

# MAN HELD IN NIGHT CLUB SHOOTING FREED

Judge Dismisses Charge Against Joe English. *BLADE*

Joe English, charged with creating a disturbance in connection with the shooting of two men in the Silver Slipper night club a month ago, was discharged by Judge Frank O'Connell in police court late Thursday.

At a previous arraignment a charge of carrying concealed weapons against English was dismissed.

Patrolman D. M. Nutter, who was disarmed and robbed of a prisoner by two gunmen when he was leaving the club following the shooting, is under suspension for 15 days.

Questioned

# LICAVOLI'S MEN DENIED FREEDOM

## Gang Chief's Plea for Release of Hoodlums Refused by Prosecutor

In seclusion in his Pemberton drive home Tuesday is Thomas "Yonnie" Licavoli, musing over the ravages of the "new deal" in which a hoodlum's time isn't his own, but the state's.

Monday the gang chief, pert and cocksure, made his first move to get Joseph "Wop" English, John Mirabella and Ralph Carsello, his head hoodlums, out of jail, where they have been held for a humiliating inquiry into murder July 7 of Jack Kennedy, their enemy.

English and Carsello, Licavoli already had said, were in Detroit at a funeral when the killing occurred.

### Mirabella Alibi Given.

Mirabella, who was picked up as he played croquet in Licavoli's yard, was in Zanesville, peeling potatoes, persons have told officials.

The dapper racketeer called Prosecutor Frazier Reams Monday morning to ask about releasing the three minor hoodlums, Ralph Carsello, a barber; Joe (Wop) English, a bootlegger, and John Mirabella, the potato peeler. Mr. Reams said he would not discuss the question on the phone and suggested that Licavoli call at his office. An appointment was made for 2 p. m.

Mr. Licavoli arrived at 3 p. m. but was forced to cool his heels in the prosecutor's office until 4:30.

### Pleaded For Release of Men.

He pleaded for the release of the three men on the ground that they have been held six days, sufficient time for Mr. Reams to question them; that they had not run away from the questioning; that they have no intention of running away; and that they will be available at any time the prosecutor wishes to talk with them.

He added that the county jail is warmly uncomfortable during the hot weather, that Mirabella is not well and that, while he thought the prosecutor would be fair in the matter, he believed the men had been held long enough for reasonable questioning.

Mr. Reams told the gang chief that he is not yet finished with the three hoodlums; that he has not yet had time to check their stories because of the McNary bank case; that he is not satisfied with the stories told by the three suspects.

### Jail Visit Denied Yonnie.

Licavoli started to leave once, returned and asked if he might see the three suspects. The prosecutor refused permission. He told Licavoli that he might send the men clean clothing or food but only subject to the usual inspection at county jail.

Mr. Licavoli added that he, as well as the three suspects, will be available for questioning by the prosecutor when the prosecutor wishes to see them.

John Mirabella was a "potato peeler" in a prominent Zanesville, O., restaurant for weeks prior to the Kennedy murder, four voluntary witnesses from the Muskingum river town told Prosecutor Reams and his assistants, Joel Rhinefort and Arnold Bunge, late Monday.

The prosecutor declared, however, that the stories of the four alibi witnesses were not alike in all details.

### Peeled Potatoes All Night.

The alibi witnesses are Dr. Myron King, a dentist; John Ludnich, proprietor of the restaurant where Mirabella is said to have worked; Louis F. Heyden reisch, chief cook in the restaurant, and Earl Sidles, a night watchman at the Zanesville Malleable Co.

They said Mirabella was in Zanesville, peeling potatoes on the noon-to-midnight shift, the night that Kennedy was murdered. It was on this specific detail that their stories differed, Mr. Reams said.

The prosecutor said that Mr. Licavoli knew that the four alibi witnesses were in his office. He gathered that the four had volunteered to testify and that Yonnie knew they were coming to Toledo to strengthen the Mirabella alibi.

### Guns Being Examined.

Police Tuesday will take 25 revolvers and automatic pistols to Detroit for examination by ballistics experts. The guns were taken from the Monroe street pawnshop in which Samuel Stein, now indicted for first-degree murder of Kennedy, worked at the time he came into possession of the murder gun.

Stein still is held without bond. His appearance as he left the prosecutor's office Saturday was one of fear but it was said later that he still had not satisfied the prosecutor of the identity of the person to whom he said he gave the gun between the time he took it from the pawnshop and the time he was in the murder.

# AUDREY RALLS WANTED AGAIN

## Reams to Ask Girl's Help in Checking Clues in Murder Case.

Audrey Ralls, beauty contest winner and companion of Jackie Kennedy when he was slain by gangsters in Point Place July 7, will be asked to come out of seclusion as an aid in the investigation of the murder, Prosecutor Frazier Reams said Wednesday.

The prosecutor wants the girl to look at a number of persons involved in the case, he said. He would not reveal who these persons are, but they probably are the four suspects held. The men in custody are Samuel Stein, 26, pawnshop clerk, and Joseph (Wop) English, Ralph Carsello and John Mirabella, members of the Thomas (Yonnie) Licavoli gang.

### Will See Attorney

Mr. Reams said that he will ask Dan McCullough, attorney for Miss Ralls, to have the girl appear. After obtaining Miss Ralls' release on a writ of habeas corpus, Mr. McCullough promised to have his client appear whenever she was wanted. The prosecutor said that he has no intention of holding the girl.

He will see Mr. McCullough at a hearing on a motion for a new trial for Frank Vacchiano, Dayton killer under death sentence for the murder of John J. McLaughlin, night clerk in the Park Lane apartments, last March.

A check up of all clues and information obtained in the investigation was being made Wednesday by Prosecutor Reams with Sheriff Dave Krieger and detectives working on the case.

Mr. Reams, who was in Detroit Tuesday with Joel Rhinefort, his assistant, said it was established that English was not in Detroit at the time of the murder, as contended in his alibi. Licavoli and English said that the prisoner was attending a wake for Joe Mocer, father-in-law of Licavoli, in Detroit at the time of the killing. This alibi did not stand up, Mr. Reams said.

### Guns Left in Detroit

The prosecutor has not completed an investigation of a similar story Carsello, with Mirabella, will be held in the county jail indefinitely pending the investigation, Mr. Reams reported.

Two .45-caliber automatic pistols and four .38-caliber revolvers taken to ballistics experts in Detroit last week failed to check with bullets taken from murder victims here, Sheriff Krieger reported. These guns were seized in the Monroe Merchandise & Loan Co., 822 Monroe street, where Samuel Stein, 26, formerly was employed. Stein is under indictment on the charge of first degree murder in the Kennedy killing, based on his possession of a gun used in the murder.

Sheriff Krieger and Detective Earl McBride left 30 guns taken from pawnshops here in Detroit for examination Tuesday.

# ENGLISH DROPS HANDCUFF KEY

## Escape Plot by Suspect in Kennedy Murder Is Believed Thwarted

Joe (Wop) English, Licavoli gangster and one of the suspects held in the Jack Kennedy murder, fanning himself with his straw hat while Audrey Ralls, Kennedy's companion when he was shot to death, viewed him and other suspects in a police lineup at the Safety building Friday, dropped a little black key.

The key fell from the hat. It tinkled on the floor. It was a handcuff key, English, a little flustered, picked the key up and put it in his pocket. He was searched, but the key wasn't found. It was found later on the floor of the turnkey's office, where English had discarded it after the showup.

Sheriff Krieger and detectives said there is little doubt that an escape plot was nipped in the bud. The little black key would have opened any set of handcuffs and Mr. English and his pals are being escorted around handcuffed a lot these days, visiting the prosecutor and the police. Their more or less permanent quarters are in the county jail.

The handcuff key apparently had

been concealed in some part of English's hat, either under the band or the sweat band.

"Just a little piece of metal off my hat," English remarked when he reached for the object.

### Ralls Looks Over Suspects.

That went over big with the detectives. Detectives Emmett Cairi and John Hovey didn't believe the metal ever was a part of the straw hat of "Wop" English.

It was doubtful which upset English more—the key incident or the scrutiny of Miss Ralls, who walked back and forth in front of a white screen behind which English and his pals, John Mirabella and Ralph Carsello and Sam Stein charged with first-degree murder in connection with the Kennedy murder and several other prisoners were shown up in the Safety building.

Miss Ralls, dressed as usual in good taste and good style, was accompanied by her attorney Dan McCullough, thru whose courtesy the girl was permitted to attend the showup.

### Fails to Recognize Men.

Prosecutor Reams, the sheriff, the police had hoped she would identify at least one of the suspects as the trigger man who put Kennedy on the spot as Miss Ralls walked with the bootlegger in Point Place. She failed to identify any of them.

She looked closely at Mirabella and Mirabella stared at her, trying to see her against the brilliant light that struck him in the eyes. She passed Mirabella several times and the hearts of the authorities beat fast. They thought the girl was going to recognize Mirabella, who probably had more cause to shoot Kennedy than any of the suspects. Kennedy gave him a thrashing shortly before the shooting.

After staring at the face of Mirabella, rheumatic Licavoli henchman, Miss Ralls spoke softly to Detective Hovey.

### Carsello Looks Familiar.

"There is something familiar about that man," she said, indicating Carsello and not Mirabella.

She said she felt that Carsello was wearing threw her off. She said the men who killed Kennedy wore flexible straw hats, with the brims pulled down over their eyes. Carsello was told to remove his hat, but Miss Ralls couldn't identify him after that.

# FREE HOODLUMS IN MURDER PROBE

## English, Mirabella, Carsello Are Released by Prosecutor

The state Saturday virtually lost three more important keys to the solution of the Jack Kennedy murder when the release of Joe (Wop) English, John Mirabella and Ralph Carsello, suspects, was ordered by Prosecutor Reams.

The three Licavoli hoodlums walked out of the county jail a few minutes before noon. They had been held since July 11, when they were arrested at the home of their gang chief, Yonnie Licavoli, at his Pemberton drive home.

The order followed a threat by Cecil Stockney and Anthony Barone, attorneys for the hoodlums, to obtain the release of the trio on writs of habeas corpus unless they had been freed by the prosecutor by 11:30 a. m.

Bearing the writs, the lawyers appeared first in the office of Common Pleas Judge Roy Stuart, where they conferred with him. Then they conferred with Joel Rhinefort, assistant prosecutor. They seemed to be confident, upon leaving his office, that it would be unnecessary to serve the writs.

English, Mirabella and Carsello had been denied permission to talk to any outsiders or to each other while they were held in jail.

Mr. Reams said he agreed to release the hoodlums on the promise of their lawyers that they would be available for questioning at any time.

Audrey Ralls, Kennedy's companion when he was shot to death at Point Place July 7, was held as the state's star witness. She also was released thru her attorney and her release was said to be a blow to the authorities.

# KENNEDY CASE LINKED IN RAID ON PAWN SHOP

## Nothing Apparently Taken From Store, Police Say

Investigation of the Jack Kennedy murder took on a new front yesterday when it was reported that the Monroe Merchandise & Loan Co., 822 Monroe street, where pistols were seized by officials, was broken into early in the day.

Glass in the front door of the place was broken, police reported. Significance was given to the fact that a check disclosed that nothing apparently was stolen.

It is believed that the place may have been searched for weapons that possibly figured in gang killings here.

### Former Clerk Indicted

One of the guns used in the Kennedy killing was traced to the pawnshop and Samuel Stein, former clerk, is under indictment on a murder charge. Stein has admitted that he put up one of the murder guns, a .38 automatic as collateral for a \$5 loan which he placed as a bet on a horse race.

Although Stein maintained for some time that he could not remember from whom he borrowed the \$5, he is reported to have given officials a description of the man Saturday after he pleaded not guilty to the murder charge.

A report is expected today from Detroit police ballistics experts who are examining two .45 caliber and four .38 caliber pistols taken from the pawnshop Friday.

### Bullets Examined

Bullets which found their marks in recent gang killings also were taken and are being examined to determine whether they were fired from any of the pistols.

One of three other suspects held at the county jail in connection with the investigation, John Mirabella, required the attention of the jail physician yesterday.

Mirabella is said to be afflicted with rheumatism and was reported as ill yesterday. Two other reputed Licavoli lieutenants, Joe (Wop) English and Ralph Carsello, are also still held at the jail.

# GIRL TO SEE FOUR SUSPECTS TODAY

## Audrey Ralls Unable To Identify Photos in Murder Case

Audrey Ralls, companion of Jack Kennedy when he was murdered July 7 in Point Place, failed to identify pictures of possible participants in the crime when she was taken to the office of Prosecutor Frazier Reams for questioning yesterday.

At 9:30 a. m. today she will view a group of men, including the four who are being held in connection with the case, Joe (Wop) English, Ralph Carsello, John Mirabella, and Samuel Stein.

Miss Ralls appeared at the courthouse voluntarily when it was made clear she would not be detained after the examination.

# MURDER SUSPECTS VIEWED BY GIRL

## Audrey Ralls Declares Carsello Resembles Kennedy Killer

Ralph Carsello, reputed Licavoli henchman, was partly identified as one of the slayers of Jack Kennedy by Audrey Ralls, companion of Kennedy on the night he was shot down, at a police showup in the Safety building yesterday, police reported.

The girl told officials that Carsello's profile closely resembled that of one of the killers. She was unable to pick out, however, Joe (Wop) English, John Mirabella and Samuel Stein, who also were in the lineup.

A development of the showup, police reported, was the discovery that English carried a handcuff key with him. While English was fanning himself with his hat, a small object was seen to drop to the floor. English is said to have quickly picked it up, but when he was searched in the turnkey's office nothing was found on him. The key was later found on the floor in the office.

A "mysterious mission," believed to be in connection with the Kennedy probe, took Frazier Reams on a hurried out-of-town trip late yesterday.

Attaches of the prosecutor's office said they were not at liberty to divulge his destination.

# Licavoli Men Fail to Appear for Quiz

Joseph (Wop) English, John Mirabella and Ralph Carsello, members of the Thomas (Yonnie) Licavoli gang, failed to appear in the prosecutor's office Tuesday for questioning about the murder of Jackie Kennedy in Point Place.

The three were released from jail Friday after it was announced their attorneys, Cecil Stickney and Anthony Barone, had failed to have them available for examination when they were wanted. Prosecutor Frazier Reams stated the attorneys to have the men appear for questioning Monday.

George Timiney, police detective captain, assigned to the case Saturday on request of Prosecutor Frazier Reams.

Capt. Timiney, noted chaser of racketeers, would not outline his future activities, but it is believed he has sent pictures and descriptions of the three suspects to all metropolitan police departments with a request they be held for Toledo.

## Clerk Held in Jail

Meantime, Samuel Stein, pawnbroker's clerk who last had possession of the revolver which fired the fatal bullets into Jack Kennedy the night of July 7, is held in county jail charged with first degree murder. Audrey Ralls, companion of Kennedy when he was shot, is in hiding but will be produced whenever she is wanted, Attorney Dan McCullough has promised Prosecutor Reams.

Kenneth (Punkins) Francis, Kennedy's body guard, is out of the city and is believed to be in hiding. It is supposed either Prosecutor Reams or Sheriff Krieger can find him when he is wanted.

# ORDER ARREST LICAVOLI MEN

## English, Mirabella and Carsello Sought in Kennedy Death.

Warrants for the arrest of Joseph (Wop) English, John Mirabella and Ralph Carsello, members of the Thomas (Yonnie) Licavoli gang, issued in an investigation into the murder of Jackie Kennedy in Point Place July 7, were issued Monday by Judge James Martin of common pleas court.

Prosecutor Frazier Reams said the men are to be arrested as material witnesses in the case of Samuel Stein, former pawnbroker-clerk to whom one of the guns used in the killing was traced. Stein is under indictment charged with the first degree murder of Kennedy.

## THREE SOUGHT BY PROSECUTOR

English, Mirabella, Carsello Wanted As Witnesses In Kennedy Killing 1933

Working on a report that John Mirabella and Joe (Wop) English were seen in Toledo recently, Prosecutor Frazier Reams and Capt. George Timiney yesterday conferred on aspects of the murder of Jack Kennedy, night club proprietor, July 7.

English, Mirabella and Ralph Carsello now are sought on capias issued yesterday by Judge James Martin in common pleas court.

The prosecutor explained the three men are wanted as witnesses in the trial of Sam Stein, pawnshop clerk, who was indicted on a first degree murder charge after he failed to tell to whom he disposed of the murder gun.

After the killing this second car is said to have escorted the murderers' car toward Toledo.

Naming of "Firetop" Sulkin in this case is the first instance of his being linked with a major criminal investigation here, although he has been questioned several times in gambling and other petty cases. Born and reared on "the avenue," Canton street, Sulkin has been a colorful figure on Toledo streets for years.

As a vigorous red-headed newspaper salesman, he made many friends and was a "natural" enthusiast in later years when he became interested in politics. To him in recent years was credited the "control" of a few precincts in the Seventh ward on election day.

Sulkin has been connected with activities of Yonnie Licavoli since the latter came here from Detroit about three years ago.

The redhead was known as Licavoli's contact man or "front," handling many of the legitimate business details for the racketeer. At the time Licavoli was questioned in connection with the killing, Sulkin accompanied him to the courthouse.

Active in the hunt for Sulkin and the others is George Timiney, police detective captain, assigned to the case Saturday on request of Prosecutor Frazier Reams.

## Timiney Is Confident

Altho Timiney said Tuesday he has had no word of any of his quarry since going to work on the case, the detective captain is confident that one or all of them will be picked up within the next few days.

Refusing to comment on other details of the investigation into the killing, Prosecutor Reams Tuesday said he is confident that Timiney will bring the men in for questioning.

Reams would not confirm any of the details learned by The News-Bee, but it is believed that since Reams took charge of the case a few days after the killing a mass of new information on this case has been gathered under his direction.

This new information is reported to include statements from several witnesses to the killing and events leading up to the murder. A few persons who failed to report to officers immediately after the killing are reported to have been questioned secretly by county operatives.

## Girl Views Suspects

Miss Audrey Ralls, companion of Kennedy when he was slain, has been questioned several times by the prosecutor and others working on the case. She was held in jail for a few days after the killing but was released to the custody of her attorney, Dan McCullough, on a promise that she would be available for further questioning.

After the arrest of English, Carsello and Mirabella, Miss Ralls came in on the request of Prosecutor Reams, in the hope that the girl would be able to identify one or all of them as killers of Kennedy. But, so far as was learned, Miss Ralls failed to identify any as the actual killers.

The three gangsters were held for several days but were released Saturday morning, July 23, when their attorney threatened to seek their release on a writ of habeas corpus. That night Stein talked.

Stein still is held in the county jail. His attorneys have not tried to have the charge of first degree murder removed. Neither have they tried to have him released.

Underworld reports are that he is safer in jail than out.

# TIMINEY FAILS TO FIND THREE LICAVOLI AIDS

## Believed in Detroit After Delay in Reams' Request 1933

The three suspects wanted by Prosecutor Frazier Reams in the Kennedy murder case have been found from Toledo, Detective Captain George Timiney announced Monday following a week-end search conducted by Timiney and County Detective James O'Reilly.

Timiney was assigned to the case Saturday, following three days of delay after Mr. Reams had asked for Thatcher for Timiney's services.

It is believed the suspects are in Detroit.

Brought Here by Licavoli.

Two of the three are former residents of Detroit brought here by Yonnie Licavoli when he fled in on Toledo rackets.

The three suspects are Ralph Carsello and John Mirabella of Detroit and Joe (Wop) English, Toledo flum.

The three were arrested at Licavoli's home in Old Orchard a few days after Kennedy was murdered. They were held as witnesses almost a week. Attorney Cecil Stickney, her assistant county prosecutor, lined their release Saturday, July 22, by threatening habeas proceedings.

Reams, Stickney Disagree.

Prosecutor Reams maintained Stickney promised to produce the three men when called for by prosecutor. Mr. Stickney maintains that he did not give his professional promise to produce his clients. Mr. Reams has called on Stickney to produce his clients for questioning, but Mr. Stickney was unable to find them. He said he "sent word" for them to come in.

# STEIN CONFESSES HE LOANED PISTOL TO LICAVOLI'S AID

## Reams Leads Search for Well-Known Racketeer

## 4 OTHERS WANTED

## Hoodlums Flee City as Kennedy Killing Probe Narrows

One of the guns used to kill Jack Kennedy July 7 has been traced to Jacob (Firetop) Sulkin, member of the Licavoli gang, it was learned Tuesday by The News-Bee.

Sulkin, with four other members of the Licavoli gang, has been sought in connection with the murder since Sunday, July 23.

Samuel Stein, pawnbroker's clerk, has made a statement that Sulkin is the man to whom he gave the .38-caliber pistol found near the scene of the murder in Point Place and identified as one of the two pistols used to kill the small-time bootlegger and cafe operator.

## Stein Signs Statement

After vaguely describing the "stranger" to whom he gave the gun for a small loan, Stein wrote out and signed the statement identifying Sulkin after he underwent an all-night grilling.

Two special detectives, understood to be from Detroit, obtained the statement after holding Stein in the county grand jury room from early Saturday night, July 22, until shortly after 4 a. m. Sunday, July 23. The News-Bee learned.

Since his arrest and indictment on a first-degree murder charge in connection with the killing and until he made his statement Stein had stuck to a story that he did not know the name of the man who got the gun, altho he said he had seen the name "a hundred times" around the gambling and beer places of Toledo.

## Underworld Gets Tip

Orders are said to have gone out early Sunday morning, July 23, for the arrest of the red-headed "front" of the bootleg and racket gang, but word that "Stein has broken" had spread to underworld haunts throughout the city ahead of the orders. It was learned "Firetop" has not been seen in Toledo since that time.

Three of the other four sought also disappeared from Toledo at about the same time. They are Joe (Wop) English, Ralph Carsello and John Mirabella, for whom capias warrants were issued Monday.

The fifth man wanted is Leo Mocerri of Detroit, brother-in-law of Thomas "Yonnie" Licavoli, gang chieftain.

Mocerri, also wanted in Detroit for questioning in connection with a gang killing there, has been known to operate in racket and gang circles here and in Detroit for the last few years.

## Occupied Beach Cottage

Mocerri, with another man and a woman, are said to have occupied a cottage a mile beyond the Kennedy cottage at Carland beach, Point Place, for several days previous to the killing of Kennedy, moving out of the cottage on the day after the murder. Reports also are that Mocerri was one of the men in the second car that blocked traffic on Edgewater drive near 140th street while three men in the first car drove up behind Kennedy and his girl companion to shoot down the young bootlegger in cold blood.

## HAD STEIN'S GUN?



Jacob (Firetop) Sulkin.

## Indicted Mobsters

Action of the Lucas county grand jury in indicting three additional men in connection with the gang murder of Jack Kennedy, indicates that the county prosecutor, Mr. Reams, has the evidence necessary to bring these acknowledged hoodlums to trial. An indictment does not necessarily mean that a defendant is guilty of a crime, but it suggests that the prosecutor has "enough on" the accused persons to make a trial worthwhile. **OCT 5 1933**

All three of these indicted persons are hoodlums with police records. They have been known to police for a long time to be without visible means of support and yet always with ample funds.

In the case of Wop English it has always been a wonder to law abiding citizens how he has been able to escape so often. But it is no mystery to those who happen to know of the underworld hookup with those in authority. Several times English has been arrested with concealed weapons, a felony under Ohio statutes. But in all instances he has been able to escape trial. The police judges have invariably turned him loose on the plea that there was a lack of evidence, making a smoke screen for their actions by criticizing the police for improperly prepared cases.

At last, however, there is a man in the county prosecutor's office who is not swayed by sentiment. He can not be tampered with. These mobsters will have a fair trial one may be sure. But they will be prosecuted to the fullest extent and with genuine enthusiasm by the attorney for the people.

## English, Baldwin to Be Arraigned

Joe (Wop) English, lieutenant of Thomas (Yonnie) Licavoli, will be arraigned before Common Pleas Judge Roy R. Stuart Saturday on the charge of first degree murder in connection with the gang slaying July 7 of Jack Kennedy, beer baron. English is expected to plead not guilty. Prosecutor Frazier Reams announced his intention of asking for the immediate setting of an early date for the trial.

Also to be arraigned Saturday is Floyd (Sailor) Baldwin, under indictment for the first degree murder of John L. Parker, Toledo insurance agent. **OCT 13 1933**

## Venire Is Drawn for English Trial

Names of 75 residents of Lucas county were drawn from the jury wheel in the court of Common Pleas Judge Roy R. Stuart Monday for the trial of Joseph (Wop) English, indicted for first degree murder in the slaying of Jackie Kennedy in Point Place three months ago. The trial is to open in Judge Stuart's court Nov. 6. **OCT 16 1933**

## Venire Drawn

A venire of 75 names was drawn yesterday in Judge Roy R. Stuart's common pleas court, from which the jury to try Joe (Wop) English will be selected. English is under indictment charged with the first degree murder of Jackie Kennedy July 7, in Point Place. **OCT 17 1933**

# MURDER JURY DEATH PHOTOS PANEL CHOSEN BANNED AT TRIAL

## Trial of Wop English to Begin in Common Pleas Court Nov. 6.

A venire of 75 prospective jurors for the trial of Joseph (Wop) English, charged with the murder of Jack Kennedy in Point Place July 7, was drawn in the common pleas court of Judge Roy R. Stuart Monday. The trial is set for Nov. 6. Names of those from whom the jury will be selected follow:

Edwin W. Fuerst, 2508 Southwood road; Arthur L. Luce, Sylvania; George R. Young, 2447 Shoreland avenue; Francis L. Collins, 3325 Glenwood avenue; Beach K. Harris, 4529 Belmar avenue; Robert Bourdo, Bono; Lewis H. Payden, 810 Delance street; Fred Herter, 2039 Summit street; Frank Ciesla, 114 Pearl street; Edgar J. Duermont, Kingsbury avenue; William G. Kimball, 417 Bassett street; Otto P. Cahler, Route 1, Holland; O. D. Tiffany, 362 Winthrop street; Edward Neufang, 1438 Fernwood avenue; Harry L. West, 4775 296th street; Stanley F. Brannon, 1972 Erie street.

Arthur W. Graves, 928 Toronto avenue; Charles E. Bowman, 2908 Northwood avenue; Charles F. Horninger, 2332 Burnside road, Oregon township; Martin C. Schaad, 3030 Cherry street; John B. Carr, 3154 Maeterlinck avenue, Adams township; Ellet M. Peterson, 949 East Broadway; Charles F. Charple, 6035 323rd street, Point Place; Clarence A. Romer, 545 Clark street; Charles E. Mitchell, 2533 Portsmouth avenue; Harold M. Radaker, 1839 Wayne street; Carl L. Schimmel, 2137 Jefferson avenue; Ralph Tipples, 1339 Dawson street; David E. Snyder, 4134 Mayfield drive.

Channing R. Lecklider, 1908 Vermont avenue; H. S. Martin, 3212 Kenwood boulevard; Henry M. Feldstein, 2302 Mayville place; John Rittner, Jr., 1004 East Central avenue; Jessie J. Coe, 3221 St. Bernard drive; Harold A. Henderson, 3420 Upton avenue; George Klefer, Sr., Maumee; Frank U. Dickerson, 1737 Aarline avenue; Anthony Morlock, 1213 Page street; Alton J. Simpkins, 526 Bush street; Clair M. Cooper, Sylvania; Harry Greenleaf, Maumee; Clifford F. Landin, 2526 Thoman place, Washington township; Clarence E. Day, 1001 Oakwood avenue.

Samuel Rudolph, 228 Rockingham street; Fred W. Bender, Route 2, Maumee; Paul L. Teopas, 2502 Maplewood avenue; James C. Schaub, 2107 Miles avenue; Wren D. Bolin, 3315 Blanchard street; Earl Stevens, 189 Austin street; Edward F. Weinstein, 832 1/2 Oak street; Carl F. Hill, 3232 Parkwood avenue; Eunice V. Thompson, 2434 Lawrence avenue; Mrs. Stella Wilson, 1143 Earl street; Margaret A. Ebrausquin, 2137 Perth street; Stella T. Riley, 1249 Oakwood avenue; Frances I. Mueller, 3744 Bowen road; Ethel Smythe, 335 Oliver street; Cloetta B. Newman, 1717 Wychwood avenue; Marjorie V. Presser, 568 Oakwood avenue, Ottelle Jacobs, 726 Orchard street.

Alice R. Perkins, 2129 Fulton street; Rachael W. Swisher, 2725 Glenwood avenue; Helen B. Probasco, 2428 Robinwood avenue; Mrs. Ella Fryer, East Baywood road, Adams township; Delia M. LeDuc, 1755 Loxley road; Vanessa David-

son, 2041 Gian. street; Nora A. Lundy, 1350 Foster avenue; Gena E. Malen, 3640 Drexel drive; Mrs. Rose Farmer, 2729 Upton avenue; Mrs. Katharine Rosenthal, 525 Everett street; Frances Parsell, 440 Starr avenue; Ruth A. Watson, 2624 Grantwood drive; Mrs. Ella B. Quay, 448 Clark street; Mrs. Clara

A. Cripe, 440 West Bancroft street; Mrs. Lyda J. Croll, 1110 Woodward avenue.

## Jury Excused as English's Attorneys Object to Exhibition

Photographs of the body of Jack Kennedy, Toledo bootlegger, shot to death by rival gangsters in Point Place July 7 were excluded as exhibits Thursday in the first degree murder trial of Joe (Wop) English in common pleas court. English is accused of being one of the trigger men in the Kennedy murder.

Exclusion of the pictures, taken at the scene of the slaying at 140th street and Edgewater drive and in the morgue, followed a clash between state and defense attorneys while Coroner Frank Krefl, first prosecution witness, was on the stand.

### Jury Leaves Room.

As soon as the argument began, Judge Roy Stuart ordered the jury from the room. It was the first time the jury had been excused during a court session since the trial began last Monday.

Introduction of state exhibits began with Coroner Krefl's testimony. Several bullets taken from Kennedy's body were identified and admitted as evidence, then Joel Rhinefort and Arnold Bunge, assistant prosecutors offered the pictures.

Defense attorneys DeWitt Fisher and A. J. Bianci objected. Mr. Fisher said there was no reason why the photographs should be shown to the jury.

### Defense Hits Purpose.

"We have admitted that Kennedy was killed in Point Place by bullets, denying only that English killed him. The purpose of introducing the pictures is only to inflame the jury. They add nothing to the evidence," Mr. Fisher declared.

After the English defense had scored a point Thursday in keeping the picture from the jury, Mr. Fisher and Mr. Bunge engaged in a personal argument. The assistant prosecutor accused the defense attorney of attempting to try the state's case. Mr. Fisher retaliated by declaring he would not stoop to "irregular proceedings used by the state" in seeking a conviction.

Mr. Fisher then asked that the photos be taken from counsel table, in front of the jury box, and put out of sight. He asked also that the guns, not yet admitted as evidence, be hidden.

"Where shall I put them? Give me something to put them in," Mr. Bunge said.

"Here; stick them in here," Mr. Fisher said, handing him his own brief case.

### Uses Brief Case.

The pictures and weapons were concealed—the guns in Mr. Fisher's brief case.

After the jury had been recalled from its room, questioning of Coroner Krefl continued.

He said there were 12 bullet wounds in Kennedy's body, five of which were in the head and face.

"Any one of the 12 would have caused death," Coroner Krefl explained. "One bullet had been fired into the right ear. The gun must have been held against the ear, because there were powder burns on it."

### Continues Objections.

Before the coroner had completed his testimony, the defense and state engaged in another argument over the fact that part of the Kennedy inquest had been held in Dr. Krefl's office and part in Prosecutor Reams' office. The defense also objected that the coroner and Mr. Reams had engaged in conversation during the dispute over the admission of the pictures of the body.

Besides Mrs. English, wife of the defendant, in the courtroom Thursday was his aunt, Mrs. Maggie Scinta, Buffalo, N. Y., his mother's sister.

Four residents of Point Place thru whom the state proposed to prove that it was English who killed Kennedy will present their testimony Thursday.

Identity of the witnesses, closely guarded by the state, was revealed for the first time Wednesday afternoon when subpoenas for their appearance were given to the sheriff's office for service.

