dec. 1879
Charles H. Hays
Wm. H. Hays

et al v. Fiorentino

0474

Second District Police Court.

AFFIDAVIT—FELONIOUS ASSAULT, &c.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

John Reynolds of the 8th Precinct
Police Street, being duly sworn, deposes and says
that on the 5th day of November in the year
1879, at the City of New York, Vincenzo Bianco was violently and feloniously assaulted and beaten by

Dominico A. Infantino
that said Bianco identified said
Infantino as the person who cut his
neck with a knife on said
date in premises No 505. Broome
Street. Dependent further says that
said Infantino acknowledged and
confessed to him that he cut said
Bianco with a knife in the neck
as aforesaid Dependent says. That
said Bianco is now confined in
the St. Vincent's Hospital in a
dangerous condition and asks that
said Infantino may be committed
to await the result of said Bianco's
injuries

~~with the felonious intent to take the life of dependent, or to do him 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 dealt with
according to law.~~

Sworn to before me this 6th day of November 1879 } John Reynolds
Police Justice.

0475

POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Reynolds

vs.

Dominico A. Inyanlino

Dated *Nov 6* 187 *9*

C. A. Flammer Magistrate.

Reynolds Officer.

Clerk.

Witnesses,

*Committed to arrait-
the result of injuries*

Committed in default of \$ bail.

Bailed by

No.

Street.

OFFICE—Felonious Assault and Battery.
Vincent B. Bland

0476

City and County
of New York } S.S.

Vincenz. Bianco
vs.
Dominico Antonio Infantino } Fel. Assault

Examination Dec. 3rd 1879 -
Col. Spencer attorney for
defendant

Dominico De Infantino being duly
sworn says - I live No 542
Thompson street ~~any~~ ^{Brooklyn}
I was sent by my Father in
Italy to the care of Rev. Thomas
De Fina a Roman Catholic
clergyman - one day I went
out and tried to find a friend
of mine in a Bar Room ^{in Brooklyn} ~~that~~
he was not there there were
two other men there -
One was the complainant
the other was complainant's cousin -
The Bar tender was there
and was playing ^{with} cards ^{two} ~~and~~ ^{men}
complainant and the Barkeeper
asked ~~complainant~~ ^{defendant} to join them

0477

I consented and played.
They cheated me out of four
games - We then played another
game and I and my partner
cheated the other two -

I got up and took up my coat
to go - complainant took hold
of me by the coat pulled me
by the coat and wanted me
to play another game which I
refused - complainant said
to me you are a Porke meaning
a Hog - I said I was not a
Porke but complainant was
complainant said I was a
1000 times - complainant then
gave me a blow with his fist
and scratched my face - I tried
to get away and complainant
took a chain and struck me on
the head - I then tried again
to get away and complainant
tried to grab glasses but was
prevented from doing by the
other men - I was frightened
seeing complainant being
him infuriated and I got against

0478

the complainant broke through the crowd and ran toward me with his hand in his back pocket - I threw out one hand to keep complainant off and with the other hand drew out a small knife believing he was about to shoot me - So I struck at his arm and as he dodged down ~~he~~ I struck him in the neck - I saw complainant bleeding and I went away

Domenicantonio Infantino

Sworn to before me this
3rd day of December 1879

John A. Quinn Police Justice

0479

City of New York for

Vincenzo Bianco

being and even depose and say

I lived at No 405 Broome Street and
am now in the St Vincent Hospital
where I have been since November 5th
last for treatment. A man cut me
on that day, the prisoner Dominick
Infantino did it at 405 Broome
Street at 6 P.M. I did not see him
cut me I have been told of it by
persons who saw it, two, three or
four of them. We were playing Morra
a certain Italian game, for being
Infantino ~~came to play~~ and
I had some trouble ~~about~~ the dice that
was lost in the game. After that Infan-
tino said he was going home to dinner
& came back in a half an hour or
more & wanted to play again. We
played again I was then cut from
behind I was cut on the neck I
fell on the floor & was brought to
the hospital

Can Ex. I didn't have a pistol
in my hand I didn't see any pistol
struck on me with a chair I
don't know where my mistress, his
Morice ~~Morice~~ kept the solemn

0480

where we played & where I live
I am a boot black. I have been ar-
rested twice for fighting, once I got
five days & the other time two days.
Two witnesses are colored men and
my friend Birentina has the names.
Birentina did not see the affair.
I had three or four glasses of beer.
Six played at the game after the
prisoner came from dinner.