They are Harry Foor, 5820 314th street; Edward Vanderhorst, 3212 134th street; Bernard Hester, 3146 131st street, and Boyd Murphy, 2728 124th street.

### Eyewitnesses Rumored.

Reports that one or several of the state's witnesses actually were present at the Point Place corner when Kennedy was mowed down by gangster bullets could not be confirmed at the prosecutor's office, but it was

intimated that eyewitness testimony would be presented by the state.

Miss Audrey Ralla, beauty contest winner, who was with Kennedy when he was slain, will be called to testify later, it is reported.

### Timiney Excluded.

Visibly irked by the presence of Detective Captain George Timiney in the courtroom and courthouse corridors while jurors were being examined Wednesday, defense attorneys took immediate and successful steps to insure his exclusion from the courtroom.

The attorneys accomplished this by asking Judge Stuart to order exclusion of witnesses from the trial sessions except when giving testimony. As Timiney has been called as a state witness, the order, granted by the judge, will require him to remain out of the courtroom, except while testifying Thursday.

Timiney, the city's ace detective and arch foe of Licavoli gangsters, was first mentioned in the case Wednesday when the defense began asking prospective jurors whether they knew Timiney or the Clark brothers, mysterious Detroit operatives, who aided in investigating the Kennedy killing.

## 2 BOY SLEUTHS WILL TESTIFY

### Lads Who Found Guns to Be Witnesses in English Trial.

Boy detectives, who found two guns identified as the weapons used in the murder of Jackie Kennedy in Point Place July 7, were prepared to testify Thursday afternoon at the first degree murder trial of Joseph (Wop) English, accused of the crime, in the common pleas court of Judge Roy R. Stuart.

The young sleuths, who made their finds while prowling along Ottawa River road which the killers used in their mad flight from the scene of the crime, are Harry Foor, 5820 314th street; Edward Vanderhorst, 3212 134th street; Bernard Hester, 3146 131st street, and Boyd Murphy, 2728 124th street.

The defense won the initial legal skirmish of the case Thursday when Judge Stuart refused to admit as evidence photographs of the body of Kennedy which were taken a few hours after he was shot to death.

Argument over admissibility of the pictures was conducted during

the absence of the jury. Attorney DeWitt Fisher, chief defense counsel, objected to the photographs on the ground that they were being offered merely for the purpose of inflaming the jury and cited several cases in which it was held that introduction of such photographs tended to prejudice a jury.

He said, "The defense has admitted that Kennedy was killed and that he was slain in Point Place the night of July 7, but has denied that English had any part in the slaying. It would be different if we had denied that the murder was committed."

### Coroner First Witness

Coroner Frank G. Krefl was the first witness called by the state. He testified that he found the body of Kennedy on the pavement at Edgewater drive and 104th street, Point Place, at about 9:45 P. M. July 7 after receiving a summons to go to that place 15 minutes earlier. The coroner placed the time of the shooting at about 9:15. He said that an autopsy held on the body revealed multiple gunshot wounds in the head and body, 24 of them caused by 12 bullets.

All the bones of the skull were fractured, he said, both lobes of the brain were lacerated and bullets had penetrated the heart, liver, lungs and small intestines. Five bullets were removed from the body and were given to Detective Harry Clark, Dr. Krefl said. At this point Prosecutor Frazier Reams, who was conducting the examination, showed the coroner photographs of the body taken at the scene of the murder, which were identified by the witness.

Dr. Krefl testified also that shortly before the murder he knew Kennedy to be in good health because he had seen him two days prior to the shooting. An attempt by Prosecutor Reams to determine on what occasion Dr. Krefl and Kennedy met was blocked when Judge Stuart sustained Mr. Fisher's objection to the testimony.

### Krefl Identifies Bullets

Coroner Krefl also identified two .45 caliber bullets which he said had been removed from the upper left arm of the victim, and a distorted lead bullet which he testified had been taken from the left side of Kennedy's body.

Mr. Fisher objected to the presence on the prosecutor's trial table of several other photographs, a .38 caliber revolver and a .45 caliber automatic pistol which are to be used by the state as exhibits. He said that this display was merely

an attempt by the prosecutor to awe and prejudice the jury. "If Mr. Fisher provides a receptacle for these exhibits we will be glad to use it," Arnold Bunge, assistant prosecutor, said.

Attorney Fisher met the challenge by emptying his brief case and offering it to Mr. Bunge, who smiled and placed the exhibit inside.

Dr. Kreft left the witness stand and walked into Judge Stuart's chambers. As Prosecutor Reams followed him out of the courtroom, Attorney A. J. Bianchi, co-defense counsel, leaped to his feet and shouted an objection at the prospect of the prosecutor conferring with his witness before the direct examination was completed. The objection was overruled.

**Says He Found Powder Marks**

When Coroner Kreft resumed the witness stand he was asked if any of the wounds was surrounded by powder marks. He testified that the right ear of the victim was pitted deeply with powder and expressed belief that a wound in the

auditory canal of the ear had been inflicted by someone who pressed the muzzle of his weapon against Kennedy's ear.

He said that there was one wound in the right ear, a second slightly behind the right ear, a third directly in front of the right ear and slightly below the temple, a fourth wound in the lower right jaw and a fifth wound in the right upper lip. Any of the wounds caused by the 12 bullets fired into Kennedy's body would have been fatal, Dr. Kreft asserted.

On cross examination Attorney Fisher asked how much of his testimony Dr. Kreft previously had related to Mr. Reams and the coroner replied, "only that part of it which had been brought out at the inquest and the autopsy."

**Coroner Quizzed**

"When did you tell him what time you arrived at the scene—when you went out of the courtroom with Mr. Reams?"

"Yes."

"You had never told him that before?"

"No, I had not."

"Where does the report of your autopsy show the removal of any .45-caliber bullets from the body of Kennedy?"

"It does not show because of an oversight by my secretary, but they were removed in the presence of several persons."

Among spectators in the courtroom were Mrs. Rose English, wife of the defendant, and Mrs. Margaret Scinto, his aunt, of Buffalo, N. Y.

Included in the list of witnesses subpoenaed for Thursday were Sergt. James Payne, ballistics expert of the Detroit police department.

Arnold Finch, 2204 Eastbrook drive, an employe of the county surveyor's office, appeared as a witness and identified a chart showing streets and buildings around the murder scene.

**Jury Visits Scene**

The jury, in custody of Frank Schelling, bailiff in Judge Stuart's courtroom, and accompanied by opposing counsel, visited the scene of the murder Wednesday afternoon. The jurors also viewed the spots along the winding Shoreland avenue where weapons later identified as the murder guns were found in weeds along the bank of the Ottawa river.

When Prosecutor Reams and Mr. Bunge, however, sought to direct the bus driver to the cottage on 135th street from which the youth departed on the fatal stroll with his sweetheart Miss Audrey Ralls, defense counsel objected vigorously. The jurors did not visit the cottage.

**Makes Surprise Move**

Following the seating of the jury and the selection of an alternate juror late Wednesday, a surprise move was made by Attorney Bianchi.

Mr. Bianchi asked the court that witnesses be excluded from the courtroom during opening statements of counsel and then informed the court he intended to summon Joel Rhinefort and Mr. Bunge, assistant prosecutors, as witnesses for the defense.

Mr. Reams in his opening statement asserted that the state would ask the death penalty for English because the evidence would show he was guilty of a "cold-blooded and premeditated murder of the worst type."

**Cites Fist Fight**

He cited an incident of June 5 when Kennedy, enraged at a remark made at him, alighted from his auto in Michigan street and engaged in a fist fight with John Mirabella who with Russell Syracuse and English were indicted by the grand jury for the murder of Kennedy. Exactly a month and two days later Kennedy was murdered in the Point Place section. Mr. Reams said the evidence would show, by two men who shoved Miss Ralls out of their line of fire,

pumped Kennedy full of bullets, then escaped in a maroon Ford V-8 driven by a third man.

He said the incident of June 5 would be related to show there was a conspiracy to murder Kennedy July 7.

**To Present Alibi**

The defense will be that English was at 1311 Milburn avenue, the purported Licavoli slot machine headquarters, at the time of the murder and the premises at that address also was viewed by the jury in its tour late Wednesday.

The defense exhausted its allotment of six peremptory challenges, and the state used five of its challenges before the jury finally was seated. Each side used one peremptory challenge in the selection of the 13th juror.

The jury is composed of: Beach K. Harris, 4529 Belmar avenue; Mrs. Lyda I. Croll, 1110 Woodward avenue; Mrs. Nora A. Lundy, 1350 Foster avenue; Carl F. Hill, 3232 Parkwood avenue; Mrs. Frances Mueller, 3744 Bowen road; Anthony Morlock, 1213 Page street; Robert Bourdo, Bono, O.; Miss Cloetta Newman, 1717 Wychwood drive; Mrs. Frances L. Collins, 3325 Glenwood avenue; Fred Herter, 2139 Summit street; Harold M. Radaker, 1639 Wayne street, and Mrs. Ella Fryer, East Baywood drive, Jerusalem township. The 13th juror is Miss Eunice V. Thompson, 2434 Lawrence avenue.

**HERE ARE PRINCIPALS IN ENGLISH MURDER TRIAL**



Principals in the first degree murder trial of Joseph (Wop) English are shown in the accompanying pictures. At the top are members of the jury, including the 13th juror. In the lower row, left to right, are Mrs. Lyda I. Croll, Mrs. Nora A. Lundy, Mrs. Frances Mueller, Miss Cloetta Newman, Mrs. Frances L. Collins and Mrs. Ella Fryer. In the second row are Miss Eunice V. Thompson, who is the alternate juror; Beach K. Harris, Robert Bourdo, Carl F. Hill, Anthony Morlock, Fred Herter and Harold M. Radaker. Those in the group pictured in the center, left to right, are Prosecutor Frazier Reams and his two assistants, Arnold Bunge and Joel Rhinefort. In the lower group, left to right, are Defense Attorney DeWitt Fisher, English, and Attorney A. J. Bianchi of Akron, also counsel for the defense. Pictures by Norman Hauger of the BLADE camera staff.



NOV 9 1933

# DRY CLEANERS PICK BOMB SUSPECT OUT OF POLICE SHOW-UP

## Prisoner Released on \$500 Bond After Questioning; Claims He Acted Only as Business Man

Thomas (Yonnie) Licavoli and his henchman, Ralph Carsello, were definitely linked with Toledo's dry cleaning war today when they admitted they were present at a recent meeting of dry cleaners at which extortion demands are said to have been made.

The admission came after a police showup when the two were identified by dry cleaners who had attended the meeting Sept. 26. Six dry cleaners viewed the suspects. Three identified Licavoli and one recognized Carsello.

The dapper 28-year-old leader of the Licavoli gang and his lieutenant, who also is 28, were arrested last night in Licavoli's palatial home at 2733 Pemberton drive, in the exclusive Old Orchard district, where Yonnie rests at night from his toll during the day as a butter and egg man here.

Two Released on Bond. Licavoli and Carsello were released at noon on \$500 bonds each on charges of being suspicious persons after they had sought writs of habeas corpus in common pleas court. Judge Frank O'Connell of municipal court set the bonds.

Questioned by Inspector Emmett Cairl following the showup today, Licavoli denied he had made an extortion demand at the meeting.

"I got a phone call to attend this meeting," he said. "I didn't know who it was from, but it sounded all right. I took these boys (meaning Carsello and other bodyguards) along just for protection, because I didn't know what I was getting into."

"Do you listen to every phone call you get?" Inspector Cairl asked.

Offered Cleaners Help. "Well, this one sounded all right," Licavoli answered.

"When I got into the meeting," he continued, "a lot of these fellows demanded to know who I was. I told them. Now, do you think I'd be around throwing bombs after doing a thing like that?"

"I told these fellows (indicating the dry cleaners) that if there were anything we could do for them, we'd be glad to help."

"Who made the statement, 'We'll whip the rest into line'?" Inspector Cairl asked. Licavoli said he did not know.

Plans To Press Own Suits. "I think a bunch of punks are doing this," Licavoli continued, "and I got the phone calls just to mix me up in it."

"I'm sick of hearing of this dry cleaning business—from now on I think I'll even press my own suits."

"If you hear who's going this, will you let us know?" one of the cleaners asked.

"I certainly will," Licavoli answered.

Youth Is Slugged. What is believed by police to have been another hostility in the dry cleaning war occurred last night

when Thomas Donofrio, 16-year-old DeVilbiss high school sophomore, of 4315 Parrakeet avenue, was beaten and kicked severely by a man who two hours before had questioned the youth's sister about prices in the dry cleaning shop where she is employed.

His sister, Miss Helen Donofrio, 22, informed police that a tall, swarthy man came into the Negler Dry Cleaning shop, 2029 Upton avenue, where she is a clerk, at 8 p. m. yesterday and inquired about prices for cleaning various garments.

Suspicious, Miss Donofrio asked the man to wait until she could speak with Joseph Negler, manager of the shop, who was in a rear room. When Miss Donofrio returned with Mr. Negler the stranger had fled.

At 8 p. m. young Donofrio called for his sister and drove her home. In the garage he was confronted by a man who talked exactly with the one who had talked to his sister previously. The man knocked the youth down with a blow to the face.

English Out on Bail. Joe "Wop" English, 35, of 201 White street, first suspect arrested

retailers maintain their own plants and deal directly with persons who send garments to be cleaned. Practically every cleaning shop and plant in the city was guarded last night. Patrolmen were detailed in the Engel plant and the Schmitz shop. In both places, there were other special guards. Telephone calls coming to the establishments were checked throughout the night.

# LICAVOLI SAYS HE MET TWICE WITH CLEANERS

## Admits Going to Sessions, but Denies Talking; Suspect and Aide Freed on Bond.

# GRILLED BY POLICE IN ENGEL BOMBING

## Asserts He Was Called to Conferences With Operators by Man He Didn't Know.

Thomas "Yonnie" Licavoli, 28, and Ralph Carsello, 28, Monroe street, a Licavoli henchman, admitted to police Wednesday that they attended two meetings of Toledo dry cleaners, when they were questioned after their arrest for investigation in connection with the bombing of the C. C. Engel dry cleaning place and the wrecking of the Lawrence Schmitz cleaning establishment Monday night.

The two were called before Detective Inspector Emmet Cairl and Acting Inspector George Timiney for questioning before 10 cleaners. They said they attended a meeting Sept. 14 and one about a week earlier. One of these sessions was in the Gardner building and the other in the office of Nathan Foraster.

Deny Saying Anything. Police revealed that both men denied saying anything at the meetings. Joe "Wop" English, of the Licavoli gang, police said, also was present at one meeting but did not say anything when it was in progress.

Outside of the session, however, English was quoted as having said, "You had better get going and get organized or we'll have to whip you into line."

Licavoli said that he attended both meetings after receiving telephone calls from someone unknown to him. Inspector Cairl said that he didn't believe Licavoli was the type of person who would go to such a meeting unless he knew who would be there and what it was all about.

It was revealed also that the meetings were called by a promoter, who, in the opinion of Inspector Cairl, was trying to get the cleaners together on an equitable basis.

Cleaners who have been in conference with police for the last two days in regard to the meetings included Ben Chester of the National Cleaners & Dyers, Nathan Foraster and Sam Solomon of the Western Dry Cleaning Co., Nate Greenberg of the Cadillac Cleaners, Sam Rudick of the City Dry Cleaners & Dyers, Fred Hawley and Frank Pizza of Pizza's Garment Cleaning Co., Paul Darrow of the Eastern Dry Cleaning Co. and C. C. Engel and Fred Thais of the Engel Dry Cleaning Co.

The meeting Wednesday preceded the filing of writs of habeas corpus in common pleas court to obtain release of Licavoli and Carsello. These writs were withdrawn when charges of being suspicious persons were placed against the two and they were released on bonds of \$500 each.

Arrested in Home. Licavoli and his aide were taken into custody in the fashionable Licavoli home at 2733 Pemberton drive, by Acting Inspector of Detectives George Timiney, and Detectives Arthur Brown, John Michalak, Ralph Murphy and Earl McBride.

Meanwhile police continued the search for a known gangster whose picture has been identified by victims in the outrages.

English, who was taken into custody early Tuesday for investigation, because of known affiliations with the Licavolis, was released on bond of \$1,000 late Tuesday afternoon when the charge of being a suspicious person was placed against him. The case was continued until Nov. 9 by Judge Homer Ramey in police court Wednesday.

Bond Is Reduced. Bond on English was first set at \$2,500 by Judge Frank O'Connell and later was reduced by the judge to \$1,000. English was freed after bond was posted by Wittenberg, Berenson & Jacobs, bondsmen. English will be arraigned in court Wednesday.

Arrival of Frank Henry, state fire marshal, was expected Wednesday, when it was indicated that a state investigation into the bombing would be conducted. Mr. Engel expressed a desire for state protection Monday night.

Early Tuesday night, while detectives were seeking several men definitely connected with the recent attempt at racketeering here, a call was received from the Nagler's Dry Cleaning Co., 3029 Ashland avenue, that a man was acting suspiciously in the place.

Man Flees. Helen Donofrio, 4315 Parrakeet avenue, an employe, told officers that a man entered the store and inquired the cost of cleaning and pressing garments. When she called the proprietor the man fled. He was described as about 30 or 35-years old, five feet, nine inches tall, and weighing about 165 pounds. The man wore a brown leather coat and dark cap and had several broken teeth in his upper jaw.

Miss Donofrio's brother, Thomas, 16-year-old Scott high school student, called for her at the cleaning establishment at 5:30 P. M. and took her home. The girl entered the house and as her brother was putting the automobile into the

garage, he was attacked and beaten.

The youth reported that a large man wearing a brown leather coat and a hat knocked him down and stepped on him. No attempt at robbery was made and it is believed that the thug was the same man who entered the dry cleaning place.

To prevent further outbreaks in the cleaners' war, policemen were stationed in several dry cleaning places Tuesday night, at the request of proprietors who have not met the demands of gangsters.

# MAYOR TELLS POLICE TO RID CITY OF GANGS

## War to the Finish Declared by Thacher as Aftermath of Bombing

Mayor Add Thacher gave Police Chief Louis Haas orders today to "either run the gangsters out of town or put 'em in jail and keep 'em there."

"It's war to the finish on hoodlums and gangsters here," the mayor declared at a conference with the chief and other police officials, called as a result of the recent dry cleaning plant depredations. "I want every hoodlum kept off the streets."

Mayor Add Thacher began a personal investigation of the dry cleaning war here today by calling heads of the police department into his office and asking them what they know about the bombing Monday night of one dry cleaning plant and the invasion of another by racketeers who slashed garments and wrecked equipment by way of emphasizing their demands for protection money from the cleaners.

Mayor Thacher stepped into the investigation late yesterday after State Fire Marshal Franck Henry, Columbus, and his assistants here had made an examination of the bombed boiler room of the Engel Dry Cleaning Co., at 1850 West Bancroft street, and had reported on their findings.

The mayor called for his police officials after Yonnie Licavoli, 1733 Pemberton drive, Old Orchard, and his henchman, Ralph Carsello, arrested as suspects in the two outrages, had been identified by three dry cleaners, who viewed them at a police showup yesterday, as two men who made mysterious appearances a month ago at two meetings of dry cleaners.

Licavoli and Carsello were released under \$500 bond each on charges of being suspicious persons. Licavoli made no denial that he and his lieutenant, Carsello, and another aid, whom he classified as bodyguards, had attended a dry cleaners' meeting in the Foraster cleaning

establishment, 136 N. Erie street, in response to a mysterious phone call received by Licavoli. "It sounded good," he said, "and we offered to do anything we could to help the fellows."

Fire Marshal Probes. According to the dry cleaners' version of the second meeting, however, Licavoli and three other swarthy strangers sauntered into the room and seated themselves near the front. They had been present only a few minutes when one of the cleaners addressed one of the unidentified men and said: "I thought you were going to let us alone until we called on you."

With that the man addressed rose and said: "We are." Whereupon all four strangers filed out of the room.

Hubert Maas, assistant state fire marshal here, who was present at the police showup yesterday, said Mr. Henry arrived in Toledo Tuesday night, but remained under cover because he wished to keep his movements secret. He said his chief left the city late yesterday after making a secret investigation at the Engel plant at 1850 W. Bancroft street.

Police and private guards remained on duty in the Engel plant and the Schmitz Dry Cleaning Co., at 1716 Madison avenue, last night, and special guards were stationed in other cleaning shops and plants to prevent further hostilities. The cleaners are unanimous in a declaration that they will fight and would rather go out of business than pay protection money.

# EVERY KNOWN GANGSTER TO BE ARRESTED

## Mayor Says Police Will Make Concerted Drive to Rid City of Undesirables.

### CONFERENCE PLANS WAR ON RACKETS

Certain Details of New

## Strategy to Be Kept Secret for Present, Thacher Declares.

All known gangsters will be taken into custody on sight and as often as they appear in Toledo.

This was announced Thursday by Mayor Thacher as the new police department policy in its campaign to break the hold of racketeers who have invaded the city, and to keep them from forming new organizations to prey upon legitimate business.

"Concerted Drive" Planned. Concluding a two-hour conference with police department heads Thursday, Mayor Thacher told newspapermen that whenever known gangsters are seen upon the street, they will be brought to the Safety building for questioning.

Mayor Thacher called the plan one move in a "concerted drive to repel the gangsters."

The mayor said he was satisfied from his discussion of the racketeering situation here that the police heads are unanimously in sympathy with the drive against gangdom.

All department members will get their orders directly from the chief, Mayor Thacher said.

Details Kept Secret. Certain details of the plan will not be announced at the present time, he informed newspapermen.

The bombing of a dry cleaning establishment this week precipitated the promised anti-racket campaign.

With Mayor Thacher in the Thursday conference were Safety Director Albert P. Fall, Police Chief Louis Haas, Detective Inspector Emmet Cairl, Acting Inspector George Timiney, Inspector Joseph Delehaunty, Inspector Thomas O'Reilly and Acting Inspector Ray Allen.

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Continued From First Page

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# LICAVOLI GANG MEN ARRESTED

## Three Seized in Apartment, After Thacher Orders Hoodlum Roundup

Three members of the Licavoli gang are held at the Safety building today as the first suspects arrested by police on orders of Mayor Add Thacher to "pick up every hoodlum and gangster you see."

The men under arrest are Ralph Carsello, 20, who was arrested last week "Yonnie" Licavoli in connection with the bombing of a dry cleaning plant here and then released on bond; John Maribello, 26, arrested with Licavoli last year in another police drive on gangsters, and Carmer Carp, alias Carmen Carpenelli, 24, who has police records in Chicago, Minneapolis and St. Louis.

Police said the raid on Carsello's apartment at 6 a. m. yesterday was staged because they had information that Carsello had concealed an auto, which was equipped with a machine gun, near his apartment on Parkside boulevard.

They said they learned before they made the raid that a federal prohibition warrant also had been issued in Detroit for Carsello.

Police said Carsello tried to seize a revolver from his bed when the six members of the vice squad broke into his rooms after he had refused them admittance.

Patrolman Archie Best knocked Carsello away from the bed as he reached for the gun.

Besides the revolver on the bed, two more pistols were found in the apartment, police said. They are held as evidence.

# LICAVOLI, OTHERS AGAIN WIN DELAY

## Third Court Continuance Granted on Suspicious Person Charges

Three Toledo men arrested a month ago in connection with the local dry cleaners' war were granted their third court continuance today when arraigned before Judge Homer A. Ramey in municipal court on charges of being suspicious persons.

Fred Carpenter, police prosecutor, said all the continuances have been approved by the police department.

The defendants—Joe (Wop) English, 38, of 205 White street; Tom (Yonnie) Licavoli, 28, of 2733 Pemberton road, Old Orchard, and Ralph Carsello, 28, of 1812 Monroe street—first were arrested Oct. 25.

They were arraigned in police court charged with being suspicious persons Nov. 9 and their cases were continued until Nov. 22. On that date they were granted another continuance until today and this morning Judge Ramey today continued the case until Dec. 21.

## ESCAPES GANG GUNS



Johnny Rose, dapper former Licavoli henchman, escaped the bullets of four St. Louis gunmen early today in the latest shooting in the gangster warfare being waged here.

Egan's Rats gang for "putting the finger" on Abe Lubitsky.

Lubitsky was slain with Norman Blatt at Bancroft street and Franklin avenue, Oct. 6, 1931, for causing the arrest in a Toledo night club of Pete Licavoli, one of the leaders of the Licavoli gang, for the murder of Gerald Buckley, Detroit radio announcer.

Rose said he, Weiss and Fine met Dr. Schell, Raymer and Infeld in a restaurant at Ashland avenue and Columbia street at midnight and were bringing the three men downtown in Weiss' auto when they noticed a large sedan following them.

As they crossed the Canton-Michigan intersection, the pursuing sedan speeded up and cut in front of the car occupied by the six men in an attempt to force it to the curb. Rose, driving Weiss' car, sped around the auto.

### Gunmen Flee

Rose raced the car down Michigan street to a building at 103-105 Michigan street, where he stopped. The six men leaped out and ran upstairs to an apartment occupied by Rose's brother, Kelly Rose, leaving their auto parked almost in the center of the street.

The gunmen's auto followed closely and a man sitting beside the driver leaned out and fired three shots from a revolver at Rose as he followed the other five men into the doorway of the building.

Two of the bullets crashed thru a plate glass window of the K. & C. Smoke Shop. The third bullet struck the side of the brick building near the doorway.

The gunmen drove to Monroe street, turned west and fled. Another auto, occupied by five men who were driving slowly by the corner, raced north on Michigan street at the sound of the shots. Police are trying to locate the driver in the belief he could give a good description of the gunmen's car.

# LICAVOLI GANGSTERS FACE FEDERAL CHARGE

## Two Held on \$5000 Bond for Conspiracy To Violate Dry Law

Two of the three alleged members of the Licavoli gang who were arrested in a luxurious apartment on Parkside boulevard Sunday were held on \$5000 bond each on charge of conspiracy to violate the national prohibition act, possession and sale of liquor and maintenance of a nuisance at a hearing before Commissioner F. W. Gaines late yesterday.

They were John Maribello, 28, and Ralph Carsello, 28, both of whom have been arrested here before with "Yonnie" Licavoli, leader of the gang. Carmen Carp, alias Carmen Carpenelli, 24, who was arrested with them, was released last night. Police said they had nothing on him.

# Licavoli and Carsello Cases Are Continued

Cases of Yonnie Licavoli and Ralph Carsello, charged with being suspicious persons, were continued Thursday by Police Judge Ira Coie until Nov. 22. The suspects were arrested two weeks ago by detectives investigating terrorists' raids on dry cleaning establishments.

# Racketeer Cases Continued by Court

Cases of Thomas "Yonnie" Licavoli, Ralph Carsello and Joe "Wop" English, charged with being suspicious persons, were continued until Nov. 29 in police court Tuesday by Judge Len Donovan. The three were arrested last month by detectives investigating the bombing of one dry cleaning establishment and the wrecking of another supposedly by racketeers demanding tribute from the proprietors.

# TWO ESCAPE GANG BULLETS IN BEER WAR

## Johnny Rose, Former Licavoli Aid; Benny Weiss Targets of Gunmen

The first of the reprisal shootings expected by police as the result of the machine-gun murder of Louise Bell last Wednesday night came at 12:40 a. m. today when gang bullets rained about the flying heels of Johnny Rose, former member of the Licavoli mob.

Again the gang assassins were poor marksmen and three shots fired from an auto in the 100 block of Michigan street missed not only the dapper Rose, but five sprinting companions.

With Rose were Benny Weiss, recently released from the federal reformatory at Chillicothe, where he served a term for bootlegging; Julius Fine, clothing salesman; a man giving his name as Dr. Schell; Louis Raymer, Monroe street pawnshop operator, and Morris Infeld, operator of the National Loan Co., 316 Monroe street.

### Didn't Know Gunmen

Rose, who police say quit the Licavoli gang a year ago, said he did not know the reason for the attempt to put him on the spot, nor did he know the identity of the four men in the gunmen's auto.

Police believe, however, the gunmen were members of the Egan's Rats gang of St. Louis, called here to protect Jack Kennedy, Miss Bell's escort and 25-year-old Toledo bootlegger, in his battle with the Licavoli gang.

Rose and Weiss, ordered to report to Detective Inspector Emmet Cairl this morning, called at noon to express regret that they had overslept, but assured the inspector they would be in at once to call on him.

### Rose Once Ordered Killed

Detective Carl Hartung, investigating the latest shooting, recalled that Rose was ordered killed by the

# LICAVOLI IS CLEARED AS CHIEF HAAS FINDS WEEK-OLD STATEMENT

## Lost Document Is Turned Up To Free Gang Chief of Blame in Slaying of Girl

Thomas (Yonnie) Licavoli, reputed gang leader, was virtually cleared of any connection with the machine gun slaying of Miss Louise Bell, 22, of the Jarvis apartments, last Wednesday night at Jackson and Superior streets, yesterday by Police Chief Louis J. Haas when he discovered a five-day-old report made by detectives the night after the girl was murdered.

### Censures Officers

Chief Haas issued orders yesterday afternoon to bring Licavoli into the station for a statement but a short time later revoked the orders when he discovered the report which stated that Detectives Arthur Brown and John Michalak interviewed the reputed gang leader in his luxurious Pemberton drive home the night of the slaying.

Detectives Brown and Michalak said in their report that they went to Licavoli's home shortly after the girl was slain and Licavoli answered the door. They said Yonnie's mouth was covered with fever blisters and that he looked as if he had been ill.

### Report Surprise To Chief

When questioned by Detectives Brown and Michalak, Licavoli is reported to have said that he knew nothing about the girl being murdered and that he had been under a physician's care for several days. The report said the officers were satisfied that Licavoli had been ill and they departed.

"This is the first I knew of the interview," the chief said yesterday. "I am satisfied, however, that Licavoli had nothing to do with the shooting and am convinced by the detectives' report that Licavoli was too ill to leave his home on the night of the murder."

# LICAVOLI CLEARED IN GANG SLAYING

Continued from Page 1

Dewey Slusser, Michael Burke, Louis Belkey and Glenn Berning were censured by Chief Haas yesterday for their carelessness in handling details following the slaying. Inspectors Emmet Cairl, Joseph Delehaunty, George Timiney and Acting Inspector Ray Allen attended the meeting.

### Points To Mistakes

The chief pointed out many mistakes made by the officers. The chief said only two men were needed at the scene and the others should have attempted to locate the slayers' auto.

Three men are being sought for the slaying, police said yesterday.

The firing upon John Rose, 26, of 310 East Bancroft street; Benny Weiss, 38, of 2105 Warren street, and four companions early Monday at 105 Michigan street, is believed to be the work of local amateur beer runners, according to Chief Haas. No arrests have been made.

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# Reams Will Question Stein and Licavoli Men Today

Three alleged henchmen of Thomas (Yonnie) Licavoli and Samuel Stein, 26, of 120 West Bancroft street, who was indicted on a first degree murder charge yesterday, will be questioned today by Prosecutor Frazier Reams in connection with the slaying of Jack Kennedy.

Prosecutor Reams announced yesterday he will quiz

Joe (Wop) English, Ralph Carsello and John Mirabella, who have been held in the county jail since Tuesday when they were arrested at the home of Licavoli on Pemberton drive, following their return from Detroit.

The indictment came as a result of the finding of a .38 caliber revolver along the banks of the Ottawa river near the scene of the murder. The gun was later identified by Detroit ballistic experts as one used in the murder and was traced to the pawn shop in which Stein was a clerk.

### Refuses to Talk

Stein was arrested when he refused to give Detectives Emmett Cairl and Harry Clark a satisfactory answer as to how the weapon got out of the shop after it had been received there in March. Further questioning by Prosecutor Reams, Sheriff David Krieger and detectives failed to bring out any evidence from Stein and Wednesday night he was placed under a murder charge by Prosecutor Reams.

The grand jury returned the indictment following the presentation of evidence by Paul Alexander, assistant prosecutor; Coroner Frank G. Krefl, Sheriff Krieger and detectives assigned to the case.

### Second Gun Identified

A second gun, a .45 caliber revolver, found near the spot where the other weapon was discovered by boys while picking berries at the foot of 11th street, was also identified by Lieut. Earl O. Stephens, Detroit expert, as having been used in the killing.

The serial number on the gun was sent to the factory yesterday

by police in an effort to locate the original owner. The numbers were disfigured, but were brought out in the Detroit examination.

According to Stein's attorney, John Cochrane, the .38 caliber gun was bet in place of money in a gambling game by Stein and was

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lost. The winner, Mr. Cochrane said, refused to let Stein buy it back and the pawn shop clerk lost trace of it after that.

### Stein Afraid

Police reported that Stein is familiar with the person or persons in possession of the gun before the murder, but fears harm if he reveals their identity. Stein's attorneys sought his release from the safety building on bond, but were refused by Prosecutor Reams.

Attorney Harry Leavy appeared at the courthouse Thursday and asked Prosecutor Reams particulars about the case. He said he was not engaged to defend any of the men being held for questioning, but was acting upon his own impulse.

### Counsel for Licavoli

Mr. Levy was recently engaged by Licavoli to defend him in his trial for conspiracy to violate the national prohibition act in federal court. Mr. Levy has also defended Yonnie on numerous occasions in police court.

Miss Audrey Ralls, beauty contest winner, was held at liberty Thursday without bond following her release Wednesday by Common Pleas Judge Scott Stahl after a habeas corpus hearing brought about by her attorney, Dan McCullough.

Miss Ralls was being held as a witness, having been a companion with Kennedy when he was shot while walking on Edgewater drive and 140th street, Point Place, last Friday night.

## REAMS SEEKS TO TEAR DOWN STORY OF GUN

Pawnbroker's Clerk Pleads

### Indicted



Samuel Stein

Stein was indicted yesterday on a first degree murder charge growing out of the slaying of Jack Kennedy a week ago.

### Not Guilty When Arraigned for Kennedy Killing

Samuel Stein, the pawnbroker's clerk who is regarded by police and Prosecutor Reams as holding the key to the mystery gang killing of Jack Kennedy, was near the breaking point Saturday morning and was nearly ready to tell what he

allows about the murder gun, of which he had last legal possession.

This was seen in a series of conferences between the prosecutor and John Cochrane, Stein's attorney, in the courthouse, and the presence of a stenographer outside the conference room door.

It seemed probable that Stein was ready to make a statement of description of the man to whom he says he loaned the murder gun, a .38-caliber automatic pistol, found near the scene of the crime and identified by Detroit ballistics experts from bullets found in Kennedy's body.

### Stein Pleads Not Guilty.

Kennedy, a bootlegger, was shot July 7 at 140th street and Edgewater drive, Point Place, Lucas county.

Arraigned in common pleas court Saturday morning on first degree murder charges in the killing, Stein pleaded not guilty, was held without bail. Until now Stein has said he could not remember any description of the man to whom he says he loaned the gun for \$5.

John Mirabella, Licavoli henchman, was questioned briefly Saturday morning and returned to the county jail. Friday, Prosecutor Reams announced that Joseph "Wop" English and Ralph Carsello, also Licavoli henchmen, told conflicting stories of their activities the night of the murder. Both said they were in Detroit, and Thomas "Yonnie" Licavoli, their chief, offered the same alibi for them.

### Guns Are Being Examined.

Meanwhile Sheriff David Krieger left for Detroit to have police ballistics experts analyze bullets taken from recent gang killings and bullets fired from six .38 caliber and .45 caliber automatic pistols and revolvers taken from the Monroe Merchandise & Loan Co., 822 Monroe street, where Stein worked and from which he got the murder gun.

The bullets included those that killed Aaron Harris at Nebraska avenue and Wyandotte street, May 10, 1931; Chester Marks, Aug. 18, 1931; Abe Lubitzky and Norman Blatt, Oct. 6, 1931, and a bullet taken from Kennedy's car following

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## Pawnbroker's Clerk Pressed To Tell Complete Story of Murder Gun

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a shooting on Michigan street several weeks ago.

### "Wop" English Grilled.

English was summoned to the prosecutor's office Friday and was grilled for an hour and a half by Mr. Reams, his assistants, Joel Rhinefort and Arnold Bunge; Detectives Emmett Cairl, William Rogers and Harry Clark, and by Sheriff Krieger. Carsello was brought in when they finished with English. He was questioned for an hour.

Rumors that English was seen in Toledo shortly before and again some time after the murder and that authorities have information to that effect, were neither denied nor affirmed by the prosecutor. Asked if English admitted being in Toledo that night, the prosecutor said the stories told by English and Carsello "were not consistent."

### Licavoli Offered Alibi.

Following the murder, Yonnie Licavoli, chief of the gang, offered an alibi for both English and Carsello in his statement that they were with him in Detroit at the funeral of his father-in-law.

Rumors that Licavoli was ready to rid himself of English and Mirabella were hinted some weeks ago. His alibi for English refuted this rumor, but left Mirabella's status in doubt.

A new angle to Prosecutor Reams' case was seen Saturday as he announced he would "examine Mirabella and several other witnesses." Who these mystery witnesses are has caused considerable interest. Whether they are eyewitnesses or other suspects was not made known.

### Audrey Ralls Moves.

Meantime, Attorney Dan McCullough announced he again has changed the address of Audrey Ralls, Kennedy's companion the night he was murdered. "Even her mother doesn't know where she is now," Mr. McCullough informed the prosecutor. Mr. Reams has made no move to have the girl appear since he last talked to her. Sheriff Krieger admitted, however, that he would arrest Audrey Ralls on sight and bring her in as a material witness until the court sets a bond.

### English and Carsello Questioned

English and Carsello, both lieutenants in the Licavoli crowd, were examined at length Friday afternoon by Prosecutor Reams and his assistants, Joel Rhinefort and Arnold Bunge; Sheriff David Krieger and city detectives.

English, attired in a stylish blue suit and freshly shaven, was brought to the prosecutor's office at 3:30 P. M., through the jail tunnel, by Sheriff Krieger. Questioning of English continued until 5 P. M.

Carsello, dressed in cream colored knickers and wearing a light soft hat, followed him in the grand jury room where he remained until 6 P. M.

Prosecutor Reams said that many inconsistencies were found in their statements. He refused to divulge the nature of the differences.

The informed him, however, that, at the time of the murder, they were in Detroit attending the wake of Licavoli's father-in-law, Mr. Reams said. They went to Detroit together and returned to Toledo together, they said.

The prosecutor would neither affirm nor deny a report from reliable sources that English did not leave Toledo until midnight, July 7, the night of the murder.

He explained that their statements are being checked and that several witnesses, whose names were brought out in the interrogations, will be questioned, probably Saturday. He refused to divulge the names of the witnesses.

The prosecutor said he believed the authorities are building up a case and reported progress.

### Pawn Broker Questioned

The guns taken to Detroit were turned over to police by Louis Igdaloff, proprietor of the pawn shop, who was questioned by authorities about the two guns found after the slaying.

He denied he ever had seen the weapons. Sam Stein, who accepted one of the murder guns as a pledge in the shop and later said he sold it to another person, was discharged as a clerk by Igdaloff a month ago, the proprietor told authorities.

Stein, indicted by the grand jury on a first degree murder charge, Thursday was removed to the county jail Friday afternoon.

## Quiz of Mirabella Set Today; Pawn Shop Guns Held

Purported inconsistencies in series of events in which they claim to have participated on the night of the murder of Jack Kennedy, were told by Joe (Wop) English and Ralph Carsello, when they were examined separately yesterday before Prosecutor Frazier Reams, his assistants, Joel Rhinefort and Arnold Bunge, Sheriff Dave Krieger and Detective Harry Clark, the officers said.

John Mirabella, arrested with English and Carsello Tuesday on suspicion in connection with the murder, will be questioned by the prosecutor and sheriff this morning.

### First Grilling

Friday's grilling, the first to which any of the three reputed Licavoli lieutenants have been subjected since their arrest, resulted, according to the prosecutor, in "materially strengthening the state's case."

Explaining that he could not reveal the details of the stories told by English and Carsello, because to do so would give each the chance to corroborate the other's statement, Mr. Reams asserted that the accounts of the two men differed in many important instances. He said also that he was by no means satisfied that either was telling the truth. Both will continue to be held in the county jail.

### Together at Wake

The stories agreed, the prosecutor said, in that both asserted they were together at the wake of Joe Mocerl, Detroit, father-in-law of Yonnie Licavoli, on the night of the shooting. They admitted that they returned to Toledo together and had seen each other since their return before they were arrested.

Licavoli, when he appeared for questioning before the prosecutor earlier in the week, offered his father-in-law's wake as an alibi for all suspected members of his gang except Mirabella.

The two neatly dressed suspects yesterday appeared deeply worried when they were led back to the county jail after their separate questionings. English wore a dark green business suit, while Carsello appeared in white golf knickers and sport shirt.

The three suspects are being confined in widely separated parts of

## Stein Describes Man Who Got Murder Gun

Accused Clerk Pleads Not Guilty in Kennedy Killing, Then Goes Before Prosecutor; Mirabella Also Questioned. JUL 15 1933

After pleading not guilty to first degree murder, Samuel Stein, 26, former pawnbroker's clerk, Saturday gave Prosecutor Frazier Reams a complete description of the man to whom he gave a pistol used in the slaying of Jackie Kennedy, beer baron, in Point Place July 7.

With his attorneys, John Cochrane and Harold Green, Stein was taken before the prosecutor immediately after he was arraigned before Judge James S. Martin.

The prosecutor refused to discuss the results of the interview, but Attorney Cochrane revealed that his client had furnished the description. Stein also was questioned as

to his whereabouts the night of the murder.

### Mirabella Quizzed

John Mirabella, member of the Thomas (Yonnie) Licavoli gang, also held in connection with the slaying, was taken from the jail to the courthouse handcuffed to Stein, and was taken to the grand jury room for questioning.

Prosecutor Reams, who said he would not discuss the questioning "because the case has reached an acute stage," revealed that Mirabella had offered an alibi, but the prosecutor said he is not satisfied with it.

Stein's plea of not guilty was entered for him by his attorneys. He was guarded by Deputy Sheriff Clarence Field in the courtroom.

Mirabella was the third of the Licavoli henchmen to be examined. Joseph (Wop) English and Ralph Carsello were examined by the prosecutor Friday afternoon. Mirabella is the man who was attacked and beaten by Kennedy in the 100 block of Michigan street two weeks before Kennedy's death. Mirabella brought on the attack by giving Kennedy a Bronx cheer as he drove by in his automobile.

Sheriff Dave Krieger and Detective Harry Clark started to Detroit Saturday with two .45-caliber automatic pistols and four .38-caliber revolvers taken from the Monroe Merchandise & Loan Co., 822 Mon-

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the jail, Sheriff Krieger explained, to prevent communication.

Earlier yesterday the prosecutor questioned Louis Igdaloff, president of the Monroe Merchandise & Loan Co., 822 Monroe street, to which one .38 calibre pistol found near the scene of the murder, and since identified as having fired one of the fatal bullets, was traced. Mr. Igdaloff asserted that he had discharged Sam Stein, clerk against whom a first degree murder indictment was returned Thursday, from his employ a month ago. He said he knew nothing of the murder gun, but turned over to Mr. Reams two .45 calibre automatic pistols and four .38 calibre revolvers which had been pawned at his shop.

### To Be Examined

These guns will be examined by Detroit ballistics experts to determine whether any of them might have been used in the attack on Kennedy in Michigan street a month ago. English and Mirabella are known to have been his assailants at that time.

The two guns, one a .38 calibre and one a .45 calibre automatic, found by boys along the Ottawa river in Point Place both have been identified as having fired bullets into the body of Kennedy.

Stein was transferred from the city to the county jail yesterday. He has not yet altered the unsatisfactory story he told the prosecutor when he was examined Thursday. He insists that he can not remember to whom he disposed of the gun left with him at the pawn shop, and since pronounced one of the murder weapons.

### Other Bullets Sought

On their way the officers stopped at the office of Coroner Frank G. Krefl where they obtained bullets taken from bodies of other gangster victims to take with them.

Bullets taken to Detroit for examination were used in the following murders:

Abe Lubitzky, bootlegger, and Norman Blatt, gambler, shot to death at Franklin avenue and Bancroft street Oct. 6, 1931.

Chester Marks, operator of the Chateau La France night club and Luna Pier, slain at the rear of his home in Broadway Aug. 18, 1931.

Aaron Harris, who was killed at Nebraska avenue and Wyandotte street May 10, 1931, as he was riding with Jimmy Lahey, hijacker. The bullets were meant for Lahey, who was killed by gangsters March 16, 1932.

The bullets will be compared with others fired from the guns by ballistics experts of the Detroit police department in an effort to trace the killers.

In addition the officers have bullets fired into Kennedy's automobile following his brush with Licavoli gangsters in Michigan street for comparison with the guns.

A volley of shots followed the youthful cabaret operator as he fled to his car following the lacing of Mirabella. He is said to have warned English that he would receive the same treatment given Mirabella.



# Trio Nabbed by Sheriff Krieger at Home of Licavoli; Held in Killing of Kennedy

Three members of the Thomas (Yonnie) Licavoli gang were arrested by Sheriff Dave Krieger Tuesday and held for questioning in connection with the murder of Jackie Kennedy, former beer baron, in Point Place Friday night.

They are Joseph (Wop) English, 34, of 201 White street, who gave his occupation as a salesman and said that he was born in New York; Ralph Carsello, 29, of 1642 Washington street, who gave his occupation as a barber and said that he

was born in New York, and John Mirabella, 28, of 427 Walbridge avenue, who gave his occupation as a fruit merchant.

All were booked at the county jail without bond to be held for Coroner Frank G. Krefz. The arrests were made at the home of Licavoli, 2733 Pemberton drive, after the sheriff received information that the men were seen in a highway leading to Toledo.

English and Carsello were picked up first by the sheriff. An hour later he returned to the Licavoli home where he found Mirabella playing croquette on the lawn with Licavoli and another man.

On the second trip the sheriff was accompanied by his son, Herman, a special deputy. The men talked little on the way to the county jail, the sheriff reported.

Prosecutor Frazier Reams planned to question the three suspects Tuesday afternoon.

**Revolver Found**  
Ownership of a revolver which may have been used in the murder of Kennedy was being traced Tuesday by detectives and deputies of Sheriff Krieger.

The weapon was found by three boys who were picking berries near 114th street and the Ottawa river Monday.

Through an identification number the gun was traced to a Monroe street pawnshop by Sheriff Krieger and Detectives Harry Clark and William Rogers. It was left there March 17, last, by H. Powers, who then lived at 1210 Camden street. Detectives learned that Mr. Powers later moved to the state of Washington.

The officers are seeking the manager of the shop in an effort to find out who the weapon was sold to.

**Plot Feared**  
The gun, a .38 caliber Colt revolver, contained three loaded and three unloaded Remington U. M. C. shells of a special make. The spot where it was found would be in the line of flight of gangsters who killed Kennedy if they headed for Suder avenue from the murder scene to avoid Summit street in making their escape.

Fresh rust was on the gun when it was found and the boys kept possession of it until Monday evening, obliterating possible finger prints. Detectives will take the revolver to ballistics experts in Detroit for examination along with a well marked bullet taken from Kennedy's body.

The weapon was found by Alvin and Bernard Hester, brothers, 3144 131st street, and Eddie Vanderhorst, 134th street. The boys fired one shot from it, they said.

A plot to intimidate witnesses who might provide an answer to the question, "who killed Jackie Kennedy?" was indicated by developments in the investigation of the murder Tuesday.

Two awarthy men who were seen in a car parked opposite St. Vincent's hospital more than two hours Monday night entered the institu-

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tion at 12:45 A. M. Tuesday and asked for Patrick Deegan, a witness in the case. They left when told that Mr. Deegan, an employe of the hospital, was no longer there.

Mr. Deegan lives at Edgewater drive and 140th street, Point Place, across the street from the spot where Kennedy was shot to death by two gunmen while strolling with Miss Audry Ralls, 20, of 2428 Fulton street, beauty contest winner, Friday night. He was the first person to reach the scene of the murder.

Mr. Deegan said Tuesday that he has no knowledge of the Kennedy killing, the killers or the car in which they fled. He said that reports that he saw the assassins' automobile drive away were wrong and caused him much embarrassment.

**Bodyguard Leaves**  
The two men at the hospital Monday night were seen first by employes at 11:15 P. M. as they sat slumped down in their car. They were well dressed.

Another possibility of intimidation was seen in the sudden departure Monday night of Kenneth (Punkins) Francis, bodyguard of Kennedy, who was in a cottage a short

distance from the murder scene Friday night. Francis appeared at a downtown hotel where he formerly stayed and asked for clothing he had left there.

On being informed that his possessions were in a store room and that he could get them Tuesday morning, he asserted that Tuesday would be too late. He wanted to get out of town immediately and the farther away the better, Francis said. On being released following an inquest into the death Saturday, Francis said that he would appear when told to by Jay Gilday, deputy sheriff.

Deputy Gilday said that Francis visited him about 5 P. M. Monday and said that he intended to accompany a friend called Skippy to Lewisburg, Pa., and New York. He promised to keep in touch with the officer.

## Held in Slaying



JOSEPH (WOP) ENGLISH

Another Bullet Found  
A .45 caliber bullet with a copper jacket was turned over to Deputy Gilday Tuesday by S. P. Chilcote, 5839 317th street, who found it in 140th street about 200 feet from the place where Kennedy was shot. It is believed that this bullet was fired during the shooting and may have passed through the victim's body. It bore two indentations, indicating that it had struck some object.

Rumors were current in the underworld Tuesday that two members of the Licavoli gang have been marked for death for the slaying of Kennedy.

These reports followed closely on a denial made to county officials Monday afternoon by Licavoli, that he knew anything of the slaying.

Licavoli not only stated that he was in Detroit sitting up with the body of his father-in-law but furnished alibis for three other members of his gang who are being sought for questioning.

The gang leader who returned to Toledo Monday noon told officials

that English, Ernest LaSalle and Carsello were in Detroit with him. He did not know of the whereabouts of Mirabella who was the victim of Kennedy's fists several weeks ago, he told officials.

**Licavoli Bronzed**  
Licavoli, bronzed by the sun and wearing a newly acquired mustache, notified Sheriff Krieger at 1:45 P. M. that he was home. The sheriff

told him he would call for him and immediately went to the gang leader's Old Orchard home.

When he reached the Licavoli home, Sheriff Krieger said, the gangster was standing in the driveway from which he entered the officer's car immediately. Yonnie had little to say on the trip to the jail.

He was wearing a double-breasted brown suit with a black silk handkerchief trimmed in red in his breast pocket. He wore black shoes and socks.

In his first interview with Sheriff Krieger and Deputy Gilday, Licavoli said it appeared as if someone had taken advantage of his absence and killed Kennedy so that the crime would be pinned on him. He had no statement for newspapers.

**Licavoli Released**  
After being questioned at the jail the gang leader was led through the courthouse tunnel to the office of Prosecutor Reams where he was questioned by the prosecutor, his assistants, Joel Rhinefort and Arnold Bunge, Sheriff Krieger and Coroner Krefz.

After the examination, which lasted about an hour, the prosecutor announced that he had no reason to hold Licavoli and ordered his release.

Mr. Reams said that nothing was gained from the questioning of the gang leader whose ready replies were, "I don't know," or "I don't remember."

**Witnesses Offered**  
He said he would not have known Jackie since he had met him only once, Mr. Reams said Licavoli informed him. The other members of his group were in Detroit with him attending the wake, Licavoli said. He went to Detroit Wednesday and remained there until Monday morning. He said he could present several witnesses to verify this.

After the examination Licavoli was taken back to the jail by Sheriff Krieger. A friend of Licavoli was waiting there and the two drove away.

The investigation will continue Tuesday with the prosecutor planning to interview various witnesses

who have been found by Sheriff Krieger. Few tangible clues have been established, it is believed.

Miss Ralls was still held in the county jail Tuesday, although Attorney Dan McCullough informed Prosecutor Reams that he would institute habeas corpus proceedings to obtain her release unless a bond was set for her.

Renewed gangland warfare, carrying on the long standing Kennedy-Licavoli feud, is looked upon in Toledo as something more than a possibility.

Four deaths have been laid to the feud but none have been proven against either gang.

Members of the Egan's Rats, a St. Louis gang, with which Jack Kennedy, local racketeer who was killed last Friday night, had connections, are reported in Toledo. It is reported they are out to get Yonnie Licavoli.

# ST. LOUIS GANG REPORTED HERE FOR NEW WAR

## Renewal of Kennedy-Licavoli Feud Declared Eminent; Egan's Rats Carry Torch

Renewed gangland warfare, carrying on the long standing Kennedy-Licavoli feud, is looked upon in Toledo as something more than a possibility.

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**Yonnie Is On Spot.**  
Yonnie is to pay the price not only for the Kennedy murder but the killing of Milford Jones last winter in a Detroit speakeasy. Pete Licavoli, brother of Yonnie, is charged with that murder, both officially and unofficially.

Pete was due to stand trial in Detroit Tuesday for the slaying, but the trial was postponed because Pete is in Leavenworth serving 18 months for attempt to bribe a customs official.

The killing of Jones, was said at the time to have come as one of the climaxes in the long feud between Yonnie Licavoli and his henchmen and Jack Kennedy.

Kennedy admitted before his death that he brought Jones here from St. Louis, along with other members of the Egan's Rats, for protection after he had been threatened by Licavoli gangsters, and just about the time Miss Louise Bell was murdered as she sat in Kennedy's auto.

**Jones "Showed Up" Licavoli.**  
It was Kennedy's theory that Jones was slain because he had "shown up" a group of Licavoli gangsters gathered in the doorway of a Michigan street resort. Kennedy claimed that, when he was called to a conference with "Big John" Costell, Monroe gang leader and sometimes spokesman for Licavoli, Milford Jones accompanied

him. "When they saw Jones," he said once, "they scattered so fast you'd have thought somebody had flushed quails. Costell was in a car where he couldn't move. He went dead white. Sometime later Milford left here and went to Detroit. They got him from the back up there."

It is the gang with which Jones was affiliated which some persons believe is here to revenge Kennedy's death by the death of one or more of the Licavoli gang, and, perhaps of Yonnie Licavoli himself. This mob is made up almost altogether of Irish gunmen.

**May Avenge Kennedy.**  
"They enjoy nothing more," a federal undercover operative once said of them, "than to see an Italian gunman and have a machine gun handy. Their idea of sport is chasing their enemies into blind allies and then shooting it out."

The new Egan's Rats, smooth in methods and dress, took their title from the original gang of toughies who strung along with William T. Egan, saloon keeper and first man put on the spot in St. Louis. The new gang is said to have plenty of brains, and no little money and is believed to have connections this far east.

One of Jack Kennedy's uncles is said to have been a member of the old Egan's Rats gang.

Three suspects, John Mirabella, Ralph Carsello and Joseph (Wop) English, all members of the Licavoli gang here and known enemies of Kennedy, were to be questioned again. Thomas (Yonnie) Licavoli, gang leader, questioned Monday, furnished alibis for Carsello and English, but not for Mirabella.

Mirabella was found playing croquet at Licavoli's Pemberton drive home Tuesday noon shortly after Carsello and English were arrested as they drove up to the gangster's residence.

Police, following the other clew, were to have Detroit ballistics experts examine a Colt .38 revolver found in Point Place and compare its rifling with that of a .38 caliber bullet taken from Kennedy's body.

**Hold Pawnshop Clerk.**  
Members of the homicide squad will question Samuel Stein, clerk in a Monroe street pawnshop, as the last man known to have had legal possession of the gun.

The prosecutor reasons that the killers, leaving the scene of the murder, tossed the revolver toward the lake. It fell short and was discovered in the marsh. He intends

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Wednesday to have the marsh searched for the .45-caliber automatic pistol that also was used in the gang murder.

Audrey Ralls, companion of Kennedy and the main witness, was questioned more than an hour Tuesday afternoon. Her hazy story of the assassination is not satisfactory to the prosecutor altho it is substantially the same story she told immediately following the murder.

**Funeral Seen As Bait.**  
One theory advanced by police and apparently being followed by the county authorities is that Kennedy was marked for death seven months ago when Louise Bell stopped the hail of machine gun bullets meant for him. Since that date the Licavoli gang has awaited a reasonable and legitimate alibi for being out of the city so that Kennedy's death could not be laid at their door. The entire mob was in Detroit Friday attending the funeral of Licavoli's father-in-law.

Another theory is that Licavoli, for political and business reasons, forbade the killing of Kennedy. This order protected his life for months, in the face of Kennedy's open insults. Friday, while Licavoli attended the funeral, minor hoodlums

in the gang wiped out these insults without the knowledge of the leader.

Seek Two in Detroit.  
It was remarked that Licavoli gave a perfect alibi for all his henchmen now sought except John Mirabella. Mirabella is the man Kennedy beat up with his fists a month ago in a shooting brawl in Michigan street.

Mirabella, Carsello and English are held in separate cells at county jail. Sheriff Krieger and Detective Cairl will look for Leo Mooeri and Ernest LaSalle in Detroit Wednesday.

Meantime there has been talk of threats made against eyewitnesses to the shooting. These rumors gave rise to speculation as to whether or not Kenneth (Punkins) Francis, Kennedy's bodyguard, will return from a visit in Pennsylvania. He promised the sheriff he will be available when needed.

**Bank Trial Divides Time.**  
Further examination of witnesses and others probably will be slowed up Wednesday as Prosecutor Reams resumes the trial of Stacey L. McNary, president of the defunct Security-Home bank.

The sheriff intends to round up every hoodlum who might be identified with the murder. Prosecutor Reams indicated he will have a thorough knowledge of gang activities in Toledo and Lucas county before the Kennedy murder case is packed away in the courthouse files.



JOHN MIRABELLA



RALPH CARSELLO

# KENNEDY CASE HUNT NARROWS

## County Holds Three Hoodlums, Seek Two Others and Check on Owner of Weapon

Boys playing at 2396 Ottawa River road at noon Wednesday reported to the sheriff's office they found a .45-caliber automatic pistol. This is believed to be one of the weapons used to kill Jack Kennedy, gangster, near there Friday night.

Prosecutor Frazier Reams, Sheriff David Krieger and police Wednesday were following two lines of investigation in the murder Friday night of Jack Kennedy, young bootlegger, in Point Place.

# ARGUMENTS WILL BEGIN LATE IN DAY

## State Expected to Call Several Rebuttal Witnesses Before Closing Time.

The first degree murder trial of Joseph (Wop) English, which has been marked by a series of startling revelations, rapidly was drawing to a close Friday when closing arguments of counsel were slated to start after the state completes the examination of two or three rebuttal witnesses.

Prosecutor Frazier Reams expected to put Fred Burnett, 1443 Superior street, nightwatchman at the State Service Co. and an alibi witness for English, on the stand as a state witness.

Burnett had been subpoenaed as a defense witness but was not put on the stand by English's lawyers. He spent Wednesday and Thursday nights in the county jail.

### May Recall Shapiro

The state also is expected to call ule Parrish, another defense witness who was not used by the defendant. Mr. Reams also will recall Detective George Timiney to establish the fact that two cars were sought in connection with the killing of Jack Kennedy at Point Place July 7.

The defense will bring back to the stand an alibi witness, presumably Morris Shapiro, it was reported.

Tentative arrangements are for Arnold Bunge, assistant county prosecutor, to open the argument for the state and A. J. Bianchi, Akron attorney, to begin the defense summation of the testimony.

### Time to Be Fixed

Judge Roy R. Stuart, who is presiding at the trial, will fix the time to be allotted each side for argument Friday morning. In the event there is too little time for the jury to hear argument of both sides the finale of the trial may be deferred to Saturday or Monday, Judge Stuart said.

It also was indicated an investigation may be made into a report that a witness summoned by the defense lost his job as a result of appearing at the courthouse in response to the subpoena. Judge Stuart, however, refused to comment on this development.

### Two Subpenas Issued

Late Thursday the state issued subpoenas for Mrs. Lenora Free and her daughter, Miss Free, of 329 Magnolia street, to appear in court Friday.

The witness who was said to have lost his job was Parrish, but when the youth was asked by a BLADE reporter whether he actually had been discharged he refused to answer the question definitely.

The defense rested its case late Thursday after introducing testimony of two witnesses who supported the alibi which English offered in his own behalf from the witness stand late Wednesday.

### English Identified

The witnesses, Richard Jackson, 1768 Huron street, and Lowell Bolander, 18, of 2020 Delance street, identified English in the courtroom as the man they saw at the State Service Co., 1311 Milburn avenue, between 9:05 P. M. and 11:15 P. M. the night of the murder.

Prior to the opening session of the trial it was learned that Burnett, who had been subpoenaed as a witness for the defense, had been detained in the county jail since 8:30 P. M. Wednesday.

A second startling development followed closely on the heels of this revelation when Jackson and Bolander testified that a photograph which they had selected as being a likeness of English, when questioned by the Clark brothers shortly after the murder, in reality was the likeness of another man.

### Photograph Introduced

The photograph, which was introduced in evidence, bore a slip of paper on which was inscribed the name "Joseph (Wop) English." They admitted they had selected the photograph in question because it bore English's name.

Each of the two witnesses asserted he had informed the Clark brothers that the photo selected looked like English with the exception of the fact the man portrayed in the picture had more hair than English. They believed the photograph to have been a picture taken when English was younger, they said.

Tells of Visit  
In his direct testimony Bolander said that on the night of July 7 he had gone to the home of Richard Jackson, 1768 Huron street, and that they left there at a quarter to eight in Jackson's car. They then picked up Jules Parrish and drove downtown. Then they went to the State Service Co. in Milburn avenue, arriving there about 8:30 P. M., he said, and stayed there five minutes and went after some drinks with Buster Burnett. They arrived back at the State Service at 9:05 P. M. and saw English sitting out in front of the place, the witness testified. English's automobile was there, parked next to Jackson's, he said. They stayed there from 9:05 until 9:40 and English was there all the time, according to Bolander.

### Witness Is Held

Then they drove to Bancroft and Monroe streets and were gone a half hour. When they came back, English was still there, the witness said, and was there when they left at 11:15. Then they went home, Bolander testified.

The question of the identity of the person whose photograph Bolander selected as the man pointed out to him as English, whom he had seen at the State Service Co., 1311 Milburn avenue, was settled definitely by Attorney Bianchi in his redirect examination of the witness. Mr. Bianchi, as his final gesture, ordered English to stand up after which he turned to Bolander and said, "Is this the man you saw at the State Service about 9 o'clock the night of July 7?"

"Yes it is. That's him," the witness replied.

Previous to this testimony Mr. Bunge had engaged the witness in a lengthy cross-examination. He brought out the fact that the picture which Bolander had selected had been picked by him because he saw the name English inscribed on the photograph. Bolander specified that he had selected the picture by name and had readily signed his name on the back of it because he was glad to get out of the place.

### Shown True Picture

During the course of his examination Mr. Bunge showed the witness a true photograph of English and Bolander admitted he believed it was among those he had seen in the Board of Trade building. He did not select it, he said, because it did not bear English's name.

Mr. Bianchi asked Bolander if he did not know that Jules Parrish would be fired from his job if he came to Attorney Fisher's office to give information about the case or testified in the trial. Mr. Bunge leaped to his feet and shouted, "Just a moment, your honor. I think that Mr. Bianchi should be required to show whether we have any connection with that."

"How would Bolander know about that?" Judge Stuart asked.

"All right, your honor, I'll withdraw the question," Mr. Bianchi said.

### Told About Burnett

Mr. Bianchi also drew from the witness the testimony that the Clark brothers had told him he could change his story if he wanted to, informing him that they already had Burnett in jail and asking him how he would like to be there himself. The witness said also that the Clark brothers told him they had seen Jackson's car in Point Place on the night of the murder. He said that he told them they were all wrong about that.

"The story you told the Clark brothers and Mr. Bunge at the Board of Trade building is substantially the same as your testimony here, is it not?" Mr. Bianchi said.

"Yes, it is."

Jackson corroborated testimony given by Bolander in his direct examination.

The revelation that an alibi witness for the defense had been held in jail Wednesday night caused a switch in defense tactics.