Sworn to before me this }
2nd day of December 1879 } Vincenzo + Biancal
} Mark
Abner M. Mamm
John J. Smith

0481



New York Jan. 5 1880.

This is to certify that
Vincenzo Bianco was admitted
to this hospital Nov. 5.
1879 suffering from an
incised wound of the
neck and that he
left here on Dec. 31 '79.
He was almost well
and and probably will
never be troubled by
the result of the wound
again. He ran away
without permission and
I have not seen him
since

J. F. Burke, M.D.,
House Surgeon

0482

St. Vincent's Hospital.
Dec. 16. 1879.

THE STATE OF NEW YORK,
County of New York

This is to certify that
Vincenzo Bianco who
was brought here on
Nov. 5. 79, suffering from
an incised wound of
the neck has nearly
recovered from the
injury and will be
discharged in a few
days more.

Very truly yours
J. A. Burke, M. D.

To - Thomas A. Brown -
No 304 - E. 78 St. Broadway New York

0483

CITY AND COUNTY,
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the City and County of New York,
upon their Oath, present:

That *Dominico A. Infantino*

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 nine* with force and arms, at the City and
County aforesaid, in and upon the body of *Vincenzo Bianco*
in the peace of the said people then and there being, feloniously did make an assault
and *kill* the said *Vincenzo Bianco*
with a certain *Knife*
which the said *Dominico A. Infantino*

in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut, and wound
with intent *kill* the said *Vincenzo Bianco*
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 Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *Dominico A. Infantino*
with force and arms, in and upon the body of the said *Vincenzo Bianco*
then and there being, wilfully and feloniously did make an
assault and *kill* the said *Vincenzo Bianco*
with a certain *Knife* which the said *Dominico A. Infantino*

in *his* right hand, then and there
had and held, the same being then and there a sharp, dangerous weapon, wilfully
and feloniously, and without justifiable and excusable cause, did then and there beat,
strike, stab, cut, and wound, with intent to then and there wilfully and feloniously
do bodily harm unto *him* the said *Vincenzo Bianco*
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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-
said, the said *Dominico A. Infantino*

with force and arms, in and upon the body of *Vincenzo Bianco*
in the peace of the said people then and there being, feloniously, did make another
assault and *kill* the said *Vincenzo Bianco*
with a certain *Knife*
which the said *Dominico A. Infantino*

in *his* right
hand then and there had and held, wilfully and feloniously did beat, strike, stab, cut,
and wound, the same being such means and force as was likely to produce the death
of *him* the said *Vincenzo Bianco* with intent *kill* the

0484

said *Vincenzo Rianco* 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said *Dominico A. Infantino*

with force and arms, in and upon the body of the said *Vincenzo Rianco*, then and there being, wilfully and feloniously, did make another assault and the said *Vincenzo Rianco* with a certain *knife* which the said *Dominico A. Infantino* in his right hand then and there had and held, the same being then and there a deadly weapon, wilfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there wilfully and feloniously maim *him* the said *Vincenzo Rianco* 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.

BENJ. K. PHELPS, District Attorney.

After examining the evidence this case quite carefully, I am prepared to present that the defendant is charged, on condition that he return at once to his home in Italy, the said *Vincenzo Rianco* to *Italy*. *He is not a citizen of the United States and he is not a resident of the State of New York.*

The case shows a bad man, the evidence is very conflicting. The Complainant is a person of a desperate character, who has been in the United States for a long time. The defendant is a young man, son of well to do people in Italy. He came out here to see his country and was committed to the care of the State of New York when his friends were committed in between him and the Complainant. He is willing to be taken care of. But the evidence and other witnesses seem to show that while the Complainant tells a story, false story, still the assault was not justified, at least in its action. The next time he is here, he will be arrested, he will be sent to the hospital, by the authorities, let him be taken care of to the extent of the law to the home. *H. R.*
May 6, 1880.

James
Filed 8 day of Dec 1879
Pleas not Guilty (9)
THE PEOPLE
2
Dominico A. Infantino
Felonious Assault and Battery.
BENJ. K. PHELPS,
District Attorney.
A True Bill.
M. W. Phelps
Foreman
James H. 1880
Declarator