On learning of the detention of Burnett, Mr. Bianchi said that he would not be called as a witness for English. It was believed at the courthouse, however, that Burnett would be placed on the witness stand as a rebuttal witness for the state in an effort to blast the alibi evidence offered in the prisoner's behalf. When informed that the

defense was through with Burnett as the result of his experience, Prosecutor Reams said he did not know whether he would call him as a state witness.

### Turned Over to Sheriff

Burnett was one of six alibi witnesses subpoenaed by the defense. Prosecutor Reams said that the sheriff had been unable to find him to serve the summons. Detective Captain Timiney knew where the witness was, however, and brought him to the prosecutor's office late Wednesday.

After questioning Burnett, the prosecutor asserted, he called Sheriff Dave Krieger to his office and presented Burnett to him. As the witness was ready to leave, Prosecutor Reams said, he suggested that Burnett might be a

night in jail. He said that Burnett agreed to this, provided he could go to his home and get presentable clothing for his appearance in court. He was escorted to his home and thence to the jail at 8:20 P. M. The prosecutor explained that Burnett was not under arrest, but was "detained."

### No Threats Made

Mr. Reams did not reveal what he learned in his conversation with Burnett Wednesday evening. Authorities handling the state's case did not comment on the possibility that Burnett was detained to avoid any opportunity to intimidate him before he appeared in court. No threats against the youth had been made, it was said. No other defense witness has been held, Mr. Reams said.

F. E. McLeary, keeper of records in the United States weather bureau here, testified that on July 7 the weather was clear until 5 P. M.; partly cloudy until 7 P. M.; and cloudy until 10 P. M. He said that the moon broke through the clouds at 10 P. M. and thereafter and that it was a full moon. Under cross examination Mr. McLeary testified that there had been no rain that evening and that the weather Wednesday night was mostly clear from 10 A. M. until after 10 P. M. it was partly cloudy to clear.

## ENGLISH CASE MAY BE GIVEN TO JURY TODAY

## Defense Rests After Two Uphold Alibi of Hoodlum

## SUPPORT DENIAL

## Youths Say Defendant Was in Toledo at Time of Killing

With the defense resting its case yesterday the first degree murder trial of Joe (Wop) English on charges of killing Jack Kennedy in Point Place July 7 is expected to go to the jury late today.

Prosecutor Frazier Reams said the state will present two or three rebuttal witnesses when the trial is resumed at 9 a. m. today in the common pleas court of Judge Roy R. Stuart. Direct examination of the state's rebuttal witnesses should not consume more than one hour, Mr. Reams said. It is expected also that Defense Attorneys DeWitt Fisher and A. J. Bianchi, the latter of Akron, will call at least one sur-rebuttal witness.

### Defense Continues Alibi

The defense yesterday followed English's denial of any part in the crime, made when the prisoner was on the witness stand Wednesday, with a succession of witnesses who corroborated English's alibi—that he was at the State Service Co., 1311 Milburn avenue, at the time of the slaying.

Richard Jackson, 21, of 509 1/2 Ash street, who formerly lived at 1628 Superior street, was the last witness to appear. He testified he was at his home with Lowell Bolander, 18, of 2020 Delance street, about 7:30 p. m. on July 7. About 7:45 p. m., he said, he left with Bolander in his (Jackson's) roadster and went to Free's grocery store at Magnolia and Huron streets, where they picked up Jules Parrish, an employe of the grocery, about 8 p. m. Jackson said he knew it was about 8 p. m., because Parrish was through work at that hour.

### Pick Up Another

The three of them rode around for a while and then went out to the State Service Co., reaching there about 8:20 p. m., he said. There they picked up Fred (Buster) Burnett, 22, watchman at the State Service Co., and went with him out Monroe street to Sylvania. Burnett was given leave for half an hour, Jackson testified, and after buying liquor, returned him to the State Service Co. about 9:05 p. m.

When they returned, Jackson said, they saw English at the State Service Co. Jackson said he stayed at the State Service Co. a second time for approximately half an hour and then left again in his car to buy gasoline at Bancroft and Monroe streets. That time, he said, he was gone between 20 and 25 minutes, returning about 10 p. m. to the State Service Co. When he returned the second time, he said, English was still there.

Jackson testified he had talked with Mr. Reams and the Clark

brothers, investigators, and that the statement he made to them was the same as the testimony he gave in court.

Under cross-examination by Joel Rhinefort, assistant prosecutor, Jackson admitted that after he and Bolander had picked up Parrish at the Free grocery, they drove around the downtown section "looking for a date." He drove around "for quite some time," he said.

"Isn't it a fact it was after 10 when you got out to the State Service Co. the first time?" Mr. Rhinefort asked.

"No," Jackson replied.

### Talk of Autos

English was standing in front of the door, Jackson said. English talked to him about Ford cars, he said, and he and Bolander, Burnett and Parrish "just fooled around there outside."

Kennedy testified English left in his own car and was away for five or 10 minutes and that he did not know where English went. Nothing was said concerning English's destination, he said.

"How did you know English when you saw him?" Mr. Rhinefort asked.

"Parrish and Burnett told me it was Wop. They said he was a big bootlegger," Jackson answered.

Even English smiled as spectators in the court room tittered when Jackson made this reply.

Jackson's story was similar to the recital of Bolander, who preceded him on the witness stand.

During direct examination by Mr. Bianchi, Bolander identified English in the court room as the man he had seen at the State Service Co. on the night of July 7.

### Burnett Jailed

Burnett was one of six alibi witnesses subpoenaed by the defense but was not called after defense attorneys learned that he had been detained by the prosecutor's office and had spent the night before in the county jail.

Prosecutor Reams said Sheriff David Krieger had been unable to find Burnett to serve the summons. Detective Capt. George B. Timiney knew where the witness was, however, and brought him late Wednesday afternoon to the prosecutor's office.

### Tells of Violent Quizzing

When the witness was ready to leave, Mr. Reams said, he suggested it might be a good idea for him to spend the night in jail. Mr. Reams said Burnett agreed to the arrangement and that he returned to the jail about 6:30 p. m. after going to his home under escort to get a change of clothing for his appearance in court. The prosecutor explained that Burnett was not under arrest.

## TESTIFY FOR "WOP"



William Hood, above, and Donald McLeary, below, were called as defense witnesses Thursday in the first-degree murder trial of Joe (Wop) English to repudiate testimony of two other youths, who identified English as the slayer of Jack Kennedy, hoodlum, in Point Place, July 7.

## English Witness Released From Jail

Fred Burnett, subpoenaed as a defense alibi witness in the first degree murder trial of Joseph (Wop) English but not called to the witness stand, was released from the county jail Friday morning. Mr. Burnett had been in custody in the jail for two days and two nights.

According to Prosecutor Frazier Reams, Burnett was held in the jail at his own request. When the defense rested its case, he was automatically released, Mr. Reams said. Burnett was a night watchman at the State Service Co., 1311 Milburn avenue, where English testified he was at the time of the murder, in Point Place.

NOV 17 1933

# SHAPIRO REVEALS 'BRUTALITY' STORY AT ENGLISH TRIAL

## Clark Brothers Struck Him, Slot Machine Vendor Tells Court as English Completes Alibi Testimony

NOV 16 1933

Six alibi witnesses for Joe (Wop) English, on trial for first degree murder in the killing of Jack Kennedy, were arrested for questioning Wednesday night by the sheriff on orders of the prosecutor's office. One spent the night in jail prior to taking the stand for the English defense Thursday, it was revealed by Sheriff Krieger.

By CARL ADAMSHICK.

Charges that the "Clark Brothers," special investigators, beat and abused Morris Shapiro while questioning him in the investigation of the slaying of Jack Kennedy, Toledo bootlegger, were made by Shapiro Thursday morning when he appeared as an alibi witness for Joe (Wop) English in English's first degree murder trial in Judge Roy Stuart's common pleas court. English completed his own testimony earlier in the morning.

"Big" Clark hit me aside of the ear so hard that I felt like a building fell on me," Shapiro shouted from the witness stand. Shapiro is a slot machine distributor.

"He hit me because I wouldn't say 'yes' when he asked me questions about a gun. He would have killed me if I hadn't tussled with him. What chance did I have with two big brutes? They tore my shirt. They should be ashamed of themselves."

Arnold Bunge, assistant prosecutor, was questioning Shapiro when he made the statement.

"You ought to know where the meeting occurred," Shapiro said. "You were there and you left the room to let the Clarks do their work."

### Backs Defense Alibi.

Shapiro's testimony and the testimony of two Point Place youths marked the defense's attempt to lay a foundation for its contention that English had no part in the crime.

The Point Place youths were William Hood, 18, of 3248 138th street, and Donald McLeary, 19, of 3221 138th street. Hood and McLeary said they were near the Kennedy cottage when Kennedy and Miss Audrey Ralls started on the walk toward 140th street and Edgewater drive, where the murder occurred.

The boys said they followed Kennedy and Miss Ralls to 135th street and Edgewater drive and then Kennedy and the girl walked to the right while they went to the left. A short time later, they said, someone told them a murder had occurred. Both of the boys insisted they did not see a speeding car pass them going toward Toledo.

### Contradicts Testimony.

This contradicted testimony of Harry Craig and Robert Schwaite, the state's star witnesses, who said the Kennedy murderers escaped by driving rapidly toward Toledo on Edgewater drive. When Miss Ralls' name was mentioned, Defense Attorney A. J. Bianci asked her to stand up.

She was seated in the audience. It was the first time Miss Ralls, Toledo beauty contest winner, has been introduced to the jury. Questioned by Mr. Bianci, Hood and McLeary told the jury that Wednesday night they had assisted attorneys in re-enacting the part of murder scene that Craig and Schwaite had testified to.

Hood and McLeary insisted it would be impossible to recognize a person at the point where Craig and Schwaite said English got out of the killers' car before the murder. They said that Attorney Bianci and other attorneys Wednesday night placed an auto at the point fixed by Craig and Schwaite and that they (Hood and McLeary) stood at the given point where English's dramatic denial of his guilt was the outstanding development in Wednesday session of the trial.

### Couldn't Recognize Them.

"When the attorneys stepped from the car, as English is supposed to have done," the boys said, "you couldn't tell whether they were white or colored, and you wouldn't recognize them even if you knew them."

Shapiro testified that he was at his place of business at 1311 Milburn avenue on the night of July 7, when the murder occurred.

"English came into my place that night at 8 o'clock and I left shortly after 10 o'clock," he testified. He left the place while only one

### Remembers Time.

Shapiro declared he remembered the time distinctly because he had excused his watchman for about an hour and told him, after some discussion, that he must be back at 9 p. m. The prosecutors subjected Shapiro to a vigorous cross-examination on discrepancies in his testimony on the stand and a statement which he is said to have made shortly after the murder.

It was then that Shapiro charged the Clark Brothers with beating him.

"I wouldn't have told them the truth after the way they treated me," Shapiro said. "They tried to

get me to say English gave me a gun. They said they would throw me in jail until I rotted. They threatened to charge me with first degree murder, but I wouldn't say what they wanted me to say because it wasn't true."

When the prosecutors asked Shapiro what his business was, he said he operated vending machines.

"Do you mean slot machines?" Mr. Bunge asked.

"I refuse to say because it might incriminate me," the witness answered.

English during his brief time on the stand Thursday reviewed part of his former testimony, but offered no new evidence.

English was to be followed on the witness stand by six witnesses thru whom he hopes to convince the jury that his alibi story is true. English contends he was at the State Service Co. on Milburn avenue when the killing occurred.

### Witnesses Summoned.

Other witnesses called by the defense are Ben Mendoza, News-Bee reporter, whose exclusive interviews with eye-witnesses of the murder, gave authorities their first leads in their investigation of the crime, and Mr. and Mrs. Ernest Reed of Point Place, on whose testimony the defense pins much of its hope for an acquittal.

It was Mrs. Reed who was ordered by Judge Stuart Wednesday to detail to defense attorneys all she knows about the case, after the defense had complained that the state was suppressing her testimony.

The defense claims Mrs. Reed saw all of the gunmen who participated in the Kennedy killing and that she is sure English was not among them.

English's dramatic denial of his guilt was the outstanding development in Wednesday session of the trial.

### English Becomes Dramatic.

Arising from the witness chair in response to a question by his attorney, DeWitt Fisher, English raised his right hand to heaven and shouted:

"So help me God I never was there that night."

Later in the afternoon, English made another dramatic gesture when Assistant Prosecutor Joel Rhinefort asked him if he had shown a copy of a newspaper, detailing the Kennedy killing, to Yonnie Licavoli "because you were proud of your part in it."

"You know I didn't do it," English shouted, leveling his finger at the prosecutor. "George Timiney knows I didn't do it and so does Chris Brennan."

Timiney and Brennan are members of the city detective force.

### Accuses Timiney.

"Timiney got me into plenty of jams," English shouted at another point in his testimony.

way of the courtroom as he said it. The witness kept the crowded courtroom in a constant state of attention, amusing them with some of his answers, delivered with a strong Italian accent, accompanied by expressive gestures.

He raised his two hands with fingers outspread to impress on Mr. Rhinefort that he numbered his good friends on his two hands.

Yonnie Licavoli and John Mirabella did not come in the good friend classification, English said, describing them only as friends.

### Testimony Contradictory.

English gave a constant repetition of sharp "yes sir" and "no sir" responses with an occasional "I don't remember."

He admitted to little remembrance of the questions and answers in a statement taken by prosecutors after his arrest, when the information which he gave did not correspond with his statements from the witness stand in every detail.

English will not be recalled for further cross-examination after the questions to be put to him Thursday morning have been presented. Judge Stuart overruled a request of prosecutors that they be given the right to cross-examine later in the trial.

Defense attorneys hope to complete presentation of their side of the case Thursday. State rebuttal witnesses will follow after which opposing counsel will give their closing arguments and the judge will charge the jury and give the jurors the case for their deliberation.

### Jury May Get Case Friday.

There is little likelihood that the case will go to the jury before late Friday.

Preceding his dramatic testimony denying his guilt, English had told of his movements on the night of the murder. He said he ate dinner at home, 2110 Elm street; read the newspapers, dressed up and drove to the home of Yonnie Licavoli on Pemberton road in Old Orchard.

"I was to meet Ralph Carsello there to take him to Detroit to a wake," English said.

"Carsello was not there, so I drove to the frozen custard place at Monroe and Secor road, where he sometimes hangs out, looking for him there. He was not there either, so I went back to the Licavoli home and didn't find him, and then I went to the State Service Co. on

Milburn avenue. I made a few telephone calls, then I walked up Monroe street to a confectionery near the Avalon theater, where I bought some ice cream," the witness said.

### In Toledo Until 1 A. M.

"I also bought some cigars and went back to the State Service and stayed there until 1 a. m. when I left for Detroit. In the afternoon I had been swimming at Riverby."

English said he was born in Buffalo and moved to Toledo when he was a boy. He said he worked for the Blade while a youth and later took up boxing. He said his last fight was in a preliminary to the Dempsey-Willard fight here July 4, 1919. He admitted he served a term for robbery in the Ohio penitentiary in 1920, that he was convicted of stealing a car in Pennsylvania and in 1927 was convicted of bootlegging.

### Mrs. English Is Shown Jurors.

The witness said he was married in July, 1927, and never has been convicted of a felony since. At the request of Attorney Fisher, Mrs. English, who was among the spectators, stood up so the jury could see her.

English admitted he knew Yonnie Licavoli, Russell Syracuse and John Mirabella. He said Licavoli was a friend of his. He gave his occupation on cross-examination as a bootlegger. He said that was his only occupation.

His usual hangouts, English said, were the Acme Sales Co., Monroe and Michigan streets, operated by the Fretti brothers; the R. & K. Cigar store on Superior street, and Bowles lunch on Madison avenue.

### Went Out To See Shapiros.

"Whom did you go out to see at the Service Sales Co.?" asked Mr. Rhinefort.

"The Shapiro boys—Mose, Buster, and the Lupicas," the witness answered.

"Buster Lupica?"

"Yes."

Who else?"

"Some little Greek fellow; I don't remember his name."

Attorney Rhinefort suggested the witness might be referring to Bill Polis, but English could not recall the name. The prosecutor then swung to the night of July 7 again.

"How many men were there?" he asked.

"The watchman, this Shapiro boy—"

### Gets Them All Mixed Up.

English had not finished his answer before Mr. Rhinefort interrupted:

"Which Shapiro boy?"

"I don't know," replied English.

"I get them mixed up all the time." He then testified that the

could not tell whether Lupica had been there at all.

"There were three," he said. "There was Buster, the watchman, Shapiro and a third man I can't remember."

Comment among members of the prosecutor's staff after this testimony was semi-audible and Judge Stuart demanded that it be repeated for the benefit of the entire courtroom. It developed then that there were two Busters, one was Lupica and the other was the watchman, whose last name was not known to English.

### Details His Actions.

Mr. Rhinefort then asked English to again detail his actions at the Sales Service Co.

"I got there and I parked my car right there. I called Licavoli's home and I didn't get no answer. Then I called Romanoff's cigar store. I think I talked with one of the clerks. Then I went outside—"

English was again interrupted as Mr. Rhinefort demanded the time of these occurrences.

"I couldn't say, English declared, again bristling with defiance. "Then I went to a confectionery store," he continued.

"It's a fact then that you went out to Point Place at that time, isn't it?" demanded Mr. Rhinefort.

### Denies Going to Point Place.

"No, sir," English almost shouted.

"It's a fact then that you met some other parties and went out to Point Place with them, isn't it?"

"No, sir," English said.

English insisted in answer to questions of a similar nature that he had gone directly to the confectionery and then returned to the Service Sales Co. Shortly after his return, he said, a carful of 18 or 19-year-old boys had driven up the Service Sales Co.

"Who were they?" asked Mr. Rhinefort.

"I never saw them in my life before."

"Well, what did you do when they arrived?"

"I went up to 'em and began talking to 'em about how fast their car would git and how much gas it took," English said.

"Have you ever seen the boys since?"

"Once," said the witness.

"Where?"

"Right in that room there," reported English, pointing to the judge's chambers. "I saw 'em there

yesterday."

"Weren't Mose and Hutch Shapiro both out there when you got there?" asked Rhinefort, swinging back to an old line of questioning.

"No, sir," English was again emphatic.

"Well, they own the business, don't they?"

"I don't know."

"You mean to say that after going out there all this time, you don't know who owns the place?"

"No, sir," English said.

"What kind of business is it?"

"Punch boards—"

### Accepts Amendment.

"Slot machines!" interrupted Rhinefort.

"Slot machines," acknowledged English.

The witness then amused the tense courtroom with a description of how he had shown some card tricks to the group assembled at the Sales Service Co.

"I showed 'em two, three card tricks and I told 'em about a boy I knew named Vick who could light a match in a handkerchief and not burn it and a cigaret, too. I told 'em I could do it if I had a little finger—"

Here the witness held up his own little finger and gestured with his hand and added:

"You can buy those little fingers for 15 cents. They use 'em on the stage for shows."

### Shapiro "With the Scar."

Mr. Rhinefort swung back to the Shapiro boys and English finally said that the Shapiro present the night of the murder was "the one with the scar."

"Was he there all the time?" asked the prosecutor.

"He came in and out of there a few times."

"Wasn't he there for several hours?" asked Rhinefort.

"No, sir," answered English.

"What do the Lupica boys do?"

"They work slot machines," English said.

"Do you mean to tell us," Mr. Rhinefort said, "you knew the names of only two people who were there that night?"

### Saw Name in Murder Story.

"Yes," said the witness.

"Had you seen a newspaper when you left for Detroit?"

"Yes, one of the boys brought one in."

"It told about the Kennedy murder and your name was in it. Isn't that so?"

"Yes."

"What did you do then?"

"Isn't it true that you once said your reason for going to Detroit then was that you were put into so many jams?"

"And who put me in those jams?" English shouted.

Defense attorneys objected to the question by their own client, but English insisted on answering.

"It was George Timiney," he said, pointing to the detective captain of police, who was standing in the doorway to the judge's private office.

English said he drove to Detroit alone, going out Route 168 to Truby and then to the Telegraph road to Detroit. He said this was the shortest route.

### Showed Licavoli Paper.

"I arrived in Detroit at 3 a. m. and went to the wake. Licavoli and Carsello were there and I showed Licavoli the newspaper. I stayed there until about 5 a. m., when I went to Benny Sainbach's. I slept there a couple of hours and went back to the wake. A few days later, I met Carsello on Fort street and we drove back to Toledo. I intended to give myself up."

"Whom did you tell?" he was asked.

"I called Wardie Judge on the telephone. He's a friend of mine." Judge is secretary of the city sinking fund commission and a widely known fight fan.

"Is Mirabella a friend of yours?" Mr. Rhinefort asked English.

"Yes."

"Is he a good friend?"

"No, just a friend. I count my good friends on my two hands," English said, raising his hands with fingers spread.

"You have 10 good friends then?" Mr. Rhinefort asked.

"That's right," English replied.

"Where were you on June 5 when Mirabella and Kennedy had a fight in front of the Acme Sales Co.?"

"I was in the Acme. I didn't see the fight."

"Didn't you have a gun and do some shooting there?"

"No, I didn't," was the answer.

### Helped Mirabella After Fight.

"You talked to Mirabella in Italian, didn't you?"

"Yes, after the fight. I gave him my handkerchief, he was bleeding."

"What did you do then?"

"I went upstairs to get some adhesive tape."

"Why did you show Licavoli the paper when you got to Detroit?" the prosecutor asked. "Were you proud of what you had done?"

English shouted his reply: "You know I didn't do it. Timiney knows I didn't do it. Chris Brennan knows

I didn't do it!"

"What did you do after you were released in July?"

### Went From Jail to Buffalo.

"I went to my aunt's home in Buffalo," English said.

"You went to Akron, too, didn't you?"

"Yes, I went just the day I was caught."

"You knew officials wanted you here, didn't you?"

"Yes, I did; but they didn't send for me."

"How long did you know the woman in whose apartment you were arrested at Akron?"

"Just eight hours."

Half way thru the afternoon session, Miss Audrey Ralls, beauty contest winner, who accompanied Kennedy on his last stroll, entered the courtroom and took a place in a corner diagonally across from the witness stand.

Her costume was predominantly in black and a liberal application of lipstick made her mouth vivid. Miss Ralls was not called by the state and is believed not to have been subpoenaed by the defense. Her entrance created a stir in the room.

### Confronted With Evidence.

English became extremely confused when Mr. Rhinefort confronted him with great chunks of his testimony during his interrogation in the prosecutor's office shortly after the murder.

The witness fired a stream of "don't remember" answers at the prosecutor and finally turned almost pathetically to the judge to say:

"I really don't remember, judge."

The question dealt with English's activities in Detroit in the days and nights immediately following the killing. The witness appeared confused.

Prior to this, Mr. Rhinefort apparently attempted to get into evidence the fact that a handcuff key was dropped by English at the Safety building and found by a News-Bee reporter.

### Questioned on Showup.

"Were you ever at any showup at the Safety building?" asked Mr. Rhinefort.

"Yes, sir," answered English.

"When?"

Before Mr. Rhinefort could further question English, Mr. Fisher arose and shouted:

"We object to anything that the prosecutor is going to present now."

There was a conference of attorney

Judge Stuart and Mr. Chang

# GANGSTER SAYS HE WANTS "TO TALK"

## Trembling Prisoner Asks Reams to Visit Him in Jail; Wife Accompanies Condemned Man.

Joseph (Wop) English, gangster, trembling in fright at the shadow of the electric chair which hovers over him, sent for Prosecutor Frazier Reams from his cell in the county jail Saturday, saying that he wanted "to talk."

The prisoner's request to see the prosecutor was made shortly after he was found guilty of the first degree murder of Jackie Kennedy in the common pleas court of Judge Roy R. Stuart.

Mr. Reams interviewed the prisoner and would make no comment on what English told him.

English was accompanied to his cell by his wife, Rose Harbriht English, and his aunt, Mrs. Margaret Scinta of Buffalo, N. Y. After a brief conference in the cell, English asked Sheriff Dave Krieger to take his wife to the prosecutor's office.

The sheriff suggested that Mr. Reams be requested to visit the jail and English asked him to arrange an interview. Prosecutor Reams, accompanied by Joel Rhinefort and Arnold Bunge, his assistants, went to the jail. Mr. Reams said that he did not want to talk to the prisoner unless one of his attorneys was present.

### Attorney Is Through

The prosecutor got in touch with A. J. Bianchi of defense counsel on the telephone. Mr. Bianchi said he was through with the case and that it would do no good for him to be present.

After another telephone communication, however, Mr. Bianchi said that he would go to the jail and talk to English after he had talked with DeWitt Fisher of defense counsel. The prosecutor did not wait for him to appear but went to English's cell accompanied by his assistants.

The prosecutors interviewed the prisoner in his cell for half an hour and then left. They refused to make any statement about the conference. Prosecutor Reams would not even admit that he talked to English. The prisoner's wife and aunt left him before the attorneys did.

The prosecutor did say that he will make no effort to get in touch with defense attorneys. There will be no action in regard to the case during the week-end, he said.

It was reported, however, that English repeated his statement to the prosecutor that he was innocent of the Kennedy murder but did know who committed it.

### Jail Guarded

Attorney Jack Hackett, who represented Thomas (Yonnie) Licavoli, gang leader, in his trial for conspiracy to violate the prohibition laws, and Mr. Hackett's brother, a court stenographer, stepped out of the jail with the prosecutors. Attorney Hackett explained, however, that he visited the jail on another case.

After it was reported that English wanted to talk, the utmost precautions were taken to guard the county jail against any possible raid by gangsters seeking either to free or silence English.

Doors leading into the jail yard were fastened by heavy chains with the exception of the Spielbusch avenue entrance, which was equipped with an electric lock that can be operated only from within the jail.

Sheriff Krieger detailed an extra guard to be on duty at the jail during the night.

Just how much English wanted to talk about was not known, but he is in a position to expose the whole extent of operations of the Thomas (Yonnie) Licavoli gang in Toledo and other cities, police believe. If he reveals such knowledge, it would be a death blow to organized gang activities here, in the opinion of law enforcement officials.

"He went right into the camp of the enemy like the two-fisted Irishman he probably was, judging from his name, and attacked them there. Could they let him get away with that? No. It would destroy their reputation, which they needed to rule. So they sent out to the Point to have this man 'put on the spot' to have him murdered," the prosecutor declared.

Mr. Bunge spoke briefly of the corroborating evidence of Ben Kawalski, alias Ben Kind, another Kennedy employe, and of the testimony of Sgt. James Payne, ballistic expert of the Detroit police department. Then he turned to Detectives Gilbert Mosley and Sherman Gande of the Akron police department.

### Hides Under Bed

"They told you how they found this defendant hiding under a bed," Mr. Bunge said scornfully. "They told you of how they told him to sit on a chair and of how he tried to go to another chair in which they later found a gun."

The all-important testimony of the state's two eyewitnesses, Harry Craig and Robert Schwaite, was discussed in great detail by Mr. Bunge. He pointed out that their stories concurred in the important details, and admitted that Schwaite's story added something to Craig's testimony.

### Anticipates Move

Mr. Bunge anticipated a defense attack on these differences between the stories of Craig and Schwaite and denied that they were at all important, adding that they proved the stories were not rehearsed.

"The important thing," said the prosecutor, "is that both of them at all times picked this man as the killer, except for one time in the Safety building, when one didn't; and he told you why he didn't. He said he had 'seen him work.' He was afraid . . . and I don't blame him."

The speaker then pointed out that English had admitted a criminal record, including conviction for robbery, auto theft and violations of the federal narcotic and prohibition laws, and that he had admitted being a bootlegger, altho he told Akron police he was a clothing salesman.

### Forgetfulness Hit

"In his alibi story, English told us how he had done some tricks for the boys out at the State Service Sales Co., neither of whom seemed to remember the tricks. I would think it would be the one thing they would remember, but apparently English is the only one who remembers them."

The prosecutor next attacked vigorously the testimony of the alibi witnesses, Morris Shapiro, William Hood, Lowell Bolander, Richard Jackson and Donald McLeary. He was particularly bitter toward Shapiro, denying that the mysterious "Clarke Brothers" ever beat Shapiro and pointing out that Shapiro had been afraid to inform the jury of the nature of his business in the fear he might incriminate himself.

### Explains Reed Angle

"The surprise defense testimony of Ernest Reed and his wife, Mrs. Grace Reed, neighbors of Kennedy at Point Place, was analyzed next by Mr. Bunge.

"The defense tried to make you believe we tried to suppress this evidence. I think it must be clear to you that we did not do so and that the reason we did not introduce it was that we did not want to clutter up the record with testimony that was not pertinent and could only harm this man," he said.

He then told how the Reeds had described a blue sedan and a group of men with a machine gun, none of whom was English.

### Ridicules Testimony

"These men wanted so badly to get Kennedy," Mr. Bunge went on, "that they sent two carloads of gunmen out to Point Place. One was the blue sedan. The other was the maroon sedan described here by the eyewitnesses. The men in the blue car, who did not find Kennedy at his home, had a machine gun. If the killers had had a machine gun, they wouldn't have gotten out of their car; they would have mowed him down . . . and they would not have cared who else they hit."

Near the close of his argument, Mr. Bunge returned to the testimony of Craig. He admitted that when the boy informed Prosecutor Reams he was jobless, Mr. Reams had helped him to obtain a job with the county.

"What could be more natural?" asked Mr. Bunge. "Craig is the kind of a citizen we need. He's willing to come in here and identify this man. You know that the most difficult task we have in prosecuting this kind of a crime is obtaining evidence."

The fate of English may be decided before nightfall Friday by the jury which has been hearing the case.

Judge Roy Stuart, presiding at the trial, said Thursday night, after the defense had rested its case that there is a likelihood of the case going to the jury Friday.

English's alibi witnesses completed the defense testimony Thursday afternoon.

### Rumor Witness Is Threatened

At least one of the witnesses whom the defense had called as an alibi witness did not take the stand and reports were current at the courthouse that the youth had been threatened with loss of his position if he testified for English.

Judge Stuart admitted he had heard the report, but he refused to comment on it.

Two young men who said they saw English at the State Service Co. on Milburn avenue on the night of the murder were English's final alibi witnesses.

The story of the youths, agreeing substantially in many respects, was that they called for a friend at the State Service at 8:30 p. m., left after about five minutes and returned at 9:05 p. m. It was at this time that they first saw English there they said.

All of them agreed they were at

the State Service for the half hour following 9:05 p. m. and that English was there all of the time. The murder occurred at about 9:15 p. m.

### Stories Unshaken

Vigorous cross-examination failed to shake the stories of the two witnesses. One of them, Lowell Bolander, admitted he had picked a picture of Johnny Rose as the man whom he knew as English, when he was questioned by the Clarke Brothers after the murder.

An examination of the picture disclosed that the name of Joe (Wop) English had been pasted over Rose's name before Bolander picked it out. Bolander and the other witness identified English in the court room as the man they had seen at the State Service.

Richard Jackson, the other alibi witness, drew smiles from everyone in the court room, including English, when he said someone in front of the State Service had pointed out English and described him as a "big bootlegger."

### Witness In Lawyer's Room

Jackson admitted on the witness stand that Defense Attorney A. J. Bianchi discussed his testimony with him at Bianchi's room at the Commodore Perry hotel. He said Bianchi gave him a drink during the hotel room conference.

The defense did not call Fred Burnett, one of its alibi witnesses, after it was discovered that he had been taken into custody at the county jail Wednesday night at the request of prosecuting attorneys. Burnett still was in jail Thursday night. He may be called by the state as a rebuttal witness.

Mrs. Lenora Free, 529 Magnolia street, and her daughter are the only witnesses subpoenaed by the state up to Thursday night for rebuttal testimony.

Attorneys defending English played their trump card when they produced two witnesses Thursday who testified that English was not one of four suspicious-acting men who were seen in a car near the Kennedy cottage on the night of the murder.

The witnesses were Mr. and Mrs. Ernest Reed, who live on 136th street, a short distance behind the Kennedy cottage on 135th street, Point Place. The Reeds said they were in their home when a car with four men pulled up in front of the residence and parked.

### Tells of Actions

"Two of the men got out of the car," Mrs. Reed, one of the trump witnesses, said, "and two remained in the machine. The two who got out walked across a lot toward the Kennedy cottage, carrying between them a covered object which looked like a round tray with a bottle on it. They returned hurriedly a short time later, got into the car and drove rapidly toward 140th street and Edgewater drive."

"A few minutes later," the witness continued, "I heard a sound which was something like fire-crackers exploding, and shortly after that I was told Kennedy had been murdered."

Both of the Reeds said the car which looked like the one they had seen parked in front of their house passed the house again later, after the killing. Mr. Reed said it passed once and his wife said she thought it passed several times.

### English Not Identified

When Defense Attorney A. J. Bianchi had English stand up and turn around, both Mr. and Mrs. Reed said he was not one of the men who was in the car they had observed.

It was the Reeds who were directed by Judge Roy Stuart Wednesday to tell defense attorneys what they knew after the attorneys had complained that the prosecutors had instructed the Reeds not to talk to them.

Both of the Reeds said on the witness stand that they had been shown pictures of English by the "Clarke brothers," Detective Captain George Timney and the prosecuting attorneys and had said that English was not in the car they had observed.

### Car Dark Color

Mrs. Reed said the car was a dark blue or black car with red wheels.

Mr. Reed, who preceded his wife on the stand, said he is married, has a three-year-old daughter, served four years in the navy and is a laborer. The front of the Reed cottage is about 150 feet from the rear of the Kennedy cottage on 135th street, he testified. He said he did not know either Kennedy or Miss Ralls, but had heard of both of them.

On the night of the murder, a car containing four men drove up in front of his cottage and parked, he said.

"I was upstairs at the time and called to my wife to see who it was," the witness continued. "I heard the men arguing. All I could catch was the name 'Jack.' Then I came downstairs and sat on a bed on the front porch, about 15 feet away from the car."

Three of the men had on light shirts and one a dark shirt, he said. The men wore no hats, he declared.

"Two of the men were outside the car when I got out on the porch. Two of them stayed in—one in the front seat, one in the back. The two who were outside the car said they would be back in 10 minutes and started across lots carrying an object," Mr. Reed testified.

"What was the object?" Attorney Bianchi asked.

"It looked to me like a machine gun," Mr. Reed replied.

"Was it covered?"

"It was covered with either a napkin or a towel," he said.

"When the men came back, were they walking or running?" Mr. Bianchi asked.

### Came Running Back

"They came back in a dog trot. One jumped in the front and the other in the back and the car pulled out fast toward Edgewater drive," the witness said.

"Did you hear any shots fired?"

"Yes."

"How long was that after the car left?"

"Three or four minutes."

"Then what happened?"

"A man came back and said Kennedy had been shot."

"What did the four men you saw look like?" Mr. Bianchi asked.

"They were all slender and fairly tall. Two had dark hair. The driver had black, slick hair. The one in back had a full head of hair,

but I couldn't see enough to tell the color."

Mr. Bianchi showed the witness a picture of English and asked if the same picture had been shown him by police and whether or not police had asked him if that were one of the men he saw.

Mr. Reed said he had been shown such a picture and had told police that none of the men in the car looked like it.

### Awaits Fate



Joe (Wop) English

### Witness in English Trial Is Released

Fred Burnett, night watchman at the State Service Co., 1311 Milburn avenue, who was subpoenaed as a defense witness for the Joe (Wop) English trial and never called, yesterday was released from the county jail where he had spent two days and nights at his own request. English maintained that he was at the State Service Co. at the time of the murder in Point Place.

# STATE ASKS DEATH FOR WOP ENGLISH

## Attorneys Make Closing Arguments; Jury Will Get Case Late This Afternoon.

A tacit plea for the imposition of the death penalty on Joe (Wop) English, whose fate for the first degree murder July 7 of Jack Kennedy is to be decided by a jury of six men and six women Friday, was made by Arnold Bunge, assistant prosecutor, in his opening argument before the jury Friday morning.

Mr. Bunge asked merely that English be found guilty and be denied mercy.

The case definitely will go to the jury Friday afternoon, Judge Roy Stuart announced.

### Defense Argument Starts

Mr. Bunge spoke 40 minutes and was followed by Assistant Prosecutor Joel Rhinefort. The first defense argument was made by A. J. Bianchi, Akron attorney, and was divided between the morning and afternoon sessions.

Mr. Rhinefort asked for the death penalty for English to check gang terrorism. Mr. Bianchi protested the invocation of the extreme penalty on the strength of what he termed insufficient and inferential testimony.

Attorney DeWitt Fisher will make the second defense argument during an hour of the afternoon session, preceding Prosecutor Frazier Reams, who also will speak an hour. Judge Stuart plans to begin his charge at 4 P. M.

Five verdict forms will be given to the jury when it retires for deliberation. The forms will be: Guilty as charged in the indictment; guilty as charged in the indictment and recommend mercy; not guilty as charged in the indictment but guilty of murder in second degree; not guilty as charged in the indictment but guilty of manslaughter, and not guilty.

### Calls Killing Cowardly

Assistant Prosecutor Bunge, making the opening argument for the state, said the Kennedy murder was one of the most cowardly, cold-blooded killings that had ever occurred in Lucas county.

He said the killers crept toward Kennedy from behind. "They made sure," he said, "they were going to get him this time. They were taking no chances."

Mr. Bunge said he believed the state had proved beyond doubt that English had killed Kennedy deliberately and with premeditated malice.

The assistant prosecutor contrasted a battle of Kennedy in the stronghold of his enemy with the cowardly manner in which the killers murdered him. He said that the intrusion of Kennedy in their stronghold was an insult to their ego, and that the enemy went to Point Place to kill him. That was the only way, he said, in which Kennedy's enemies could maintain their prestige and continue in power.

### Believes 2 Crews Went Out

Mr. Bunge said the testimony of Mr. and Mrs. Ernest Reed, defense witnesses, indicated clearly to him that the slayers wanted to be sure of killing Kennedy that they sent out two crews, one in a maroon car with the occupants armed with pistols, and the other in a black or dark blue car armed with a machine gun. Evidently, Mr. Bunge said, the men with the machine gun had discovered that Kennedy already had left his cottage.

He said that if they had used the machine gun they would have mowed Kennedy down regardless of any others they might have killed.

Mr. Bunge continued his argument with a strong appeal that the jury find the defendant guilty and extend him no mercy.

"There is no doubt that there are duties which are unpleasant to us, but we must perform them. When the soldiers of this country went to France they were confronted by an alien enemy whom they personally had nothing against, but duty demanded that they shoot them down, and they did."

### Not Unlike Soldiers

"You jurors are not unlike soldiers. You have been called upon to defend your country against a public enemy, a man who deserves the worst punishment the state can give him for this crime."

"A man who would commit a cowardly crime such as this deserves no sympathy. The community would be benefited by his removal from the face of the earth."

There is no doubt in my mind about his guilt and, if after careful consideration of the evidence, you arrive at the same conclusion, I ask that you show him no mercy.

"It is only when our juries do their duties that we can keep these gangsters and hoodlums from running the country."

Mr. Rhinefort told the jury that the English case was far different from the average murder case. He said it was a case of warfare in which one gang sought to take possession of a locality, and that the mere life of a man made no difference.

"A man's life is all in the day as far as they're concerned," he said. "It is a question of whether we are going to have gang control or peaceable control. The public is watching you. Are you going to turn another gangster loose, or are you going to give him what he deserves?"

### Unusual Tactics Necessary

"I admit that in preparing this case we resorted to some tactics which we do not customarily use, but it was because we were not dealing with an average person. Kennedy had a right to live, the same as you and I. He wasn't the type of person these men were—he wasn't a Licavoli. When he got in a jam he went in and settled it with his fists. What did these low, cowardly dogs do?"

Mr. Rhinefort told the jury that the Kennedy killers had a tip that Kennedy was going to leave his Point Place cottage the night of July 7. He said he believed he knew where they obtained the tip.

Mr. Rhinefort also said the state had known from the start that not one car, but several cars had been used on the night of the murder. They had, he said, been spotted in various places in order that the gang might be sure its victim would not escape the fate planned for him.

He termed attempts of the defense to show that the state had done something wrong in preparing its case, and the announcement that Mr. Bunge and himself would be called as defense witnesses, as mere flashes in the pan for the purpose of attempting to prejudice and fool the jury.

"They would have you believe," he said, "that one of these boys would place a man's life in jeopardy in exchange for a \$15 suit of clothes and a job." Mr. Rhinefort was referring to charges made against the state's star witnesses.

### Expects Verdict of Guilty

Mr. Rhinefort declared that English merits the death penalty.

"He is a man," Mr. Rhinefort said, "who with his gangs and other gangs has disrupted law and order. I expect a verdict of guilty and the extreme penalty."

Mr. Rhinefort told of the flight of English to Detroit, where he met the gang master and brains, who had his perfect alibi. He said Thomas (Yonnie) Licavoli was in Detroit, and evidently told him, "We'll go back to Toledo, and we'll have that alibi framed up for you."

English returned to Toledo, Mr. Rhinefort said, and went to Licavoli's house, where he had an arrangement to be picked up. If the prosecutor's office had possessed certain information three hours before English and other Licavoli henchmen gained it, the Licavoli men never would have been released from custody, he said.

### Hits State Testimony

Mr. Bianchi, who opened the closing argument for the defense, declared the state wanted the jury to put English in a human kitchen and fry him on the strength of mere inference and speculative testimony.

"They would have you fry him just as you fry a steak in a skillet," he said. He said he wondered how the jury could possibly take the life of a man on the testimony of two men such as Clement Kusch and Ben Kowalski. "This is the testimony upon which their case is based, because it shows motive, and motive must be shown."

Mr. Bianchi went on to express his belief in English's innocence, and asserted that the jury had seen something more convincing than words when English had taken the stand and admitted that he had paid the penalties for prior wrongdoing, but had denied his guilt in the Kennedy crime.

### Cites Reams' Charge

Mr. Bianchi also declared the state should have proved the assertion made in the opening statement by Prosecutor Reams. The assertion, he said, was that Kennedy was killed because he was selling the wrong kind of beer, and had refused to refrain from doing so when ordered by the gang.

The state painted Kennedy as a boy hero, Mr. Bianchi said, while the testimony of Sheriff David Krieger had indicated that Kennedy rode through the streets of Toledo surrounded by bodyguards. Mr. Bianchi accused Kusch and Kowalski of standing by with weapons in their hands while their chief, Kennedy, engaged in a street battle with John Mirabella, Licavoli henchman.

### Some Testimony Ruled Out

Before the arguments began Judge Stuart instructed the jury to disregard the testimony of the following witnesses: Henry Sembach, Toledo police photographer; Detectives Gilbert Moseley and Sherman Gande of Akron, with reference to two revolvers found in an Akron apartment; Paul Weisenberg of the police bureau of identification; Sgt. James Payne of the Detroit police department, as relating to fingerprints, and Detective Emmet Carl, Toledo, with reference to pawnshops.

Judge Stuart overruled all other motions of defense counsel with relation to their client's case. The court also read from written instructions, advising the jury that if it found a strong probability of guilt and no more, it must find the defendant not guilty. He also read a definition of the judicial principle of reasonable doubt.

### Only One Rebuttal Witness

Detective Capt. George Timiney

as the only witness called in rebuttal.

Prior to the opening of the morning session Judge Roy Stuart announced that his investigation into a report that a defense witness had been threatened with the loss of his job if he appeared to testify had been completed. Judge Stuart said he had been informed that the witness was not discharged, and that his employer did not intend to discharge him. The witness, Julie Parrish, was not summoned by the defense to testify.

Assistant Prosecutor Bunge informed the court that the state was willing to comply with the request of the defense to provide the jury with a full transcript of a statement made by Lowell Bolander, alibi witness, on the condition that the full statements of Fred Burnett, Julie Parrish and Morris Shapiro, additional alibi witnesses, also be given to the jurors.

### Want Clarks' Statement In

Attorney Fisher, chief of defense counsel, said: "We will gladly consent to that, providing the statement of the Clark brothers, who questioned these boys, also is given to the jury."

"But the Clark brothers made no statement," Mr. Bunge said. Judge Stuart interrupted a threatened argument by informing Mr. Fisher that the offer was conditional, and that he should act accordingly.

"We refuse it," Attorney Fisher said.

Captain Timiney was called to the stand and the defense counsel

objected to the introduction of his testimony on the ground that he frequently had been in and out of the courtroom while other witnesses were testifying. The objection was overruled.

### Objections Sustained

Mr. Bunge attempted to have Captain Timiney tell how many automobiles he had sought in the course of the Kennedy murder investigation, but Judge Stuart sustained objections of defense counsel to this line of questioning. The detective then testified concerning an experiment he had conducted Thursday night with Detective Chris Brennan and George M. Erd, proprietor of a fish market in Point Place. It was in front of Mr. Erd's store that the slayers of Kennedy were said by the state's star witnesses to have halted their automobile on the night of the murder.

Captain Timiney said he stood in front of the former location of the fish market in Edgewater drive (the building was moved to another location recently) with Mr. Erd while Detective Brennan stood across the street at least 25 feet away. He said he had no difficulty in distinguishing the features of Detective Brennan.

He also testified that he had driven from Edgewater drive and 140th street, scene of the murder, to the State Service Co., 1311 Milburn avenue, and had covered the 8.7 miles in 18 minutes, driving at a speed of not more than 30 miles an hour.

### Denies Trailing Lawyer

On cross-examination Attorney

Fisher attempted to show that either Captain Timiney or other members of the police department had traced his movements since the opening of the trial. This was denied by Captain Timiney.

Attorney Fisher dramatically closed his cross-examination by shouting this question at the witness: "How long have you been hounding this boy?"

"I never hounded him," Captain Timiney replied.

Mr. Bunge leaped to his feet and asked: "How many times have you arrested him?"

The answer, however, was forestalled by an objection of defense counsel, which was sustained. The state then rested its case.

ported the alibi which English offered in his own behalf from the witness stand late Wednesday.

### English Identified

The witnesses, Richard Jackson, 1768 Huron street, and Lowell Bolander, 18, of 2020 Delance street, identified English in the courtroom as the man they saw at the State Service Co., 1311 Milburn avenue, between 9:05 P. M. and 11:15 P. M. the night of the murder.

# BUNGE BEGINS ARGUMENTS IN MURDER TRIAL

## Prosecution Declares No Mercy Should Be Shown; Asks Death Penalty

By CARL ADAMSHICK.

Contending that the state has proved beyond any doubt that Joe (Wop) English killed Jack Kennedy, bootlegger, at Point Place on the night of July 7, county prosecutors Friday asked a jury in common pleas court to send English to the electric chair. The case will go to the jury late Friday.

Opening arguments of the prosecution and defense were presented to the jury Friday morning after the state had introduced the testimony of one rebuttal witness, Detective Captain George Timiney, of the Toledo department.

### Opens State's Case

Arnold Bunge, assistant prosecutor, opened the state's argument. He reviewed the duties of the defense and prosecution attorneys, the judge in the case and the jury.

"This is a serious matter and we realize as prosecuting attorneys that it is our duty to protect the innocent as well as to punish the guilty. I think we have proved beyond any doubt that English committed this murder," Mr. Bunge said.

Mr. Bunge apologized to the jury for the levity which prosecutors had shown at times during the case. He said they never had overlooked the serious nature of the work they were doing and asked the jury to appreciate that the humorous side of life cannot be overlooked.

### Unpleasant Duties Cited

"I know that duties are sometimes unpleasant," Mr. Bunge said in making his plea for the death penalty. "Sometimes we have to do things we don't like to do. You are called to serve as soldiers for your country. You have been called to defend this country from a public enemy, one worse than a foreign enemy. An enemy who eats at his country from the inside."

"A man who would commit a brutal murder such as this deserves no mercy at your hands. This community and this nation will be better off when he is removed from the face of the earth. It is only when our juries and our courts will do their duty that we can compete with the underworld and keep these gangsters and hoodlums from running this country."

Defense Attorney DeWitt Fisher protested to the court on this description of his client, but English sat apparently unmoved even

while Mr. Bunge was describing in vivid phrases the actual murder of Kennedy.

At the opening of the trial Friday, assistant prosecutors tried to introduce into evidence statements of three English alibi witnesses who were not called to testify by the defense. Attorney Fisher said he would permit the introduction if the prosecutors would consent to introduce statements of the "Clark Brothers." A heated argument ensued and the judge settled the dispute by dropping the entire matter.

### Identification Possible

Detective Timiney, the state's only rebuttal witness, told the jury Thursday night he went to Point Place and made an experiment to prove that it would be possible to identify a man at the point where the state's star witnesses said they saw English on the night of the murder.

He said his experiment convinced him it would have been possible for the state's witnesses to make the identification of English to which they testified. Timiney also said he had driven a car at 30 miles an hour from 140th street and Edgewater drive, where the murder occurred to the State Service Co. on Milburn avenue, where English contends he was at the time of the murder.

### Testimony Attacked

Capt. Timiney said the distance was eight and seven-tenths miles and that it took him 15 minutes to drive it. His testimony was vigorously attacked by defense attorneys.

"Where is the light located with respect to the point where you made your experiment last night?" Attorney Fisher asked Timiney.

"About 20 feet way," the witness answered.

"Isn't it a fact," Mr. Fisher asked, "that the light is over 150 feet away?"

"No, it isn't," Timiney said.

"Would traffic last night, on the roads you traversed coming in from the Point be lighter than it would on a warm summer night?"

"No, it wouldn't. You could make the trip in 10 minutes in the summertime," Timiney said.

### "Hounding" Denied

Timiney denied that he had been in the habit of "hounding" English or that he and his associates have been shadowing Attorney Fisher for the past few weeks.

"Were you the man who told the alibi witnesses to report at the prosecutor's office at 8 a. m. Thursday and told them it was I who wanted them there?" Mr. Fisher inquired.

"No, I didn't do anything like that," the witness retorted.

"You know Fred Burnett, one of our witnesses, is in jail, don't you?"

"Yes."

"You put him in jail, didn't you?"

"No, I didn't."

"You know that Mrs. Free told Julie Parrish, one of our witnesses, she would discharge him if he testified for English?"

### Motions Are Granted

"I have been told she told you she didn't want to have anyone think anyone working for her would be mixed up with this kind of people," the witness declared.

Before the opening arguments, Judge Stuart granted a number of motions by the defense.

He instructed the jury to disregard testimony which had been offered by Henry Sembach, police photographer, and the testimony offered by two Akron, O., detectives with regard to pistols found in the apartment where English was arrested in Akron.

Testimony of Paul Wiesenberg, police fingerprint expert here, with regard to the absence of fingerprints on pistols which the prosecution claims were used in the murder also was ordered disregarded. All testimony on fingerprints and all testimony with regard to pawnshops also was removed from consideration by the jury.

### Apartment Open

With regard to the pistols found in Akron, the judge said there was not a sufficient connection between the guns and the defendant. He said the guns might have belonged to anyone, as the apartment, where English was found, seemed to be available to a number of persons.

Judge Stuart gave the jury a written instruction in which he said that even tho "you find from all the evidence that there are strong probabilities of guilt, but no more, you must find the defendant not guilty."

Mr. Bunge, continuing his argument, traced the entire testimony witness by witness.

### Bullet-Ridden Body

He told first how Coroner Kreft had testified to his examination of the body and of finding five bullet wounds in the head and approximately 24 bullet wounds in the body probably caused by 12 bullets.

"This shows you that when these men went out there, they went out with deliberate knowledge. They killed Jack Kennedy deliberately, premeditatedly and brutally in one of the most cowardly murders we have ever had—sneaking up behind a man walking with a young lady, pushing that young lady to one side and then filling him full of bullets," the prosecutor said dramatically.

"Coroner Kreft said one pistol was held so close to Kennedy's ear that it left powder marks."

### Find Death Guns

Mr. Bunge then told of the testimony of Edward Vanderhorst and Boyd Murphy, who found the discharged death guns; of Detective Clare Powers, who got one of the guns from the Vanderhorst youth and of Sheriff Krieger and of Detective Emmett Carl, who testified to the investigation of the case.

"Then we have the testimony of George Timiney," said Mr. Bunge. "He told of his search for this man and of how he went to all his usual places in the city, but did not find him until he was arrested in Akron."

The assistant prosecutor then took up the testimony of Kenneth Kusch, a porter in Kennedy's Black Hawk cafe, St. Clair near Jackson street, who described in detail the now famous fight between Kennedy and

John Mirabella, Licavoli gangster, also indicted for Kennedy's murder.

### Describes Fist Fight

"Kennedy was insulted by men standing in front of the Acme Sales Co., the Fretti brothers' slot machine place, but drove on. Later he came back and they insulted him again. Now Kennedy was driving along unarmed. Not a man in the car was armed. What did he do?"

# TIMINEY EN ROUTE TO BRING SUSPECT BACK FROM AKRON

Licavoli Mobster Faces New Grilling in Kennedy Murder; Identity of Companion Will Be Checked by Toledo Police

Detective Captain George Timiney and two members of the detective hoodlum squad went to Akron at 10:30 a.m. Friday to take Joseph (Wop) English into custody on a capias and bring him back to Toledo for Prosecutor Frazier Reams for questioning in the murder of Jack Kennedy.

They expected to return some time in the late afternoon. While there they will attempt to identify a man who was arrested Thursday afternoon with English and gave the name of George Sargeant.

If they identify him as another member of the Licavoli gang, possibly Russell Syracuse, they will bring him back, also. Meanwhile, Lee N. Murlin, assistant United States district attorney, has asked that Sargeant be held long enough for a federal agent from Cleveland to attempt to identify him as Russell Syracuse, against whom there are two federal indictments.

English was arrested after he had crawled from under a bed in an apartment house in Akron's exclusive West End Thursday. In the same apartment, two of his companions were seized. They are George Sargeant and Jennie Layne. Police presumed they have some connection with the Licavoli gang.

### End Search of Month.

The arrest of English climaxed a search of more than a month, begun after English and two other members of the Licavoli gang—John Mirabella and Ralph Carsello—had been released from the county jail here on the promise of an attorney that they would appear whenever the prosecutor wanted to question them. No formal charge had been filed.

Mirabella and Carsello still are missing.

No chance will be given them with English or with any other members of the gang. On the first-degree murder charge, English will reside in Sheriff Krieger's jail until after he is indicted and tried.

### Evidence Complete in Safe.

When Prosecutor Reams asks English's indictment it will be the first time that anyone outside the prosecutor's office and Detective Captain George Timiney learns how much evidence the prosecutor has against the Licavoli mob.

It is believed, however, that the prosecutor has an air-tight case. Several weeks ago Prosecutor Reams and his assistants locked their evidence in a safe and forgot about the murder of Jack Kennedy. Reporters took this to mean that the case was complete and that all that remained to be done was to arrest the murderers.

"This is our first break," the prosecutor exclaimed when informed of the capture.

### Strengthens State Case.

His office had worked day and night for weeks gathering evidence and interviewing witnesses. It is assumed he meant English is one of the actual murderers. Trying English first will make the trail to Licavoli hotter. Had he been forced to go to trial with Firetop Sulkin, thought to be only an accessory, his problem would have been more complicated.

Wop English, a small-statured man who once was a small-time pugilist working in one of the local stables, is known as an illiterate hoodlum. Once, while operating an illegal beer spot, he complained bitterly against wholesalers who cut the retail price of alleged Canadian beer to 75 cents a bottle.

"Why don't they just charge a dollar?" the Wop complained. "How's a guy goin' to figure the change at six bits a spot?"

### Just A Hireling.

English was never noted for courage, he having been a hireling. By some connection, never explained, he had ability to "square things" for himself and made himself a nuisance to police who tried to jail him for minor violations.

He never was known to be "on the muscle" until the arrival in Toledo of Yonnie Licavoli and his gang of killers. It is likely Firetop Sulkin "fixed" for Wop with the big shot so that Wop was able to live after his small time rackets were swallowed up.

# THREE MORE MEN ARE INDICTED IN KENNEDY SLAYING

Mirabella, Syracuse and English Accused in Gang Murder

Joe (Wop) English, John Mirabella and Russell Syracuse, members of the Thomas (Yonnie) Licavoli gang, yesterday were indicted by the county grand jury on a charge of first degree murder in connection with the death of Jack Kennedy, rival bootlegger, in Point Place, July 7.

Four eye witnesses, whose identity was not revealed by Prosecutor Frazier Reams, identified pictures of English and Mirabella as those of the men who fired the shots. The picture of Syracuse they identified as that of the man who drove the death car, a maroon Ford V-8 sedan.

The indictments were voted late yesterday and were presented to Judge Roy R. Stuart by Jack Newton, foreman of the grand jury who was once a Lucas county sheriff.

### Arrested in Akron

English, arrested in Akron two weeks ago by Capt. George Timiney and Detective Chris Brennan, is lodged in the county jail here, held until now as a material witness in the Jacob (Firetop) Sulkin first degree murder case.

Mirabella and Syracuse still are at large. Mirabella was in the prosecutor's custody shortly after the shooting, but was released when his attorneys threatened to apply for a writ of habeas corpus. At that time, the incomplete evidence did not link him with the crime.

### Still At Large

Syracuse, who is a fugitive from a federal court indictment here, charging him with conspiracy to violate the national prohibition act, is believed to be in hiding in one of the several headquarters of the Licavoli gang, which is alleged by county officials to operate out of Canton, Akron, Mansfield and Cleveland as well as Toledo.

Syracuse was named jointly with Licavoli in the federal indictment. Licavoli was convicted on the true bill and is at liberty under \$27,000 federal bond pending the hearing of his case by the federal court of appeals, Cincinnati.

### \$5,000 Bond Forfeited

Detectives here believe the man who was with English when he was captured, and who escaped in Akron, was probably Syracuse. He forfeited a \$5,000 federal bond when he fled the liquor law indictment.

The joint indictment of the three hoodlums yesterday brings the number of men who have been so charged in the Kennedy case to five.

Sam Stein, pawn broker's clerk, was indicted first, when one of the murder guns was traced to the pawn shop where he worked. The indictment against him was nolle prossed after he had made a full

confession of his connection with the gun, implicating Sulkin. The grand jury immediately indicted Sulkin, who is still held in the county jail.

### Denies Connection

Licavoli, at one time or another, has denied any close connection with any of the indicted men. Sulkin he has referred to as a "messenger boy." He is, himself, free on \$5,000 county bond which was imposed upon him as a material witness in the Sulkin case.

Although county officials have not set down trial dates for either English or Sulkin, it is believed that the Sulkin case will be allowed to ride until English, Mirabella and Syracuse are tried. Whether English is to be tried soon, or whether the prosecutor will wait until Mirabella and Syracuse have been apprehended, Mr. Reams declined to reveal.

## POLICE SEIZE ESCAPE SEDAN

Action Follows Jury's Indictment of Three in Kennedy Murder.

Following the indictment late Tuesday of Joseph (Wop) English, Russell Syracuse and John Mirabella for the first degree murder of Jack Kennedy in Point Place July 7, police seized the Ford V-8 sedan belonging to Sebastian Lupica, 3225 Bishop street, it was revealed Wednesday.

It was in this car, bearing Ohio license K-9293, that Ernest Lassalle was reported to have escaped from Akron when English was arrested there Sept. 28.

Detectives Frank Baumgartner and Arthur Brown of the hoodlum squad visited Lupica's home that afternoon, but found no one. They returned in the evening and learned that Lupica had taken his wife to St. Vincent's hospital.

### Radiator Warm

The detectives found Lupica at the hospital, and he told them his automobile had not been out of the city. They returned to his home with him and found the car in the garage. The radiator was warm. Lupica said he had driven the car around the city that afternoon.

Tuesday night, Detectives Brennan, Tafelski and Fielding of the hoodlum squad visited Lupica's home again and towed the car to the Safety building garage, where photographs of it from all angles were taken Wednesday by Paul Fakehany of the bureau of identification. The detectives' report said they seized the car for Capt. Timiney.

The car is painted blue. A maroon Ford V-8 is supposed to have been used in the murder. Another car with a dark color also was used, Joel Rhinefort, assistant prosecutor, said.

Arnold Bunge, assistant prosecutor, said that the dark-colored Ford sedan was seen parked near the Kennedy cottage the night of the murder, and that it contained three men armed with a machine gun.

### In Licavoli Gang

Messrs. English—whose real name is Sarafino Sintra—Syracuse and Mirabella are highly touted members of the Thomas (Yonnie) Licavoli mob. They command considerable respect in the underworld where they are rated as being somewhat tougher than the garden variety of Toledo hoodlum.

The case of the trio of Licavoli gun-toters, however, was handled very brusquely by the grand jury which was headed by John C. Newton, former sheriff of this county, as foreman.

### Hearing Is Brief

Consideration of the case began about 3 P. M., shortly after the panel returned to the courthouse from lunch. The jurors listened to the testimony of four persons—three of them eye-witnesses of the killing—a reconstruction of the crime and events leading up to it, by Arnold Bunge, assistant county prosecutor, and decided they'd heard enough.

The true bill was voted at 3:15 P. M. and reported formally to Common Pleas Judge Roy R. Stuart a few moments later.

Photographs of the three men were identified as those of the slayers of Kennedy, also a gangster, bootlegger and operator of the Blackhawk Night club at the time of his death, by the four witnesses whose identities are being guarded closely by the prosecutor's office for fear of gangster retaliation.

### Photos Identified

A likeness of the full, swarthy features of Syracuse was pointed out as the photograph of the driver of the maroon Ford V-8 death car while reproductions of the pinched, pallid visage of Mirabella and the lean, punch-marked face of English, a former pugilist, were identified positively as those of the trigger men who fired 14 bullets into the body of their victim.

The witnesses also described the approach and departure of the slayers and the manner in which they had wheeled Miss Audrey Ralls, beauty contest winner and sweetheart of Kennedy, away from the side of their quarry before they "rubbed him out."

### Previous Tilt Explained

The jurors also were reported to have learned of the manner in which Kennedy incurred the wrath of English and Mirabella on a previous occasion in Michigan street when he made sneering remarks about the boxer's marksmanship and his snub-nosed revolver and administered a severe beating to Mirabella for both of which he received a fusillade which drummed against his automobile, but left him untouched.

Indictment of the three men brought the total of suspects charged with the murder of Kennedy to five.

Sam Stein, former pawnbroker's clerk, was named in a first degree murder indictment in connection with the killing, but the bill was nolle prossed after he made a deposition in which he admitted selling a .38 caliber revolver, identified by ballistics tests as one of the weapons used in the slaying, to Jacob (Firetop) Sulkin, for \$17.50.

### Sulkin Is Held

Sulkin, contact man for the Licavoli crew, was indicted for first degree murder on the basis of this and other evidence and now is being held in the county jail pending trial.

English was arrested Sept. 28 in a lavishly appointed Akron apartment by Akron detectives who had been watching for him since the apprehension there several days prior of Yonnie Licavoli by Capt. Timiney.

English was returned here and held as a material witness in the Kennedy case at the Safety building until Monday night when he was removed to the county jail where he will remain pending trial. Two other members of the Licavoli gang, Ralph Carsello and Leo Mocer, brother-in-law of the gang chief, also are being sought in connection with the Kennedy killing.

### Weapons Given Bunge

Captain Timiney late Tuesday turned over to Mr. Bunge two snub-nosed .38 caliber Colt revolvers which were taken from English when he was arrested in Akron. Attempts to drill out numbers of the weapons were not successful and Mr. Bunge said the weapons would be traced from the factory by the numbers. The revolvers also will be sent to Detroit for ballistics tests to ascertain if they were used in the murder.

English, who has been arrested 23 times here, served terms in the Ohio penitentiary for robbery; Atlanta penitentiary for liquor law violations, and the Dauphin county jail, Pennsylvania, for receiving stolen property.

Syracuse was convicted of robbery in New York state in 1919 and served a term in Auburn prison there. Mirabella, although arrested several times as a bandit suspect in St. Louis, Detroit and Cleveland, and also on a charge of carrying concealed weapons, never has served a prison sentence.

# GIRL ASSOCIATES OF GANGS HUNTED IN KENNEDY CASE

## Gaming Dens Told to Close in Drive to Starve Toledo Hoodlums AUG 6 - 1933

City and county authorities turned last night to an old scheme and started a hunt for women associates of the Toledo and Detroit hoodlums who are wanted for questioning in connection with the murder of Jack Kennedy.

Simultaneously with this movement, law enforcement agencies of both political subdivisions acted to comply with the demand of County Prosecutor Frazier Reams that all gambling resorts in the city and county be closed and kept closed.

The order of the prosecutor, contained in letters addressed to Sheriff David Krieger and Chief of Police Daniel Wolfe, are seen as material means of harassing and cutting off possible sources of revenue to the Yonnie Licavoli mob and other Toledo gangs.

**Records Checked**  
The policy of attempting to trace wives and other women relatives or associates of the fugitive gangsters sought for questioning was revealed when a county official conferred with John Louy, superintendent of the police Bertillon department, and detective bureau officials in an attempt to learn the identity of the fugitives' women associates.

The men sought are: Joseph (Wop) English, Ralph Carsello, Leo Morceri, John Mirabella, Jacob (Firetop) Sulkin, purported henchmen of Thomas (Yonnie) Licavoli, and Yonnie himself.

It is believed that if the women can be located and kept under constant surveillance it may be of material aid in the apprehension of the men wanted.

**Licavoli Tribute Charged**  
The letters sent to the sheriff and police chief by Mr. Reams asserted that "investigation of the Kennedy murder case has revealed that many well-known gambling places in the city or county either are owned by the Licavoli gang or pay tribute to it and that so long as this continues officers will be hampered in their search for the killers."

Operators of downtown gambling places did not wait for official police action on Mr. Reams' order—they closed.

The letters also suggest that in the event of "any uncertainty as to the places referred to a list of names and addresses will be provided."

The prosecutor's interpretation of gambling places was revealed to include baseball pools and race track books which are kept in many well-known downtown cigar stores some of which are known hang-outs for police characters and hoodlums.

**All Must Close**  
Late yesterday Chief Wolfe issued written orders to all inspectors and police captains that all gambling establishments within the confines of the city be closed and kept closed and that the department should "use whatever force is deemed necessary to comply with the order." Sheriff Krieger issued a similar command to his men.

The action of the prosecutor in issuing his blanket order regarding gambling is another of a series of rapid-fire steps to harass and deprive the city's top-rank racketeers of their means of revenue.

It is the first move of its kind in recent history of the city and county has worried the big operators of the city's rackets and kept them guessing as to what's going to happen next.

Events yesterday, while not productive of developments worthy of mention in the murder investigation, did provide something for the citizenry in the way of excitement.

**Police Raid Spectacular**  
A police raid which might readily be compared with those described by writers of modern gangland fiction was centered on an upper duplex at 4224 North Lockwood avenue, and the Rosemary apartments, 3632 Detroit avenue.

Thirty-two uniformed patrolmen and plainclothes detectives at 10 a.

m. converged in detective cruisers and scout crews at the intersection of Sylvania and North Lockwood avenues, and a few moments later drew up in front of the North Lockwood avenue duplex.

The raiders were armed with revolvers, shotguns, tear gas bombs and rifles and were led by Detective Capt. George Timiney and County Detective James O'Reilly.

They were acting by orders of Chief Wolfe following the communication to him by Police Lieut. Jack Erwin of a telephone tip that Carsello, Mirabella, English and Sulkin were ensconced in the apartment with machine guns.

**Find Four Persons**  
In the apartment the raiders discovered Nate Lubitsky, brother of the late Abie (The Punk) Lubitsky, recent victim of outside gangsters' pistols, and Mrs. Lubitsky, and Sam (Slim) Pallazola, partner of "Chalky Red" Yaranowski, in the operation of the Black and Tan, Canton street night club.

Pallazola, who was held for questioning in the murder last fall of Louise Bell, sweetheart of Kennedy at the Interurban station, was taken to the prosecutor's office for ques-

tioning. He denied that any of the men sought had been in the house. He was taken to the county jail where he will be held as long as the prosecutor legally can detain him.

The authorities believe he could, if he wished, throw much light on the actual ownership of a maroon Ford V-8 sedan which is believed to be the auto used by the slayers of Kennedy. Chalky Red first was believed to be the owner but now authorities are convinced the car, which was said to have been loaned to someone on the night of the murder, really is the property of Slim Pallazola.

**Then Move On**  
Following the visit to the North Lockwood place the raiders searched a suite in the Rosemary apartments, on a tip the fugitives might be there.

In addition, Ben Fretti, brother of Joe, was questioned by Arnold Bunge, assistant county prosecutor, in the office of Prosecutor Reams in the Board of Trade building. The two brothers long have been reputed to be in control of slot machines here.

They are operators of the Acme Sales Co., and both have been interrogated by the prosecutor in an effort to ascertain to what extent, if any, Licavoli had muscled in on their racket and about how much revenue he was deriving from this source.

Mr. Bunge also questioned Abe Siegal, operator of the Crescent night club on Lint road, just outside the city limits. The place, before the legalization of 32 beer was known as the Paradise Gardens and operated by Siegal.

**Kerr Also Grilled**  
Roy Kerr, formerly associated in the operation of the State Sales & Service Co., reported Milburn avenue slot machine organization of the Licavoli gang, also was questioned.

Later in the day Sebastian Lupica, one of the operators of the Milburn avenue place, was released on bond after previous attempts to free him from the county jail on habeas corpus action by Attorney Lionell Levy and to free him on a lower bond had failed.

Property valued at \$12,000 was provided by Mrs. Dommitto Scotti, Vincent Mercurio and C. C. Vincent as bond for Lupica, after Prosecutor Reams had obtained a capias to hold him as a material witness.

Lupica had been questioned Friday by county officials who asserted slot machines distributed by the company formerly had been the property of William Poulos, of Cherry street, who was said to have

been forced out of business by the Licavoli mob.

**Shapiro's Still Held**  
Men who still are held in the county jail for further questioning are Morris (Moss) and Huns Shapiro, reputed slot machine operatives, and Pallazola.

Also hunted is John Rose, erstwhile operator of the Golden Rose night club in Point Place, and close associate of Firetop Sulkin, to whom Sam Stein has admitted giving one of the weapons used in the Kennedy slaying.

Slot machines last night were still out of sight in downtown and residential district eating houses, cigar stores and poolrooms, while owners of the machines wait patiently for "this thing to blow over." It is not, however, the intention of Prosecutor Reams to permit the drive to cool, for he has stipulated expressly that there be no letup in the offensive along this line.

## PROBERS FIND NEW KENNEDY MURDER CLUES

AUG 7 - 1933  
**Killers' Rendezvous  
on Milburn Avenue  
Reported Found**

## ROSE PICKED UP Former Operator of Supper Club Will Be Questioned

The spotlight of the combined city-county Jack Kennedy murder investigation today was turned once again on the States Sales and Service Co., purported Milburn avenue slot machine headquarters of the Yonnie Licavoli gang, as a result of information given investigators that the slayers of the young gangster used the place as a rendezvous before and after the murder.

In addition, it was learned yesterday from an authoritative source

that the investigators have uncovered definite information regarding a third weapon believed to have been used in the killing of Kennedy July 7 at Point Place, which will enable them to trace the weapon to one of the slayers.

**Details Withheld**  
These two developments—viewed by authorities as among the most valuable clues uncovered thus far in the probe—came as a startling conclusion to a week-end drive against racketeers and racketeering—simmered and cooled for want of activity.

Although officials directing the investigation refused to divulge details of their information, it was believed to be sufficient to substantiate persistent rumors that the mysterious third weapon was taken to the Milburn avenue place and thoroughly cleaned immediately after the murder.

**Gun Clue Followed**  
There also have been reports that the weapon was concealed in the Milburn avenue place for several days until the order of Prosecutor Frazier Reams to seize all slot machines directed attention to the various "sales companies" used as headquarters by owners of the machines.

Several purported employees of the company, which was said to have been operated by Licavoli after his gang had muscled in on William Poulos, Cherry street, and forced him out of business, already have been questioned by the investigators and it is anticipated the

new developments will result in closer interrogation of these men and others said to have been connected with the place.

**Lupica Released**  
Sebastian Lupica, said to have been one of the operators of the State Sales and Service Co., was released on bond Saturday from the county jail, where he was held as a material witness in the Sam Stein murder trial. Property valued at approximately \$12,500 was provided by three friends to insure his appearance at the summons of the prosecutor.

The re-opening of the investigation today also will be featured by questioning of several other personages of the Toledo underworld.

Chief of these so-called brighter lights of the local "inner circle" is John Rose, former bondsmen's runner who graduated into the underworld and at one time was the operator of the Golden Rose Supper club in Point Place.

**Club Closed by U. S.**  
This place, a Licavoli enterprise, was closed by the government investigation which resulted in the conviction of Thomas (Yonnie) Licavoli and several of his aids of national prohibition law violations.

Rose, who also is a close friend of Jacob (Firetop) Sulkin, Licavoli lieutenant, who is said by police to have been given one of the revolvers used in the Kennedy murder, was picked up at Bancroft street and Vermont avenue, late Saturday, by Detective Capt. George Timiney, who is leading the search for fugitives wanted for questioning in the probe.

**Rose to Appear**  
Capt. Timiney, however, permitted Rose to remain at liberty after exacting a promise he would appear voluntarily today before Prosecutor Frazier Reams for questioning.

Prosecutor Reams also is hopeful that the ownership of the maroon Ford V-8 sedan which is believed to have been used in the murder, also will be cleared today with the questioning of Sam (Slim) Pallazola, partner of "Chalky Red" Yaranowski, in the operation of the Black and Tan, Canton street cabaret.

It first was believed the car was the property of Yaranowski but he denies this although he did assert he believed the auto had been loaned to a "couple of fellows" on the night of the murder by someone at the Black and Tan. Police now are of the opinion the car is Pallazola's and Mr. Reams hopes Pallazola, who has been held at the county jail since Saturday, will admit this today.

**Arrested in Raid**  
He also hopes that Pallazola will identify the "couple of fellows" to whom the vehicle was loaned.

Pallazola was arrested by some 30-odd patrolmen and detectives who raided an upper duplex at 4224 North Lockwood avenue, Saturday on orders of Chief of Police Dan Wolfe, who had received a report that men sought for questioning in the murder probe were in hiding there. The raid was not productive of any arrests except that of the cabaret operator.

Meanwhile police and deputy sheriffs, working under precise and specific orders to permit no gambling establishments to operate twiddled their fingers and waited for a gambling house to open up so they could raid it. The operators of the alleged house, also

twiddled their fingers, albeit a bit more impatiently than their uniformed fellows, and hoped the whole business will "blow over" pretty soon so they can begin work again.

**Slot Machines Idle**  
This, however, appears very unlikely for Mr. Reams has no intention of letting up on his drive to cripple the racketeers and their rackets by depriving them of their main sources of income.

In addition to the drive against gambling houses, police and deputies also are under orders to confiscate all slot or vending machines found in operation and this is causing some of the more prominent owners of the 3,500 to 5,000 machines in the Toledo area no little concern.

Patrolman Henry Wongrowski last night confiscated a five-cent slot machine in a confectionery at Oak and Fassett streets.

The fugitives who are being sought are: Ralph Carsello, John Mirabella, Joe (Wop) English, Sulkin and Licavoli.

**Fugitives Vanish**  
Sam Stein, who has been charged with first degree murder in connection with the Kennedy slaying, has admitted, police say, that he gave one of the weapons used in the murder to Sulkin.

Carsello, Mirabella and English, who were held for several days during which time they were questioned repeatedly by members of the prosecutor's staff, were given their liberty with the understanding they would re-appear for questioning when called. They didn't take the promise seriously, apparently, for they haven't been around much since and thus far have successfully avoided police and deputies who are seeking them.

## MURDER SUSPECT TO RETURN HERE

Detectives Will Bring  
'Wop' English From  
Akron Today

SEP 29 1933  
Captain Timiney and two other detectives will go to Akron today to return Joe (Wop) English to Toledo as a suspect in the Jack Kennedy slaying.

English was arrested yesterday with George Sargent, an alleged gunman, when police forced their way into the apartment occupied by the two men and a woman. Police said when they crashed into the apartment English grabbed a gun and crawled under a bed. They said he surrendered without a shot being fired when the officers threatened to shoot.

English was arrested here shortly after the Kennedy murder, but was released after being questioned by Prosecutor Frazier Reams. He was released on word from his attorney that he would appear for questioning when wanted. He, however, fled from the city together with other Licavoli aids.

Mr. Reams said English will be held without charge until the grand jury is in session next week.

## WOP ENGLISH BACK IN TOLEDO PRISON

Hoodlum Caught Under  
Bed To Be Grilled  
in Slaying

SEP 30 1933  
Joe (Wop) English, 34, Toledo hoodlum, was brought here from Akron and booked at the Safety building on a charge of suspicion early this morning.

English was returned here by Detective Captain George Timiney and Detectives James Tafelski and Robert Fielding. He was arrested by Akron police under a bed here Thursday.

English is scheduled to be questioned by county authorities in connection with the slaying of Jack Kennedy in Point Place, July 7.

## 'WOP' ENGLISH BROUGHT BACK

SEP 30 1933  
Two Others Arrested in Akron  
Eliminated as Suspects  
in Toledo Rackets

Joe (Wop) English, suspect in the Jack Kennedy murder, was brought to Toledo from Akron early Saturday by Detective Capt. George Timiney and Detectives Robert Fielding and James Tafelski and lodged in the Safety building.

English was returned on a common pleas court capias which names him as a state witness against Sam Stein, pawnbroker's clerk, who was indicted for first degree murder in the Kennedy slaying. An identical indictment against English is expected soon. Meanwhile, he will be held for Prosecutor Reams who was to question him later in the day.

Capt. Timiney said the Licavoli gangster probably will spend the week-end in the Safety building and afterward be transferred to the county jail. In the jail is Jacob (Firetop) Sulkin, lieutenant of the Yonnie Licavoli gang, to whom Stein said he sold a .45 caliber automatic pistol police declare was used to kill Kennedy. Stein is free on \$5000 bail.

"Wop" English was obviously worried. The Toledo detectives estimated he has lost 20 pounds since he was released, more than a month ago, after spending two weeks in the county jail as a suspect in the Kennedy murder. The once swarthy face of the ex-boxer is elongated.

Please Turn to Page 2, Column 2.

### BOXER WILL FACE A CHARGE OF ROBBERY

"Give us 15 cents for a can of beer," the men demanded of Graham Donahue of Bedford, Mass., in an alley between Superior and St. Clair streets, near Jefferson on Wednesday night. Donahue, who had a pocket for the 15 cents, was men leaped on him. They took \$14. Detectives Hovey and McCloskey arrested Serafino Sinatra, 19, a boxer known as "Wop English," and George Rito, 20, for the robbery. They are said to have been identified.

NEWS-BEE

### FIGHTER HELD IN HOLDUP

SEP 1 1919

#### Wop English Identified By C. Z. Cotter

Three suspects arrested for the robbery of C. Z. Cotter, president of the Chamber of Commerce of Jackson, Mich., and C. L. Pursell, prominent Fremont business man, have been identified by Cotter, police said on Sunday. The prisoners are Wop English, 20, a prize fighter, 713 1/2 Madison-av; Louis Levy, 20, of 1214 Locust-st., and Charles Gross, 21, of 1409 Locust-st.

Shortly before Cotter and Pursell were slugged and robbed of nearly \$1200 on East Broadway early on Saturday morning, they stopped in the Baltimore lunch room on Madison-av for a lunch. Detective Langendorf saw English, Levy and Gross in the restaurant. When the holdup was reported, detectives arrested the trio. Cotter, it is said, picked them from a number of prisoners as his assailants.

### WOP ENGLISH FREED OF HOLDUP CHARGE

Wop English, Toledo prize fighter was freed in Police Court on Saturday of charges of being implicated in the holdup of two men out East Broadway on Aug. 27. C. Z. Potter of Jackson, Mich., lost \$1100, and C. L. Pursell, his brother-in-law, from Fremont, lost \$57, when robbers set upon them. Lewis Levy was charged with robbery and bound over to the grand jury in connection with the holdup. The cases of Harry Harris and Charles Gross were continued to Sept. 7.

### "WOP" ENGLISH IS HELD FOR ALLEGED ROBBERY

"Wop" English, Toledo boxer, was arrested by Detectives Quinn and Culver yesterday evening and is being held in connection with the robbery of Emery Lockwood Wednesday night.

It is charged that English and several others got Lockwood into a taxi, carried him into the suburbs and beat and robbed him of \$20 and a watch and ring.

English registered as Serafino Sanatra, of the Waldorf hotel. His bond on the robbery charge was fixed at \$500 by Judge Cohn. Later English was booked on the technical charge of suspicion.

### WOP ENGLISH HELD FOR ROBBERY

Wop English, Toledo boxer, was arrested on Thursday night in connection with the robbery of Emery Lockwood on Wednesday night.

English, who is said to have registered at the Waldorf Hotel as Serafino Sanatra, is accused of getting Lockwood into a taxi, with the aid of others, and taking him to the outskirts of the city, where Lockwood was beaten and robbed of \$40, a diamond ring and watch.

### SAYS HE RECOGNIZES PUGILIST AS ROBBER

Serafino Sinatra, pugilist, known here under the ring name of "Wop" English, heard himself accused of taking the leading role in a taxi holdup when the victim, George Lockwood of Sherwood, O., took the stand in Judge Ritchie's court Friday.

Lockwood said Sinatra hit him three times while two other men in the taxi pinioned his arms, then "lifted" jewels and money from his pockets. With Sinatra were another man and a woman.

While admitting he could not positively identify other occupants of the taxi, Lockwood was positive in identifying Sinatra.

MAR 5 1920 BLADE

### "WOP ENGLISH" FOUND GUILTY

Serafino Sinatra, alias "Wop English," was found guilty in Common Pleas Court on Friday afternoon of a charge of robbery. Sinatra was charged with robbing George Lockwood of Sherwood, O., of money and jewelry while riding in a taxi with Lockwood on Feb. 27. The case will be carried to the court of Appeals.

### "WOP" ENGLISH AWAITS DECREE

MAR 6 1920

#### Guilty Hold-Up Pugilist to Receive Sentence Monday.

"Wop" English, pugilist, who was found guilty of robbery in connection with a taxicab holdup by a jury in Common Pleas Judge Ritchie's court Friday, will be sentenced Monday. He was remanded to jail to await sentence. The jury was out about 30 minutes.

English, whose real name is Serafino Sinatra, was indicted and convicted of robbing George Lockwood, Sherwood, Ohio, farmer. The evidence showed Lockwood was lured into a taxi at a Lafayette street cafe, driven to a lonely spot in the city's outskirts where he was beaten, robbed and then thrown out of the machine. Lockwood on the witness stand identified English as one of his assailants.

The defendant attempted to establish an alibi, claiming that at the hour the robbery took place he was in the room of a friend, Johnny Lewis, also a pugilist.

Michael Michalak is awaiting trial in the same case. An indictment also has been returned against Mrs. "Soldier" Murphy, former chorus girl and wife of a man who took a leading part in the Christmas morning jail delivery and gun battle here. She has not been apprehended.

### NO CELL FOR WOP ENGLISH

MAR 2 6 1920

Predictions of acquaintances of Serafino Sinatra, alias Wop English, a prize fighter, that he never would serve time in the penitentiary for his conviction in Common Pleas Court on a robbery charge, have become true. Wop is enjoying liberty.

Common Pleas Judge Ritchie has suspended Sinatra's penitentiary sentence and has probated Sinatra to Ad Thacher, said to be Sinatra's fight manager.

AT SENEY'S SUGGESTION.

Common Pleas Judge Ritchie said he acted upon the recommendation of Prosecutor Allen Seney. Judge Ritchie said he was very reluctant about suspending the sentence, but says that he will order penitentiary sentence enforced "should Sinatra get into trouble again."

Prosecutor Seney when asked why he had recommended Sinatra's parole, said he told Ad Thacher that he was a fool for offering to try to keep Sinatra straight, but if Thacher was willing to take the risk, he would recommend that Judge Ritchie parole Sinatra.

"Thacher was willing to take the chance and I recommend Sinatra's parole to Ad Thacher," Seney said.

### CONVICTED AS SLUGGER.

Sinatra was convicted of having slugged and robbed J. Lockwood of Sherwood, on Jan. 29. At the time of Sinatra's conviction, Judge Ritchie told the youth that he thinks less of him every time he sees him, but the promises of reputable citizens to keep him straight caused him to suspend the sentence.

### POLICE RECORD.

Here is Sinatra's police record: April 4, 1915, arrested in Toledo on complaint of Ed Phelan of Columbus on charge of assault and battery. Sentenced to serve two months in the workhouse and to pay the costs. Oct. 24, 1915, arrested on a disturbance charge. Released on own recognizance. Nov. 7, 1915, arrested on a suspicion charge. Released by Police.

Chief Herbert, arrested in tenderloin on Nov. 15, 1915, on suspicion after several holdups. Released by Chief Herbert.

July 15, 1917, arrested on a disturbance charge and fined the costs.

July 25, 1915, arrested on a charge of larceny from person on complaint of Graham Donahue of Bedford, Mass. Sinatra was identified by Donahue, but the case was marked off the docket at Donahue's request.

### MARKED OFF DOCKET.

On Aug. 20, 1919, C. Z. Potter of Jackson, Mich., was slugged and then robbed of \$1000 and a watch. Five men did the job. Sinatra was arrested, but the case was marked off the Police Court docket.

Oct. 18, 1919, arrested with another man charged with the theft of an auto belonging to V. Parrelle of Ft. Wayne, Ind. Turned over to Indiana authorities and held to the Circuit Court on \$500 bond.

Jan. 2, 1920, arrested on charge of having robbed J. Lockwood of Sherwood, convicted in Common Pleas Court. Judge Ritchie sentenced English to the Ohio Penitentiary and suspended sentence, paying him to Ad Thacher.

### PLEADED GUILTY

MAR 2 6 1920  
Sinatra, under the name of Wop English, pleaded guilty in Federal Court in 1918 to charge of violating the Harrison anti-drug act. The court, taking cognizance of the fact that Sinatra had spent some time in the County Jail, sentenced him to one hour in the custody of the United States marshal in April, 1919.

### "WOP" ENGLISH, BOXER, PAROLED

MAR 2 6 1920 BLADE

"Wop" English, Toledo welter-weight boxer, who was sentenced recently to prison for participation in the robbery of a taxicab passenger, has been paroled by Common Pleas Judge Ritchie. It became known Friday. Ad Thacher, boxing promoter, stands sponsor for the good conduct of English, according to stipulations in the parole.

English, whose real name is Serafino Sinatra, was first sentenced to the Mansfield reformatory and later to the Ohio penitentiary, following his conviction of robbing J. Lockwood of Sherwood, O., who complained he was lured to the outskirts of the city and relieved of his money.

### "WOP" ENGLISH.

Editor Toledo Blade:—"Wop" English is paroled again. It was while he was under another parole that he committed thuggery. He was indicted by a grand jury, tried and found guilty—and set free. The police, citizens, you Mr. Editor, know that justice was not done here. That a scoundrel has been set loose to prey upon us. How in the name of Toledo can we respect this action of the judge in view of the facts? This is one of the rottest, rawest, dirtiest cases that ever came to my notice, and there are several thousand Toledo men who feel about it the same way I do.

MAR 2 7 1920 J. B. S.

### AFRAID TO HAVE HIS NAME PUBLISHED

Wop English, Toledo prize fighter, is afraid to have his name published with his letter, and it is my honest belief that you who sign "Give Us Justice," have an ax to grind, and are using this contemptible way to further your own ends.

In justice to the prosecutor and the judge, I am going to state a few facts, and if you have any sense of right or wrong, and care to be convinced, they can easily be substantiated.

In the first place, Wop English was not under parole when last arrested. He never was tried or convicted in any other case, to the best of my knowledge and belief. He pleaded guilty to selling \$1 worth of dope, given to him by another party, and was paroled to the writer by Judge Killits for one year. At the end of this time he was brought before the judge, and as his conduct had been beyond reproach, was sentenced to serve one hour in the custody of Marshal Bartley. This was very near two years ago.

Now, as to the last named case of which you speak of in your letter. I wholly am responsible for Wop English being paroled, after he had been sentenced to Mansfield. I presented facts and figures regarding this boy (who is 19 years of age) to the prosecutor, who in turn recommended to the judge that he be paroled if he, the judge, was satisfied on the facts as I presented them. At that time fulfillment of sentence was deferred until my statements were substantiated. English was then called in and paroled to the writer, with the understanding that he was to pay all the costs, and reimburse the man who was robbed. English did not rob this man, but was unfortunate enough to have been seen in company of those who did rob him, and who are now serving their time at Mansfield.

English has been working for me on out of town work since his parole, and is trying to make good. Busybodies and meddlers who are convinced of their own exalted position and consider they are in a better position to dispense justice

ator and judge, have enough forgiveness, especially so as to be in a position to know of the case have seen fit to do so.

I don't want to prove that Wop English ever claimed he had any influence with any official of the city of Toledo, and please remember that the sentence still hangs over him, so that if he should fall to take advantage of his opportunity, he can be brought in at any time, and made to serve his sentence.

As to the contemptible remark regarding the Boxing Commission of Toledo refusing to give me or the club which I have the honor to represent, a permit for any more boxing shows, I am very willing to leave that to the said Boxing Commission, when I apply for it. What I have done for boxing in the city of Toledo speaks for itself, and I am willing to let it do so.

Now, let's not have any more controversy thru the press, and if you are fair in the matter, and haven't an ax to grind, get together, and either be convinced or convince me that I am wrong.

ADDISON Q. THACHER.

### WOP ENGLISH TAKEN TO PENITENTIARY

Wop English, prize fighter, convicted of robbery, was taken to the Ohio Penitentiary by Deputy Sheriff Pete Basso on Friday. English's real name is Serafino Sinatra. His suspended sentence was ordered enforced by Common Pleas Judge Byron F. Ritchie on Monday.

Basso also took Jay King to the penitentiary. King pleaded guilty to neglect of his minor children. King tried to escape when arrested a week ago. He was chased thru the downtown district and a dozen shots were fired before he was captured.

### PEN GETS WOP ENGLISH; JAY KING GOES ALONG

Wop English, pugilist, now in a prisoner in the state penitentiary. He was taken to Columbus Friday morning by Deputy Sheriff Basso. English was arrested and sentenced after he had violated a parole by taking \$100 belonging to another prisoner at the county jail.

### Wop English Tires of Columbus Atmosphere; Craves to Leave Pen

Application for Parole Published; Maybe the Weather Affects Him.

MAR 31 1921

Serafino Sinatra, better known as "Wop English" has got spring fever. He longs to leave behind him the gray walls of the Ohio state penitentiary and shake from his feet the dust of Columbus.

This young man of the underworld who once was famous as a pugilist is now battling for his freedom, using application for parole as his mitt to push open the gates of his prison.

"Wop" has been doing an indefinite "stretch" for robbery since January 28, 1920.

"Wop" almost got paroled by Judge Johnson once. He got the recommendation of the "gate," but Wop's "self-helping" habit got the best of him in the county jail and he lifted \$100 from the pocket of a "gentleman" reposing beside him as a fellow-prisoner. It is alleged.

Then even the judge changed his opinion about "Wop" and his parole was changed to "execution of the sentence of the court."

The sentence of "state prison until released according to law" has been "executed" since and "Wop" tires of his goodness in the pen.

"Wop" got "jugged" for misappropriating a fell passenger's purse while enjoying the night life in a taxi. For his "taking ways" he was taken by the "coppers."

Now "Wop" pines for the less restricted district of his old haunts and the softer discipline of "felends" the "cats" for which "Wop" oft engaged in fistie encounters, he in the role of "chopping block" and of "friends" as "Matthew at receipt and custom"—there with the pad-hard-earned money.

"Wop's" application is now before the public.

### RUM ARREST IS FIGHT CAUSE

#### Throng Watches Cops And "Rescuer" Battle

More than a thousand homeward bound shoppers and downtown office and store workers were late for supper on Tuesday night as the result of stopping to watch a free-for-all fight between state prohibition agents, two alleged bootleggers and Joe English, who resisted the arrest of the two men.

The altercation was staged at Michigan-st and Madison-av shortly after 5 p. m.

According to those concerned in the fracas, State Agents Fraunfelder and Unkert and City Police man Pozzie had taken Jack Love, 1128 Delance-st, and Fred Tilton, 218 Tenth-st, in custody on a liquor charge, when Joe English interfered. A free-for-all followed for a few minutes with the officers coming out victorious.

Love and Tilton were booked at Central Police Station for federal authorities and English was held on a technical charge of suspicion. The officers were badly bruised in the encounter.

### Denies Prisoner Works for T. A. C.

Leo Corns, president of the Toledo Athletic club, takes exception to a statement made Wednesday to the effect that Joe English, arrested Tuesday on the charge of interfering with officers, was athletic director of the Toledo A. C.

"I do not know Joe English and he has no connection with the club," he said. "English may have been associated with the club under the former ownership, but he certainly has not been connected with it in any way since I bought it."



# Men Raid 'Nineteenth Hole' in Loop

Five cases of beer and one of whisky were the prizes early Friday when federal prohibition agents raided the Golf Links cafe, near the Casino in Point Place.

Joe "Wop" English was the only man arrested, another escaping during the raid. No patrons were there in the place was closing for the night, the agents said.

All indications, they said, were that the place was being prepared for a prosperous summer season. A five-year padlock instead is threatened, under the federal charges of possession for sale and maintenance of a nuisance. Charles F. ...

## BOND REFUSED FOR ENGLISH

### Casino Resort Proprietor Held on Conspiracy Charge.

Bond was refused Joe "Wop" English when arraigned before United States Commissioner F. W. ... Friday afternoon on the charge of possessing and selling liquor and maintaining a nuisance. English was arrested Thursday night by federal prohibition officers in his Golf Links cafe near the old Casino. Whisky and beer were confiscated in the place, officers said. It is said that English was making extensive improvements on his place. The refusal of bond for him was at the request of United States Assistant Attn. Harry Levy and prohibition officer.

**Old Indictment Standing.**  
They say an old indictment returned in 1926 is hanging over English's head. He is said to have been connected with a cafe operated at 412 1/2 St. Clair street which was raided July 12, 1926, when he fled by Lockhart, federal prohibition enforcer, who was with the raiding squad.

A large quantity of beer and some liquor were taken in the raid. A truck load of beer was standing at the curb in front of the place when the officers arrived. It was in charge of George Richards.

**Search Made.**  
Search of considerable extent was made for English but he could not

be found. Fata decreed that Lockhart was in on Wednesday night's raid. He identified English and objected to his release on bond at the preliminary hearing Friday.

At the time of the raid on the St. Clair street cafe a number of others were arrested.

English is now charged with conspiracy in addition to possessing and selling liquor and maintaining a nuisance.

He was arraigned before Federal Judge Killits Saturday morning on the old charge. English entered a plea of not guilty and was placed under \$5,000 bond. The judge reminded him that 13 years ago he had given him a chance on another charge and secured him a job.

# GUNMEN NAB COP'S GUN, FREE SUSPECT

FEB 2 1931 FEB 9 1931

## Drastic Campaign Announced By Haas After Brawl At Silver Slipper

Following a night club brawl in which two men were wounded and a city patrolman disarmed and robbed of his prisoner, Police Chief Louis J. Haas last night ordered a police drive against disorderly night haunts and armed underworld characters.

Chief Haas, in addition to directing all police officers

**BOND INCREASED**  
Joe English Penalized for Failing To Attend Hearing.  
English, charged with carrying concealed weapons in connection with the shooting Sunday in the Silver Slipper night club, had been increased Saturday from \$300 to \$500.  
English, arraigned in police court late Friday, was granted a continuance until Wednesday. His bond was increased because he failed to appear at a previously scheduled hearing.

**Night Club Shooting  
Trial Is Continued**  
The case of Joe English, charged with carrying a concealed weapon while at the Silver Slipper night club, 1609 1/2 Adams street, early Sunday, was continued yesterday in police court until Wednesday. His bond was increased from \$300 to \$500 by Judge Frank O'Connell.  
Charges of disturbance against English and three others as a result of the brawl in the night club which led to the shooting of two men were dismissed.

## AT NIGHT CLUB FEB 9 1931

Witt, 23, of 258 Marion street, had entered the club about 20 minutes before the shooting occurred.

He said he and Miss Witt were returning to their table after completing their first dance when he saw a friend, Attorney Irwin Friedmar. Mr. Seguin declared he was conversing with Mr. Friedmar when a man he did not know suddenly walked up and pushed him against the wall. He said that almost immediately a crowd of men gathered about him and he was struck on the head with a ginger ale bottle. A moment later he fell to the floor with two bullet wounds in his arm.

Mr. Rhoades was wounded by one of the shots fired in the melee.

**'DIDN'T HEAR SHOOTING'**  
Police were unable to learn how many bullets were fired, Mr. Seguin saying that he did not even hear a single shot.

Miss Witt also joined other patrons in declaring she did not hear any shooting.

Miss Witt said that when she attempted to get near Mr. Seguin she was shoved back and knocked to the floor by members of the gang that surrounded Mr. Seguin.

Patrolman Nutter, who patrols the beat in the vicinity of the club, was called.

The officer said he entered the club, immediately saw the wounded men and that someone pointed out a man as the gunman who did the shooting.

**SUSPECT FLEES**  
The suspect he said fled toward the rear of the club, stopping a moment to shove his revolver into the hands of a colored employe of the club.

The officer said he caught the suspect near the rear door and relieved the colored employe of a loaded short-barreled revolver. None of the cartridges in the gun's chamber had been fired, however, the officer said.

The policeman said the suspect, a well known police character, readily submitted to arrest after he was caught and agreed to accompany him to the Safety building.

**OFFICER HELD UP**  
Suddenly, the officer said, he felt guns in the hands of unseen men behind him pressed on either side.

The patrolman said he was warned not to turn under threat of being killed. The gunmen took the officer's pistol from his holster but apparently did not know he had the other gun he had seized. The officer did not fire, however.

The two gunmen and the liberated suspect, Patrolman Nutter said, were speeding away in a automobile the next moment.

Captain of Detectives More McCloskey and Police Captain Ray Allen later visited the club and took charge of the investigation shortly afterward. Scout cars dispatched to search the fugitive machine were unable to locate the gunmen.

The suspect's automobile was abandoned in front of the club. Police reported that they received a phone call later that the suspect would surrender to detectives in the afternoon but he failed to show up.

Police believe that the man who escaped from the custody of the officer was not responsible for the shooting since his gun showed no evidence of having been fired.

**POLICE PUZZLED**  
They admit, however, that they are puzzled by his bolt for freedom.

Mr. Seguin was released from Flower hospital yesterday afternoon, and later was questioned by police. Although he had two wounds in the arm it is believed both were caused by one bullet. It is thought his arm was bent at the elbow when the bullet pierced the upper and lower parts of the arm. He also was treated at the hospital for severe head injuries inflicted by the bottles.

Mr. Rhoades is confined in County hospital. His condition is not regarded as serious.

# COP DISARMED AFTER BRAWL AND SHOOTING

FEB 2 1931

## Dancing Must Stop at 1 A. M., Haas Orders in Edict Against Cabarets

Toledo night haunts either must stay within the law and maintain order, or be closed by police.

Incensed over the spectacle of a city policeman having his gun taken away from him and being forced to release a prisoner he just had arrested in a night club brawl early Sunday, Chief Louis J. Haas issued that ultimatum Monday.

Beginning at once, the chief said, every night club in the city must enforce rigidly the rule that dancing stop promptly at 1 a. m. No dancing will be permitted in any such club at the noon lunch hour. Furthermore, all such places will be patrolled nightly by members of the detective bureau, the vice squad and by policewomen under the direction of Sergt. Margaret Slater.

**CHIEF IS DETERMINED.**  
"When a disgraceful incident such as this brawl occurs in a place of amusement in Toledo," declared Chief Haas, "it is high time drastic action is taken to prevent a recurrence."

The incident that aroused the chief's ire occurred early Sunday in the Silver Slipper night club at 1609 1-2 Adams street.

According to information given the chief, Patrolman Nutter had been called to the club to settle rowdiness which had led to the shooting of two men—Fred Seguin, 29, of 4517 Belmar street, a barber, and Richard Rhoades, 43, of 537 Locust street, a waiter in the club.

Patrolman Nutter arrested Joseph (Wop) English, 32, of 2110 Elm street, in the club and was marching him to a nearby patrol box outside the night club when he felt two revolvers against his back.

**DEMAND COP'S GUN.**

"Give us your gun and turn this man loose," a voice commanded the patrolman.

Nutter did not resist. He freed the prisoner and gave up his gun. In his pocket was another revolver he had picked up in the night club in the course of his investigation there, but he did not fire it at the retreating forms of the men who had robbed him of his prisoner.

Nutter has been ordered by Chief Haas to appear before the chief for questioning.

English was rearrested Monday and is held by police in connection with the case. He is said to have thrown a loaded revolver to a waiter in the night club immediately after the shooting. This he denies.

Just what occurred in the night club immediately preceding the shooting is not clear, even to police. The version of "Wop" English, as told to police, is this:

Seguin and Irwin Friedmar, an attorney, were arguing from adjoining tables. Fearing violence, English said he attempted to act as peacemaker.

**BATTLE STARTS FIREWORKS.**

A crowd gathered about the tables, English said, and someone threw a ginger ale bottle. Then the confusion became greater. English said he heard no shot.

Miss Leona Witt, 28, of 258 Marion street, who had accompanied Seguin to the place, was returning from a cloak room, and saw the bottle thrown. She heard a shot and saw Seguin fall to the floor. She attempted to reach his side and was knocked down.

No witness heard a second shot, but Rhoades was struck by another bullet.

Someone went to a restaurant downstairs and called Nutter. He entered the night club and someone pointed out English to the patrolman as the gunman.

## SUPPER CLUB TOLD TO CLOSE

FEB 5 1931

### Black Reports Violation of City, State Codes by Silver Slipper.

The Silver Slipper club, 1609 1/2 Adams street, where two men were shot and a city patrolman lost his revolver recently was ordered closed

## GUNMAN ELUDES POLICE NET HERE

FEB 3 1931  
Suspect Surrenders in  
Night Club Brawl;  
Victims Improve

The assailant who shot and wounded two men in a brawl early Sunday in the Silver Slipper night club, 1609 1/2 Adams street, was still at large yesterday despite the surrender by a suspect who was saved from arrest at the time when two gunmen disarmed Patrolman D. M. Nutter.

The suspect, who surrendered to Detective Inspector Emmett Clair at the Safety building, is Joe (Wop) English, 32, of Elm street, former pugilist.

He was charged with carrying a concealed weapon. His case was continued in police court until Friday.

The shooting resulted in an order from Chief of Police Louis Haas that closer surveillance be maintained over disorderly night haunts.

The victims of the shooting, Fred Seguin, 29, of 4517 Belmar avenue, and Richard Rhoades, 43, of 537 Locust street, a waiter, were reported recovering yesterday.

## SLIPPER SHOOTING WARRANTS FILED

FEB 4 1931  
Four Toledoans Sought  
for Creating Row  
in Night Club

Warrants charging disturbances were filed yesterday afternoon against four Toledoans reputed to have started an argument early Sunday in the Silver Slipper night club, 1609 1/2 Adams street, which led to the shooting of two men and the subsequent holdup of a policeman, police reported.

The warrants, directed against three men and a woman, were sworn out by Patrolman D. M. Nutter, who was disarmed of his pistol by two gunmen and robbed of his prisoner.

The prisoner, "Wop" English, later surrendered to police and is to be arraigned in police court Friday on a charge of carrying a concealed weapon.

No trace has been found by police of the gunman who shot a patron and a waiter in the club. The two gunmen who held up the patrolman are also at large.

Thursday by Safety Director A. D. Black.

Director Black reported that construction of the club is a violation of the building code and that Dr. John L. Lavan, city health commissioner, declares the proprietor has failed to comply with the city and state health codes. Willis Vogel, commissioner of inspection, reported exits are not properly marked.

The move to close the club climaxes the shooting of two men there early Sunday. Patrolman D. M. Nutter, who investigated the shooting, was held up by three men who took his revolver.

Director Black reported investigation of the shooting still is under way.

# Mayor Charges Lack Of Co-operation With Police

Fred G. Carpenter, city prosecutor, resigned last night a few hours after his ouster had been ordered by Mayor Addison Q. Thacher following Mr. Carpenter's action in police court yesterday dismissing "suspicious person" charges against Thomas (Yonnie) Licavoli and Ralph Carsello, reputed gang leaders. Following the mayor's order, Law Director J. Irvin O'Connor summoned Mr. Carpenter to his office and requested his resignation for "having failed to give the police department proper co-operation" in the drive to rid Toledo of gangsters.

Mayor Thacher said he was dissatisfied with Mr. Carpenter's handling of the case, and that he had requested Law Director O'Connor to get the resignation of Mr. Carpenter immediately.

Wishes Co-operation  
"The action of Mr. Carpenter is inconceivable," Mayor Thacher declared. "It indicated an entire lack of co-operation with the members of the police department."

The mayor said he was desirous of having the law department cooperate with the police and when a member failed to do so it was time for him to leave the city service.

Law Director O'Connor said he could not understand Mr. Carpenter's action in view of the fact that he had previously told him of evidence in his possession which would justify, in the opinion of the law director, the conviction of Licavoli and Carsello as "suspicious persons."

Mr. O'Connor said Licavoli and Carsello have unfavorable reputations and that they should have been prosecuted in open court as suspicious persons, and that Mr. Carpenter should have insisted on such a move instead of conceding that he lacked evidence.

Carpenter's Statement  
Mr. Carpenter, after tendering his resignation, said that his action in the court room was prompted by the fact that the affidavit against the two men charged them "with

wandering around the streets of Toledo without being able to give a reasonable account of themselves," when the actual facts were that they were arrested in their homes.

He said that he endeavored, at the private meeting in Judge O'Connell's office, to amend the affidavit to charge them "with earning a living by criminal practice and being known as an associate of criminals" but that Judge O'Connell refused to let him amend the affidavit.

Director O'Connor said that Sylvester Urbanski, assistant law director, will serve as police prosecutor until a successor is named for Mr. Carpenter.

Evidence Claimed  
Detective Capt. George Timiney, who arrested Licavoli on various occasions, and who had eight witnesses in court yesterday to testify, said he had not agreed to dismissal of the case, and that he had believed he had sufficient evidence to

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Continued from Page 1

warrant the conviction of the two men as suspicious persons.

Timiney said his witnesses were not given opportunity to testify, and that he had urged the trial on when he was in the conference with Judge Frank O'Connell, prosecutor Carpenter and Harry Levy, attorney for Licavoli and Carsello, in the judge's private office, before the case was dismissed.

Prosecutor Carpenter, after the conference in Judge O'Connell's office, made a statement to the court in which he said that the evidence uncovered against five men held at Bowling Green indicated that neither Licavoli nor Carsello had anything to do with the bombing of the C. C. Engel Dry Cleaning plant here in October. It was following this bombing that Licavoli and Carsello were arrested.

Mr. Carpenter pointed out the Engel bombing case was investigated by the Lucas county grand jury and no indictments were returned. The affidavits were sworn out following the wrecking of the Engel plant at 1850 West Bancroft street, Mr. Carpenter said.

The five men facing sentence in Wood county for the bombing of the Just-Rite Dry Cleaning plant in Perryburg Jan. 5 also are wanted here in connection with the Engel bombing and the malicious destruction of property in the L. W. Schmidt Dry Cleaning Co., 1716 Madison avenue.

Case Is Dismissed  
Following the statement made by

Mr. Carpenter, Attorney Levy made a motion that the defendants be dismissed and Judge O'Connell marked the case off the docket.

Joe (Wop) English, also wanted as a suspicious person along with Licavoli and Carsello, still is at liberty, having failed to appear at the first hearing of the case. Bond was set at \$10,000 and a bench warrant issued for the arrest of English by Judge Homer A. Ramey.

## MAYOR OUSTS PROSECUTOR IN LICAVOLI CASE

### Resignation Asked After 2 Gang Suspects Are Freed in Police Court.

### LACK OF EVIDENCE GIVEN AS CAUSE

### Thacher Says Carpenter Should Have Insisted on Public Trial in Bombings.

Fred G. Carpenter resigned as police court prosecutor on demand of Mayor Thacher late Tuesday night following his failure to insist on a public trial of Thomas (Yon-

nie) Licavoli and Ralph Carsello on the charge of being suspicious persons in police court Tuesday afternoon.

Charges against the two were dismissed by Judge Frank O'Connell on a motion of Harry Levy, their attorney, after Mr. Carpenter said there was not sufficient evidence to convict them. This action followed a conference behind closed doors in the office of Judge O'Connell attended by the judge, Mr. Carpenter, Mr. Levy and Detective Captain George Timiney.

Judge O'Connell said Wednesday that Mr. Carpenter was not subject to adverse criticism for handling the case the way he did. "In fact," he asserted, "he should be complimented. He had no case and there was no use in wasting his time and the time of the court in hearing it. If the trial had been held, I would have had to discharge the defendants anyway and then I would have been the goat."

On learning of the outcome of the case from late editions of Tuesday's newspapers, Mayor Thacher ordered J. Irvin O'Connor, law director, to investigate and to demand Mr. Carpenter's resignation if he found that the latter had not insisted on a trial. Mr. O'Connor asked for the resignation after conferring with Captain Timiney and Mr. Carpenter Tuesday night.

Demands Immediate Trial  
The case was called first in police court Tuesday morning when Captain Timiney informed the court that he had an understanding with Mr. Levy that it would be advisable to postpone the case until after Licavoli had been tried in federal

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court on charges of violating the prohibition laws and conspiracy. Mr. Levy was not present, but his assistant, Attorney Irving Friedmar, demanded an immediate trial.

The court postponed the hearing until 2 P. M. while Captain Timiney summoned his witnesses, including a number of dry cleaners, to be present during the afternoon.

After minor cases were disposed of at the afternoon court session a recess was called. A short time later Mr. Levy and Captain Timiney entered the judge's office, the detective waving to Mr. Carpenter to join them. Mr. Carpenter left a witness to whom he had been talking and the conference began.

Witness Absent  
When it was concluded the officials returned to the courtroom

and Mr. Carpenter made a statement. He said that one of the most important figures in the case, Joseph (Wop) English, also charged with being a suspicious person in connection with supposed dry cleaning racketeering, was not present.

From information received from members of the police department, Roy Shunk of the Industrial Engineering institute, Gardner building, and from dry cleaners, as well as from a grand jury investigation and recent developments in Bowling Green and Wood county, Mr. Carpenter said, it was decided that neither Licavoli nor Carsello could have had anything to do with the bombing of the C. C. Engel Dry Cleaning Co., 1850 West Bancroft street, last October.

It developed, Mr. Carpenter said, that Mr. Shunk had called 13 dry cleaners together in an effort to help them in their business. English, Licavoli and Carsello attended the meeting. The cleaners were disturbed and requested the three to leave, without making threats or menacing anyone, Mr. Carpenter said.

Defendants Discharged  
It did appear, however, the prosecutor continued, that English, in the presence of Mr. Shunk, said that he had a way of "compelling them to do things." Neither Licavoli nor Carsello was present during the conversation, Mr. Carpenter asserted, but were in the hall and whether they could have heard the conversation was a matter of conjecture.

Later, the prosecutor continued, the two men were called to a dry cleaners' meeting which they again were asked to leave and did so without making threats or doing anything that was a violation of the code under which the suspicious persons affidavits were drawn against them. The only statement attributed to Licavoli, Mr. Carpenter said, was that he would help the business.

Mr. Levy then moved that the defendants be discharged and Judge O'Connell granted the motion, closing the case against Licavoli and Carsello. The charge against English, who is a fugitive from justice under bond of \$10,000, remains standing.

Explains Affidavits  
Following the court session, Mr. Carpenter explained that the affidavits against Licavoli and Carsello were not drawn properly. He did not prepare them himself, he said.

Captain Timiney explained that he signed the affidavits Sept. 14. This was prior to the bombing of

the Engel plant and a vandal attack on the L. W. Schmitz Dry Cleaning Co., 1716 Madison avenue, in October.

"It was my idea that the case Tuesday should have been tried and thrown into the judge's lap and put it up to him to determine whether they were guilty," Captain Timiney said Tuesday night.

After his investigation, Law Director O'Connor said that Mr. Carpenter should have insisted on a public trial of the defendants and also should have protested the dismissal of the case by Judge O'Connell.

Mr. Carpenter declared that in his mind there was not sufficient evidence to convict. He pointed out also that he had asked Judge O'Connell for permission to amend the affidavits charging the defendants with being suspicious persons and that Judge O'Connell had refused this permission.

Mr. O'Connor asserted that the police prosecutor should have filed immediately new affidavits against the men based on the evidence at hand.

Mr. Carpenter pointed out that the original affidavits were signed by Captain Timiney Sept. 14, that the bombing about which the defendants were questioned did not happen until Oct. 17 and that the affidavits were sworn to on Oct. 26 by B. E. Woodruff, deputy municipal court clerk.

## Resigns



Fred G. Carpenter, who has resigned as police court prosecutor, is shown here.

## COURT ORDER IS REQUESTED FOR GARDENS

### Action Follows Conviction of Five After Hill Avenue Raid

An application to padlock the Hill Avenue Gardens, reputed Licavoli liquor outlet, was filed today by Leo N. Murrin, assistant United States district attorney, in federal court. Mr. Murrin requested that the place be closed one year.

Ralph Carsello and John Mira-

bella, Licavoli henchmen, were arrested in connection with a raid on the gardens several months ago. Carsello and four underlings now are awaiting sentence for liquor violations in connection with the raid.

Mirabella was tried with Carsello on the same charges and was acquitted. The underlings, all of whom pleaded guilty, are Louis Szyperski, Walter Jasinski, Martin Kaptur and Jimmie Naples.

Property in Woman's Name.  
The property is owned by Mrs. Sophia Kaptur, wife of Martin Kaptur.

Licavoli, a member of the notorious clan of Detroit Licavolis, gangsters, has been the most picturesque figure in Toledo's underworld for several years.

He first came into the limelight here when he and members of his gang were reported musing in on the night club racket after they had opened the Golden Rose in Point Place.

Licavoli in Court Tuesday.  
Licavoli has been questioned in connection with several gang slayings in the liquor war which followed the killing of Chet Marks, proprietor of the Show Boat club here. He was reported to be extending his interests into the dry cleaning racket, directing his lieutenants from his palatial home in Old Orchard.

He was indicted on a number of counts by the federal grand jury following his arrest as a suspicious person in connection with the bombing of the Engel cleaning plant at Bancroft street and Upton avenue. Licavoli's latest act was presented in police court Tuesday when he appeared on the suspicious person charge and was dismissed.

His dismissal caused Mayor Add Thacher to ask Fred Carpenter, city prosecutor, to resign.

Comic Opera Trial.  
At the trial of Carsello, federal agents told a comic story of their activities in connection with the raid.

The agents testified they had watched visitors at the garden from trees near the building. They said they entered, danced with bar maids, bought drinks and conversed with Carsello.

At the conclusion of the trial, Carsello's attorney criticized federal agents for their admissions they had bought whisky as evidence when they could have purchased beer for less money.

## RAPS OUSTER OF CARPENTER

### Judge O'Connell Says Police Prosecutor Should Be Elected.

Terming the dismissal of Fred G. Carpenter as police prosecutor an "outrage," Judge Frank E. O'Connell in a statement Wednesday afternoon urged that the position be separated from the city law department and made an elective office.

Mayor Thacher demanded and received Mr. Carpenter's resignation Tuesday night after the prosecutor admitted police did not have sufficient evidence to convict Thomas (Yonnie) Licavoli and Ralph Carsello as suspicious persons.

"Being Made Goat"

"Mr. Carpenter is being made the goat over a situation for which he is in no wise to blame," the judge said. "His statement addressed to the court, that he did not have sufficient evidence to support the charge against the defendants was in line with a strict duty he owed to the court as one of its officers."

The judge said that prosecution of persons on insufficient evidence tends to encourage criminals, and urged that the city have an elected prosecutor with a staff large enough to investigate and handle all cases submitted to him.

"The executive branch should not be permitted to attempt to save its face by the public condemnation and discharge of a subordinate member of the law department under its immediate supervision, and ill-equipped with proper facilities for efficient prosecution," the statement continued.

Broken Morale

"This court certainly will not spend its time hearing the case of any defendant charged with an offense when the prosecutor knows and says he has insufficient evidence, and be forced to discharge the defendant and then be blamed by an aroused but ill-advised public. Mr. Carpenter's dismissal is an outrage, proof of either weakness or lack of sincere effort to stamp out a type of crime that has made this and many other cities the laughing stock of Europe, and poisoned the public mind with regard to our courts, breaking down morale everywhere."

## JUDGE ASSAILS THACHER FOR FIRING LAWYER

### Declares Police Prosecutor Is "Goat"; Would Make Position Elective

Declaring that Fred Carpenter was made "the goat" when he was forced to resign as police prosecutor, Municipal Judge Frank E. O'Connell late yesterday issued a lengthy statement in behalf of the attorney.

Attorney Carpenter's resignation was requested by Mayor Add Thacher and Law Director Irvin O'Connor, who became indignant after Yonnie Licavoli and Ralph Carsello, racketeers, were dismissed in Judge O'Connell's court.

Motion that the two racket men be dismissed was made by Mr. Carpenter, who contended they could not be convicted on the charge of being suspicious persons as the evidence on which they were brought into court was insufficient.

Judge's Statement.

Judge O'Connell's statement follows:

"Reluctant to comment because of a feeling that any statement made may be construed as criticism of the present administration or the police, it is apparent, nevertheless, that Mr. Carpenter is being made the 'goat' over a situation for which he is in no wise to blame. He is above all else honest and sincere, thoroly capable as a lawyer and, with the meager facilities afforded him for investigation and preparation of cases, an efficient prosecutor."

"His statement addressed to the court, that he did not have sufficient evidence to offer to support the charge against the defendants was in line with a strict duty he owed to the court as one of its officers; at least, it was common courtesy to be expected by everyone concerned. As a public prosecutor his conduct deserves praise and not blame and condemnation."

Sees No Benefit

Inefficient evidence and faulty prosecutions directed against persons accused of crime, inevitably ending in the discharge of the accused, may appease the public demand for a victim, but accomplish no permanent benefit to the community. More often they embolden criminals to further crime and, as in this instance, result in unjust criticism attaching to otherwise honest and sincere public officials, viz., the mayor or his cabinet, the police, the prosecutor or the judge.

"Thus criminals sneer at justice and its sworn servants, belittle the courts and the public loses confidence in and all respect for one of the most important and sacred functions of government, the administration of justice and the judiciary."

"It must be evident to many students of public affairs that the prosecution of crime should be separate and independent of the executive branch of government even in cities the size of Toledo."

**For Independent Prosecutor**

"Hundreds of cases are heard every day in police court, some very trivial, others of immense importance."

"The city prosecutor should be independent of the city law department. He should be an elected public official with a staff sufficiently large to thoroughly handle all matters submitted to his care and with all the equipment necessary to efficient prosecution of crime."

"There is a widespread public demand for the suppression of so-called racketeering and for prosecution and conviction of individuals of the gang type. The judges of the municipal court fully realize this and desire to co-operate."

"The great majority of the police are willing and efficient."

"The executive branch of city government should not be permitted to attempt to save its face by the public condemnation and discharge of a subordinate member of the law department under its immediate supervision and ill equipped with proper facilities for efficient prosecution."

"The prosecutor of the city of Toledo should be an elective official independent of the mayor and the law director."

"This court will certainly not spend its time hearing the case of any defendant charged with an offense when the prosecutor knows and says he has insufficient evidence and be forced to discharge the defendant and then be blamed by an aroused but ill advised public."

"Carpenter's dismissal is an outright proof of either weakness or

lack of sincere effort to stamp out a type of crime that has made this and many other cities the laughing stock of Europe."

## LICAVOLI FILES PLEA IN COURT

### Asks Federal Indictments on Liquor Charges Be Dismissed

Thomas (Yonnie) Licavoli, Toledo gang leader, thru his attorney, Harry Levy, filed a plea in abatement in federal court today asking that charges of liquor law violation pending against him there be dismissed.

The plea contends that the indictments returned by a federal grand jury last Dec. 2 are unlawful and in violation of Licavoli's constitutional rights. No competent evidence was presented to the grand jury and the indictments were based on hearsay information, it charges.

The plea was signed by Licavoli and may be ruled on soon by Judge George P. Hahn.

Licavoli was arrested recently after he had led police and federal authorities a chase thru several states. He is now at liberty on \$10,000 bond.

## Yonnie Licavoli Operated Upon

Thomas Yonnie Licavoli, reputed Toledo gang leader, is recovering Saturday in St. Vincent's hospital from an appendicitis operation. Licavoli, under an assumed name, was taken to the hospital Thursday night when an emergency operation was performed.

A plea in abatement for Licavoli was filed in federal court Saturday by Attorney Harry Levy in connection with indictments returned Dec. 2 charging Licavoli with conspiracy and various prohibition law violations.

## Licavoli, Guarded, Goes From Hospital to Home

Guarded front and rear by auto loads of gunmen, a swift ambulance late yesterday afternoon carried Yonnie Licavoli, local gangster, from St. Vincent's hospital to his home in Old Orchard.

A week ago Yonnie entered the hospital for an emergency operation. The operation was successful. Plans for his removal were surrounded with greatest secrecy.

Late in the afternoon, two carloads of men appeared at the auto entrance to the hospital. Nurses then were ordered to prepare Yonnie for the trip home. He was bundled into a wheel chair and taken to the entrance. The powerful ambulance drew up and Yonnie was placed in it.

Two men, believed to be his personal bodyguards, entered the machine with Yonnie. As the ambulance left the court beside the hospital a big machine with drawn curtains started out ahead of it. A similar car followed close on the ambulance's trail.

Yonnie was taken home safely in no time at all.

## LICAVOLI CASE SLATED MONDAY

Arguments To Be Heard On Plea of Abatement To Prohibition Law Charge

Arguments are to be made at 1:30 p. m. Monday before Judge George P. Hahn in federal court on a plea of abatement to the indictment charging Thomas (Yonnie) Licavoli and others with violation of the national prohibition law.

## Licavoli Hearing Is Set for Friday

Because Attorney Harry Levy had not completed his brief to argue his motion to set aside a verdict in the prohibition violation case of Thomas (Yonnie) Licavoli, Federal Judge George P. Hahn yesterday set a final hearing in the case for Friday at 10 a. m. The court said the case would be finally disposed of at the Friday hearing.

## JUDGE HAHN TO HEAR LICAVOLI TRIAL SOON

Case Will Start Before April 1 in Federal Court.

Trial of Yonnie Licavoli for alleged violation of the federal prohibition laws will be started by April 1, Judge George P. Hahn said yesterday in granting Licavoli's attorneys additional time to file briefs in answer to motions of the district attorney. Hearing on these motions was to have begun today.

Lee N. Murlin, district attorney, filed motions to strike from the files of the case the following pleas made by Attorneys John W. Hackett and Harry G. Levy; a plea in abatement; a motion to quash and a motion to inspect the minutes of the grand jury that indicted Licavoli. The judges ruled that the defense attorneys must file briefs by 10 a. m. Friday.

## EFFORTS TO CLOSE CABARET PUSHED

### Murlin Files Default Decree To Padlock Raided Cafe

Because no answer had been filed to an application made Feb. 2 to padlock the Hill Avenue Gardens, Lee N. Murlin, assistant U. S. district attorney, yesterday, filed a default decree in federal court to padlock the cabaret for a year.

Unless the decree is set aside by the court, an application will be made automatically to Judge George P. Hahn to complete the proceedings within a few days.

Five men were arrested in the place, of which Thomas (Yonnie) Licavoli is named as the proprietor. The cabaret was raided by federal prohibition agents last December and five men, arrested in the raid, are under sentence for violating the national prohibition act.

Ralph Carsello, reported lieutenant of Licavoli, was convicted by a jury in federal court and sentenced to eight months in the workhouse. Carsello is now out on bond pending an appeal to the United States circuit court of appeals. Martin Kaptur, James Naples and Walter Jacziak are now serving sentences in the workhouse and Louis Skyperski, in the Dayton workhouse, is awaiting sentence.

## LICAVOLI TRIAL SET TO START APRIL 4

Gang Leader Faces Four Counts of U. S. Dry Law Violation.

Thomas (Yonnie) Licavoli, Toledo gang leader and liquor operator, will go on trial April 4 in federal court on a charge of violating the national prohibition act.

Licavoli, with eight alleged lieutenants who will be tried at the same time, is indicted on four counts listing 24 overt acts. Judge George P. Hahn set the trial date yesterday.

Lee N. Murlin, United States district attorney, will be in charge of the prosecution. Others indicted with Licavoli are George Petooff, Russell Syracuse, Howard Lane, Harry Silvenino, Sam Brown, Russell Palmer, Ernest LaSalle and Edward Beck.

## Licavoli Files Plea To Dismiss Charges

While Thomas (Yonnie) Licavoli was recovering in St. Vincent's hospital from an emergency appendicitis operation performed Thursday night, his attorney, Harry Levy, filed a plea in abatement in federal court, asking that charges of liquor law violation placed against him be dismissed.

Licavoli is free under \$10,000 bond, after pleading not guilty to charges of conspiring to violate the national act returned in an indictment Dec. 2. The plea alleges that the indictment was returned on hearsay. Judge George P. Hahn has not yet ruled on the plea.

## Licavoli Sent Home After Operation

Thomas (Yonnie) Licavoli, reputed gang leader, was returned to his home yesterday from St. Vincent's hospital following a recent appendicitis operation, police were informed.

Detectives were sent to the hospital to make a thorough check of the report, but were unable to find the reputed gangster's name in the records. It is believed he registered under a fictitious name.

Two autos occupied by his alleged henchmen were reported to have escorted Licavoli to his home at 2733 Pemberton drive.

## Licavoli Reported Back in His Home

Thomas (Yonnie) Licavoli, gang leader, was reported convalescing in his home at 2733 Pemberton drive Friday from an operation for appendicitis he underwent recently in St. Vincent's hospital.

He was taken home from the hospital Thursday in an ambulance accompanied by two cars occupied by his henchmen, police were told.

## LICAVOLI CASE HEARING HELD

Defense Is to File Briefs on Motion to Quash Indictment.

Attorneys for Thomas (Yonnie) Licavoli, indicted in federal court on a number of counts charging violation of the national prohibition act, are only "on a fishing expedition" and there are no grounds for abatement of the indictments, Lee N. Murlin, assistant U. S. attorney, charged before Judge George P. Hahn in federal court Monday.

"This indictment was returned by Mr. Murlin and not by the grand jury," retorted Attorney Harry Levy for the defense.

Mr. Levy charged there was no competent testimony that the still in Holmes street was owned by Licavoli or that it was operated unlawfully. He said the law required competent testimony of revenue officials as to whether the still was lawful or unlawful.

"The burden is on the defendant to show that the still was legal if the defense is making that claim," the government attorney replied.

The hearing was on a plea of abatement, a request for a bill of particulars, the right to inspect records of the grand jury and a motion to quash the indictment. Judge Hahn gave the defense until Friday to file briefs.

Defense motions charged that only hearsay evidence had been presented to the grand jury and that there was no competent evidence justifying the indictments.

Attorney Murlin declared the defense had no right to probe into the act of the grand jury or to summon and examine witnesses that had testified before it. He referred to Licavoli as "a fugitive from justice" for a long period, and said that as such, he had no right to particular consideration.

## MURLIN ATTACKS LICAVOLI'S PLEAS

Files Motion To Strike Out Moves To Halt Case

Attacking the pleadings filed in federal court by counsel for Thomas (Yonnie) Licavoli, indicted for violations of the prohibition law, Lee N. Murlin, assistant U. S. district attorney, yesterday filed a motion to strike from the files the motion for a plea in abatement, motion to quash the indictment and the motion to inspect the minutes of the grand jury.

The pleadings, Mr. Murlin charged, are an attempt on the part of counsel for Licavoli to probe into the affairs of the grand jury to learn what evidence the government had before the grand jurors.

The grand jury proceedings are secret, Mr. Murlin contended, and the courts do not permit defendants to go on "fishing expeditions." The courts allow these pleadings, Mr. Murlin said, only in extraordinary cases where there is a strong affirmative showing that the rights of the defendant under the constitution have been violated.

Mr. Murlin said that the motion to quash and the motion to inspect the grand jury's minutes are not verified by the defendant and charged that the plea in abatement, which is verified, cannot be used as an affidavit. Judicial notice should be taken, Mr. Murlin said, that the defendant's affidavit could not be true within his personal knowledge as to the statement there was no competent evidence before the jury on which the indictment was based. The pleadings, he said, merely allege conclusions of law. A hearing is to be held before Judge George P. Hahn on the motion.

## LICAVOLI TRIAL BEGINS APRIL 4

Murlin Will Prosecute Alleged Gang Leader

Thomas (Yonnie) Licavoli, alleged gang leader, and eight cohorts accused of violating the national prohibition laws and conspiracy will be brought to trial April 4, Federal Judge George P. Hahn announced yesterday.

They were named in an indictment Dec. 1, charging 24 overt acts, including the operation of a large still on Holmes street. Licavoli is under bond of \$10,000.

George Petooff, Russell Syracuse, Howard Lane, Harry Silvenino, Sam Brown, Russell Palmer, Ernest LaSalle and Edward Beck will be tried with Licavoli.

Lee N. Murlin, assistant U. S. prosecuting attorney, whose nine-month investigation resulted in the indictments, will have charge of the prosecution.

## Licavoli Trial Set for April 4

Federal Judge George P. Hahn has set April 4 as the date for the trial of Thomas (Yonnie) Licavoli and eight alleged lieutenants charged with conspiracy, manufacture and possession of liquor and maintaining a public nuisance in connection with the operation of a mammoth still at 1413 Holmes street, Feb. 10, 1932.

Those indicted in the case with Licavoli Dec. 1 are: Peter Petooff, Russell Syracuse, Howard Lane, alias Bud Gardner; Harry Silvenino, Sam Brown, Russell Palmer, Ernest LaSalle who has never been apprehended, and Edward Beck.

Licavoli was a fugitive from justice from the date of his indictment to Jan. 23 when he was arrested here by police after a country-wide search including Canada. He has been at liberty under \$10,000 bond. Lee N. Murlin, United States assistant attorney here, will prosecute the case for the government.

## CARPENTER OUT FOR CITY JUDGE

### Ousted Police Prosecutor Seeks Vindication at Polls.

Attorney Fred G. Carpenter, 2120 Upton avenue, who resigned as police prosecutor under pressure from Mayor Thacher Tuesday, took out petitions at the election board Friday as a candidate for municipal judge.

Mr. Carpenter said that he is taking the action to seek vindication. He said Toledoans could show by their votes whether they believed there is truth in charges brought against him or in any statements made against his integrity. The petitions were issued to a friend, he said, Frank G. Hall.

The break between the city administration and the police prosecutor came following a hearing in police court, in which Thomas Licavoli and Ralph Carsello were charged with being suspicious persons. Before the case was called a conference among Judge Frank O'Connell, presiding judge, Police Prosecutor Carpenter, Detective Captain George Timiney and Harry Levy, attorney for the defendants, was held.

At the calling of the case Mr. Carpenter told the court that he had not enough evidence to convict. On motion of Attorney Levy Judge O'Connell dismissed the defendants. Later the court said Mr. Carpenter should be complimented rather than censured.

Mayor Thacher, informed that the men had been dismissed directed Irvin S. O'Connor, law director, to investigate. This he did, and later asked the police prosecutor to hand in his resignation.

The terms of Judges Ira R. Cole and Leonard Donovan expire this year.

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The 'Wop'—Names Swell Guys.

**Swell Guys!**

Joe (Wop) English, convicted slayer, said Gov. George White was a "swell guy" when he learned he had been granted a 60-day reprieve from execution. He also sung the praises of members of the parole board. Other "swell guys" named by English include:

Attorney A. J. Bianci, Attorney De Witt Fisher, Common Pleas Judge Roy Stuart, Roy Sherman, Harry Jennings, Jess Healy, Bill Hirsch, Jack Walpole, the Shea boys, Ponce Sergeant George Norcross, Grant Benedict, Joe Besisic, Louis Greiner, Joe Packo, Harry Winter, Karl Keller, Joe Flanagan, John Hovey, Emmitt Cairl, Ray Sheets, Owen Green, Warden Thomas, Henry L. Doherty, Ray Owens, Dick Meade, Eddie Mack, Judge Killitz, Sam Bellman, Cornell Schreiber and Add Thacher.

# 'I'd Do the Same for You,' Thatcher Replies to Reams in 'Wop' Stay Tiff

JUN 29 1934



Frazier Reams.

## Ex-Mayor Defends His Part in Saving Life of English

**F**ORMER Mayor Add Thacher Thursday replied to charges by Prosecutor Reams that he "busied himself under cover" in behalf of Joe (Wop) English, who was granted a 60-day reprieve from the electric chair for the murder of Jack Kennedy.

"I have no argument with Prosecutor Frazier Reams," said Mr. Thacher in a prepared statement. "I would do for him the same thing I did for Joe English if Mr. Reams should find himself in the same predicament.

"The policies of Gov. George White are too well established to be affected by criticism from the prosecutor or praise from me."

Mr. Reams said Wednesday that "even ex-Mayor Thacher, whose influence went so far with the governor, did not see fit to testify for English when the case was being tried in open court where he could be cross-examined. Nor has he made any statement in his behalf since."

"I APPRECIATE his offer," was Reams' laconic reply when shown the statement.



Add Thacher.

## WIFE WINS DIVORCE FROM JOE ENGLISH

**Cites Confinement of Husband in Ohio Penitentiary**

A divorce was granted Wednesday to Mrs. Rose Sinatra, wife of Serafino Sinatra, also known as Joe (Wop) English.

Judge James Austin Jr. of Domestic Relations Court granted the decree to Mrs. Sinatra, who charged her husband "was confined to the Ohio Penitentiary because of conviction of a felony."

Mrs. Sinatra also was restored her maiden name of Mominee. English, former member of the Licavoli gang, is serving a life sentence for four gang murders here.

The Sinatras were married in July, 1927. They have no children, she said.

# ENGLISH IS SAVED BY WHITE FROM DEATH IN CHAIR

**Electrocution Sentence Is Commuted to Life Imprisonment as Stay Ends.**

**REAMS PROTESTS GOVERNOR'S ACT**

**Prosecutor Describes Move as Insult to Courts and Juries of State.**

The death sentence of Joseph (Wop) English, Licavoli gangster, was commuted to a term of life imprisonment by Governor George White in Columbus today. English was to have been electrocuted Friday night.

The commutation was made over the vigorous protest of Frazier Reams, Lucas county prosecutor, who was incensed on learning of the chief executive's action.

"The governor's commutation of the death sentence of Wop English is the most gratuitous insult to the court and to the juries of the state I have ever witnessed," Mr. Reams said.

Formal announcement of the commutation was planned for Friday, but persistent reports of the governor's intended action, which have been published in The Blade in the last several weeks, hastened the action.

**Granted Repeated Stays**

English, whose right name is Serafino Sinatra, has been confined to the death house in the Ohio penitentiary since his conviction of the murder of Jackie Kennedy, bootlegger, in Point Place July 7, 1933. He has been granted repeated stays of execution by the governor, whose action was influenced largely by appeals on behalf of English by Addison Q. Thacher, former mayor

of Toledo. English formerly was a boxer associated with Mr. Thacher.

In granting the execution, the governor issued the following statement:

"After a full and complete hearing before the governor and the Ohio board of parole, the governor reprieved the execution of the death sentence to permit a complete investigation of the facts and circumstances surrounding the killing of Jack Kennedy at Point Place July 7, 1933.

"Dr. Joseph G. Furtos, Akron, Continued on Page Four, 7th Col.

**Continued From First Page**

and Glen R. Klopfenstein of Orville, investigators for the state board of parole, were assigned to the investigation of this matter by Governor White. Dr. Furtos and Mr. Klopfenstein have submitted their report to Governor White after making a full, complete and exhaustive investigation, which included questioning a great number of witnesses.

"Furtos attended the trial of Thomas Licavoli, alleged leader of the gang, who was recently convicted of this same murder and who is now serving life in prison in the Ohio penitentiary, and considered the testimony he heard in compiling his report.

**Cites Doubt, Uncertainty.**

"There seems to be a great deal of doubt and uncertainty surrounding the entire matter and a number of persons indicted for this and other murders in Lucas county in connection with this case, have not been tried or apprehended. The board of paroles and the investigators unanimously and unqualifiedly recommend a commutation to life imprisonment feeling that there is doubt as to the degree of guilt of Sinatra and it should be resolved in his favor.

"I am in hearty accord with the

general campaign of the federal and state governments in crime prevention and elimination, as evidenced by my recent appointment of the Ohio committee on criminal justice to study this problem, but in view of the conviction of Licavoli and his sentence by the court to life imprisonment, I am of the opinion that Sinatra should have the same penalty though part of the same organization.

"I fail to see why one of these men should be given the supreme penalty and the other should have the privilege of serving the rest of his life in confinement. For this reason and those above set forth, I am taking this action."

Prosecutor Reams' statement follows:

**Called Insult**

"The commutation of the death sentence of 'Wop' English by Gov. George White is the most gratuitous insult to the courts and juries of the state of Ohio that has come under my observation.

"At a time like this, when the courts and juries are doing their duties in a heroic fashion to stem the tide against the invisible government of gangs, for a governor, untrained in the law, to attempt to justify his unwarranted action by legal reasoning is almost unheard of.

"The action of the governor would have merited more respect had he frankly stated that he commuted the sentence at the behest of his friend, Addison Q. Thacher, and had not attempted to justify it by sophistry.

**Cites Judges' Reviews**

"The trial judge, after careful consideration, decided that there were no grounds for a new trial. Three judges of the court of appeals carefully reviewed the case and decided that not only was there no reversible error but that English had been given a fair trial. The seven judges of the supreme court reviewed the case and affirmed the court of appeals and the verdict of the jury.

"Last summer the governor reasoned in giving repeated stays in the case that he was not convinced that English was guilty at all in spite of the fact that two eye witnesses had testified to the shooting and had named English as the trigger man. In the Licavoli trial another eye witness acquainted with English testified to the act. Any one of these eye witnesses was sufficient to support the conviction and verdict.

"Now the governor gives as his

reasons that because Licavoli was Akron, O., and the supreme court not given the death penalty English should not die. The cases June 27. On June 26 Governor have no legal connection. They White granted a 60-day reprieve were not tried under the same in- until Aug. 27 and on Aug. 21 the dictment. By no fair process of governor again delayed the execu- tion 90 days until Nov. 27 when the latest reprieve, which was to ex- pire Friday, was granted.

"In spite of his pious words this decision cannot help but discour- age the cause of law enforcement and give comfort to public enemies."

**Cites Investigator's Absence**

In commenting on Governor White's statement, the prosecutor said that Dr. Joseph Furtos, whom the governor mentions as having attended the Licavoli trial, was not present in court when important testimony came out against English.

Mr. Reams pointed to the time when Mrs. Sam Buder, the third eye witness to the Kennedy killing, testified. Furtos, he said, was not in the courtroom at that time.

The prosecutor also noticed that Licavoli was convicted of the Kennedy murder and three other killings as an aider and abettor and not as the trigger man. Dr. Furtos was in Mr. Reams' office today on other business and admitted that he had recommended the commutation.

English first learned of the governor's action when a Blade representative visited him in his cell. He then said that he intended to renew his fight for a complete vindication and expects to be out of the prison in 90 days.

Asked if he had expected the commutation, English said, "When you're in here you don't expect anything."

**Nothing to Say**

Asked if he had anything new to tell about the murder, English said, "Nothing at all. If I did I wouldn't tell because I am no traitor."

English has been an inmate of the death house a year and five days. Since his arrival there he has seen 17 condemned men enter and nine of these walk to the electric chair. He will remain in his death cell until Friday, when the commutation papers will reach the prison.

English was sentenced originally to die in the electric chair April 25 following his conviction in the common pleas court of Judge Roy R. Stuart, where he collapsed and admitted that he knew the identity of Kennedy's slayers.

A 30-day stay of execution was granted by the court of appeals in

## JOE ENGLISH'S WIFE SUES FOR DIVORCE

**Felony Conviction Given as Grounds for Suit**

The wife of Joe (Wop) English, former Licavoli gangster now serving a life sentence in the Ohio penitentiary for murder, asks a divorce in a suit on file Thursday in Domestic Relations Court.

Mrs. Sinatra (English's real name), asserts they were married July 12, 1927. They have no children. Imprisonment for a felony is given as grounds for the divorce action.

English, convicted by a Common Pleas Court jury of conspiracy to murder Jack Kennedy, Louise Bell, Norman Blatt and Abe Lubitsky, was sentenced to death in the electric chair. His sentence was commuted to life imprisonment by former Gov. George White the day before the latter's term expired. Mrs. Sinatra's suit was filed by Attorney DeWitt Fisher.

# Ex-Gangster Taken Off Critical List

BLADE

## English Has Four Operations In Prison

Joe (Wop) English, ex-Toledo gangster serving a life sentence in Ohio Penitentiary for murder, has just been taken off the prison hospital's critical list following a hernia operation.

Warden R. W. Alvis said that because of infection, it had been necessary to operate four times.

English has been night watchman in the death house, occupying a little room off the execution chamber. He also works in the prison greenhouse and has a night fire watch assignment, the warden said.

English, who was a triggerman for the Yonne Licavoli gang, was admitted to the penitentiary on Jan. 5, 1934, at the age of 35 under sentence of death in connection with four gangland murders in Toledo.

The sentence was commuted to life imprisonment by the late Gov. George White. An attempt by English to have the sentence commuted to second degree life so as to permit his release on parole was denied by Governor Lausche in 1955

# ENGLISH PLEA ATTACKED IN NEW STORIES

DEC 18 1933

## Reams to File Affidavits Questioning Credibility of Statements by Defense.

### COURT TO RESUME HEARING MONDAY

#### Two Witnesses to Jack Kennedy Killing Give Their Versions of Details.

Hearing of the attempt of Attorneys DeWitt Fisher and A. J. Bianchi to obtain a new trial for Joseph (Wop) English, convicted of the murder of Jack Kennedy July 7 in Point Place, will be resumed Monday before Common Pleas Judge Roy R. Stuart.

At this time affidavits filed by the defense and the prosecution will be read into the record of the hearing.

Prosecutor Frazier Reams announced he may file two or three affidavits in addition to the four he already has obtained at noon today. Attorney Fisher said affidavits in support of his contentions will be limited to the two he filed in common pleas court yesterday.

#### Credibility Attacked

Four affidavits, three of which attack the credibility of sworn statements introduced by attorneys for English will be filed in common pleas court Monday by Prosecutor Reams.

Two of the affidavits are from witnesses of the Jack Kennedy slaying, A. R. Taylor, 6331 Edgewater drive, and Samuel S. Buder, 5907 Edgewater drive. The third was signed by Mrs. Thelma Boost, 3243 136th street, telling of the presence of two cars near the scene. The fourth was from the state bureau of motor vehicles.

A two-page statement of Mr. Taylor, attacks a defense affidavit introduced last Saturday bearing the signature of Mr. Taylor.

#### Says Part Is Incorrect

Mr. Taylor in his affidavit today asserts that a paragraph in the statement introduced by the defense in which he is quoted as giving the license number of the slayers' car as K17-893 is incorrect and that he called this fact to the attention of Attorney A. R. Kipperman, associated with Attorneys Fisher and Bianchi, on Dec. 8.

The witness said he told Mr. Kipperman and another man, whose name he did not know, that he did not know what the letter or prefix was preceding the number but remembered the number as 17893. He stated that he was told by the man with Mr. Kipperman that he got the K17- from a woman near the yacht club and that that would verify her statement—that it must be K17-893 with what he had told him.

In his affidavit Mr. Taylor said he told Mr. Kipperman that he could not identify the letter because he did not see any of the numbers on the license plate but that they were called back to him. The man who was with Mr. Kipperman told him "That will be all right. We won't hold it against you," the witness asserted.

#### Cites Other Paragraph

Another paragraph which he says in his affidavit is incorrect and which he states he called to the attention of these men follows:

"I cannot now and could not at any time identify English as being one of the two men who did the shooting as English's appearance is entirely different from the men who did the shooting, and English was not one of the men."

Mr. Taylor said he told Mr. Kipperman and the other man that he could not identify any of them and that he did not know whether one was English or not.

Mr. Taylor stated that one of the men asked, "Well, do you think it looked like English?" and "What did the smaller man look like?"

The witness said he answered: "He looked darker to me than English although the light was kind of tricky there under the electric light. I wouldn't say it wasn't English."

#### Denies Being Threatened

Mr. Taylor said the man who was with Mr. Kipperman then stated: "That will be all right. We won't use that against you or we won't call you for a witness."

The affidavit continues by stating that Mr. Taylor does not know whether English was one of the men that did the shooting or was at the scene of the crime. He also

states that he does not know what the license number on the killer's automobile was.

He denied that he had ever been threatened, mistreated or abused by the "Clarke brothers," Detroit investigators, or anyone else connected with the investigation. He said he talked willingly and voluntarily to defense lawyers.

Mr. Taylor's affidavit further states that in a previous interview with the prosecutor he made the following statement:

#### Tells of Seeing Car

"The first time I had seen the killers' car was when it was backing up on Edgewater drive toward 140th street with the back end toward 140th street, and I did not see anyone get out of the car but I first noticed two men when they came from back of the car.

"The car which I saw was a Ford sedan or coach, a new V-8 automobile. I did not notice the color of the car but it was a dark shiny car.

"The two men whom I saw come from behind the car walked up behind Kennedy and the girl and one of the men gave the girl a push. One of the men shot at Kennedy and after he was down on the ground both men started to shoot at Kennedy.

"Both men had soft straw hats on. One of the men had on what looked like a sleeveless sweater. When the men quit shooting they got into the car; they both got in the same door. I could not tell whether or not there was any other person in the automobile. I did not see any other men but these two men. After

the men got into the car, it swung around and went south on Edgewater drive." DEC 16 1933

#### Did Not Get Good Look

Mr. Buder, who was questioned by the prosecutor Tuesday after giving a statement to one of the defense lawyers, said in the affidavit that although he is acquainted with English he does not know whether he was one of the occupants of the slayers' car. He stated that at no time was he able to get a look at the occupants so that he could identify them.

He swore that he called out the number of the dark brown or dark maroon colored sedan as 17893 but did not observe the prefix. Mr. Buder stated that he gave this information to Mr. Kipperman prior to Dec. 9 and to the prosecutor on July 23.

Mr. Buder denied that he had been threatened by the prosecution and warned not to talk or give any evidence to the defense lawyers.

Attorney Fisher at last week's hearing insisted that the state was hiding Buder from them and that he had been warned not to talk. He also said that Buder would state that English was not one of the men in the killers' car.

The contention of Prosecutor Reams that two cars were used by the killers of Kennedy is borne out in the affidavit of Mrs. Boost who told of seeing a car occupied by four men in front of her home and another automobile parked near Kennedy's cottage in 135th street.

#### Parked Near Cottage

The car in 135th street was a maroon colored automobile and had been parked near a vacant lot beside the Kennedy cottage. She told of seeing two men get out of the automobile parked in front of her home and approach the Kennedy cottage with an object between them. She noticed the second car just before the car parked in 136th street left headed for Edgewater drive.

The automobile near the Kennedy cottage started up and also headed for Edgewater drive, Mrs. Boost testified. Shortly after she heard shots and learned that Kennedy had been killed.

Mrs. Boost testified in the affidavit that she had given all of this information to Attorney Fisher, another man named Murphy and a notary public Dec. 5.

In the affidavit of Mrs. Boost which was introduced by Mr. Fisher last week nothing was mentioned about the automobile parked in 135th street but details of the activities of men in the automobile parked in 136th street were recited.

In the fourth affidavit, which is from the state bureau of motor vehicles, testimony is given that no such license number as K17-893 was issued in 1933. Numbers in the K series do not go above the 10,000 mark, the affidavit said.

#### Defense Has Affidavits

Attorney Fisher presented the prosecutor Friday afternoon copies of two affidavits sworn to by Ralph Deeds, 452 Oak street, of the U. S. Roofing Co., and his wife, Mabel M., witnesses to incidents surrounding the slaying of Kennedy.

These affidavits are introduced by the defense to impugn the testimony of Robert Schwaite and Harry Craig, state witnesses for the state in the trial of English.

# FILE AFFIDAVITS IN ENGLISH CASE

DEC 18 1933

## Prosecutor Will Ask Court to Set Date for Hearing.

Six affidavits were filed in the common pleas court of Judge Roy R. Stuart today in connection with the motion for a new trial made on behalf of Joseph (Wop) English, under death sentence for the murder of Jackie Kennedy in Point Place July 7.

The affidavits were signed by A. R. Taylor, Samuel Bruder, Mrs. Thelma Boost, the state bureau of motor vehicles and Mr. and Mrs. Ralph Deeds. Attorney DeWitt Fisher for the defense also filed affidavits signed by Mr. and Mrs. Deeds attacking testimony of state witnesses.

In the affidavits filed by the state, the Deeds said they wanted it understood that they said they did not see anyone jump over a fence instead of that no one did jump over a fence shortly after the killing. The Deeds have a summer home in Point Place near the scene of the murder.

Prosecutor Frazier Reams said that he will ask Judge Stuart to set a date for a hearing on the motion.

Today was set as a tentative date for the hearing on a motion in Judge Stuart's court to establish a bond to permit the release of Jacob (Firetop) Sulkin from the county jail where he is being held under a first degree murder indictment for the killing of Kennedy, but this was continued. Judge Stuart just received a ruling from the state supreme court to the effect that Sulkin is entitled to such a hearing and did not have time to study it.

# NEW ENGLISH CASE AFFIDAVITS FILED

DEC 17 1933

## Court To Hear Defense Motion for Another Trial Tomorrow

Judge Roy R. Stuart tomorrow will hear the supplemental motion of Defense Attorneys DeWitt Fisher and A. J. Bianchi asking for a new trial for Joe (Wop) English, convicted of the first degree murder of Jack Kennedy.

The defense yesterday filed with the prosecutor two affidavits in addition to the five which had been introduced at the first hearing on the motion. The prosecutor yesterday had four rebuttal affidavits ready for filing, and intimated he might have more prepared by tomorrow.

Judge Stuart granted the prosecutor's office two additional days in which to answer the final defense affidavits.

The hearing tomorrow promises to be dramatic, since most of the Point Place residents who have been found to know anything about the crime have given affidavits both to the defense and to the state.

# ENGLISH'S CASE SET FOR DEC. 27

DEC 20 1933

## Hearing to Be Held Then on Motion Seeking New Trial.

Hearing of the motion for a new trial for Joseph (Wop) English, convicted of the murder of Jack Kennedy, Toledo bootlegger, will be resumed Dec. 27, Judge Roy R. Stuart announced today.

Prosecutor Frazier Reams filed three more affidavits in common pleas court yesterday in opposition to those presented by attorneys for English.

The affidavits were from Charles Deegan, 131 Austin street, who denied that he had been threatened or mistreated by the Clarke brothers, Detroit investigators, and from Ben Mendoza, Toledo newspaperman, who told of obtaining statements from Harry Craig and Robert Schwaite, state star witnesses, the night of the murder.

The third affidavit, signed by Mr. Reams and his assistants, Joel T. Rhinefort and Arnold F. Bunge, asserts that statements of witnesses who signed affidavits in support of the motion were accessible to defense counsel readily if they had exercised reasonable diligence.

# ENGLISH HEARING SET FOR DEC. 27

DEC 20 1933

## Three More Affidavits Filed by State in Kennedy Case

Preliminaries to the hearing of the motion for a new trial for Joe (Wop) English on Dec. 27, were completed yesterday with the filing by Prosecutor Frazier Reams of three additional affidavits, intended to refute information furnished in defense affidavits.

The three affidavits are those of Charles Deegan, 131 Austin street, formerly of 5564 Edgewater drive, Point Place; of Ben Mendoza, 2924 Collingwood avenue, and of Mr. Reams jointly with his assistants, Joel Rhinefort and Arnold Bunge.

Mr. Deegan's affidavit is filed to refute a statement attributed to him in which he is alleged to have said that he was threatened by the "Clarke brothers," special investigators in the murder of Jack Kennedy.

The affidavit of Ben Mendoza, newspaper reporter, asserts that the testimony of Robert Schwaite was the same as the story which the youth told him.

The prosecutor and his assistants attempt to refute the assertion of Defense Attorneys DeWitt Fisher and A. J. Bianchi, Akron, who aver that they could not have obtained in time for the trial the information which is contained in their affidavits.

# English Files Reply To Inactivity Charge

## Defense Denies Lack of Diligence in Affidavit Supplementing Request for New Trial in Murder of Jack Kennedy

A supplemental affidavit in support of a motion for a new trial for Joe (Wop) English, convicted of first degree murder for the shooting of Jack Kennedy in Point Place July 7, was filed today in the common pleas court of Judge Roy R. Stuart where a hearing on the motion will be held Wednesday.

It was submitted by DeWitt Fisher and A. J. Bianchi, attorneys for English, and was in answer to an affidavit filed by Prosecutor Frazier Reams in which it was charged that the defense did not use proper diligence in preparing its case. Otherwise, the prosecutor charged, evidence offered in affidavits in connection with the motion for a new trial would have been presented at the hearing.

The defense affidavit asserted that a map showing the scene of the killing, which was used as an exhibit during the trial, was shown to Mr. Fisher only two days before the hearing and that the defense had only a short time in which to make a check of the neighborhood at the scene of the murder. The defense did the best it could in the short time allowed, the affidavit said.

It was charged also that the state had evidence of Harry Craig and Robert Schwaite, star witnesses for the prosecution, and others that would have aided English but which was not produced. The defense attorneys have cause to believe that the prosecutor had other information that would have been of material benefit to English, it was asserted.

The affidavit stated that English

# 'WOP' COUNSEL FILES NEW INFORMATION

DEC 26 1933

## Supplemental Affidavits Are Offered in Kennedy Case

Two supplemental affidavits in support of the motion for a new trial for Joe (Wop) English, convicted of the murder of Jack Kennedy, July 7 last at Point Place, were filed Tuesday in common pleas court by DeWitt Fisher, attorney for English.

Judge Roy Stuart will hear arguments on the motion Wednesday. Prosecutor Reams already has filed affidavits against the motion.

One of the affidavits filed Tuesday is by Ralph Deeds, 452 Oak street, and supplements information contained in a previous affidavit by Mr. Deeds concerning the occupants of the auto said to have been used in the Kennedy slaying.

The second affidavit is in behalf of Mr. Fisher and A. J. Bianchi, Akron, O., co-counsel, in which it is maintained, that Mr. Fisher and Mr. Bianchi used "due diligence" in uncovering evidence for the trial and that the prosecution suppressed evidence.

# ENGLISH PLEA BOOKED TODAY

DEC 27 1933

## Attorneys Ask New Trial in Motion Up for Hearing

Judge Roy R. Stuart will hear in common pleas court today arguments in support of a motion for a new trial for Joe (Wop) English, by his defense attorneys, DeWitt Fisher and A. J. Bianchi, Akron.

In support of this motion, the attorneys yesterday filed two supplemental affidavits, one a declaration of Ralph Deeds, 452 Oak street, and the other that of the attorneys themselves.

The defense attorneys assert in their affidavit that they could not have learned before the English trial the facts set forth in the other affidavits on which they base their appeal for a retrial. They assert that the prosecutor has concealed information which would help English's case. They had neither the time nor the opportunity to assemble all the defense testimony before the trial, the attorneys assert.

This affidavit was filed to refute the claim of a similar one filed by Prosecutor Reams and his assistants, Joel Rhinefort and Arnold Bunge, in which the state attorneys assert that the defense could have brought out all the information now presented at the time of the trial. They also deny that they have concealed any testimony.

The affidavit of Deeds amplifies another signed by him last week.

English was convicted of the first degree murder of Jack Kennedy in Point Place, July 7.

# ENGLISH RULING IS DUE SOON

## Judge Stuart Will Study Affidavits in Plea for New Trial.

Common Pleas Judge Roy R. Stuart indicated today that he will give a decision within a day or two on the supplemental motion for a new trial for Joseph (Wop) English, convicted murderer of Jack Kennedy in Point Place July 7.

This indication was given by the judge at the close of a hearing shortly before noon today.

Affidavits filed by the state and the defense will be studied by Judge Stuart, who also said he would consider citations of supreme court cases which were introduced in evidence by counsel for both sides.

"I will consider these affidavits and also the cases cited and probably arrive at a conclusion within a day or two," Judge Stuart said.

Attorney A. J. Bianchi of Akron, co-counsel with attorney Dewitt

Fisher in the defense of English, declared in oral argument that the jury was swayed by passion, prejudice and publicity, and that if the case were tried again the jury would acquit English.

"It is only too obvious that at the time of the trial of English this city was going through a reform movement," Mr. Bianchi said.

"In the opening statement of the prosecution it was contended that Kennedy was killed because he was peddling the wrong kind of beer, but later on in the evidence brought out by state's witnesses it was revealed he was killed on account of a fight."

Mr. Bianchi also denounced the policy of the state in keeping Henry Craig and Robert Schwaite under police guard in a hotel where defense attorneys were unable to reach them, question them and obtain what they believed was the truth about the slaying.

### Cites Francis' Release

He also cited the fact that Kenneth (Punkin) Francis, purported bodyguard of Kennedy, was kept in jail all during the trial and released immediately after the trial was over, although he had not been summoned as a state witness.

Arnold Bunge, assistant county prosecutor, cited several supreme court cases which he said tended to show that a new trial can be granted on the ground of newly discovered evidence only when that evidence is of sufficient weight to require a different verdict.

He said the jury in the English case was exceptionally deliberate and recalled that while the jury indicated that it had arrived at some conclusion the night of the day the trial was completed the jurors had asked permission of the court to "sleep over it."

### Charges Intimidation

Charging that the "Clark brothers," Detroit investigators, and Detective Capt. George Timiney intimidated everyone connected with the murder investigation were made by Attorney Bianchi.

Mr. Bianchi also accused the prosecutor of using tricky questions in all of the affidavits presented by the state. He told Judge Stuart the prosecutor came very close to suppressing evidence in the failure to present the testimony of A. R. Taylor, whom the lawyer termed an eye witness.

He also said the affidavits of the prosecutor and his assistants which charged lawyers with negligence is an admission that there was more information than was introduced at the trial. The information contained in the affidavits of the state is material evidence that should have been offered at the trial, the lawyer said.

### Says Affidavits Won't Help

Joel T. Rhinefort, assistant county prosecutor, said there is nothing in the defense affidavits that assists the defendant. He said the state introduced all the testimony it considered competent and pertinent.

Mr. Rhinefort said there is no newly discovered evidence in the affidavits to sustain the motion for a new trial. He told the court he did not think it was the duty of the prosecutor to open his files and show the defense what he had.

The assistant prosecutor said defense counsel had told the state nothing of the evidence which the defense possessed.

Attorney Fisher, in his argument, said the defense hopes to present affidavits from at least two more persons who were eye witnesses to the slaying. Mr. Bianchi said he would present affidavits of many people who would testify concerning Craig and Schwaite, the state's star witnesses.

### Identifies Investigator

Attorney Bianchi informed the court that the investigator who procured affidavits for the defense was James E. Murphy of the International Title & Identification bureau of Detroit and not a person with a fake name.

On Mr. Bianchi's motion, Judge Stuart struck out the entire affidavit of Ben Mendoza, Toledo newspaperman, and a portion of the affidavit of Samuel Buder, both state affidavits.

The defense introduced into the record the affidavits of Mr. Taylor and Mr. and Mrs. Ralph Deeds. The state presented affidavits of the following: Mr. Taylor, Mr. and Mrs. Deeds, Thelma Boost, the state bureau of motor vehicles, Charles Deegan, Mr. Buder, Mr. Mendoza and the prosecutor and his assistants.

In rebuttal the defense offered the affidavit of Mr. Deeds and one from the defense lawyers.

Reading from a newspaper account which quoted Mr. Rhinefort as stating that the prosecutor's office had definite information that the killers of Kennedy were St. Louis gangsters, Mr. Bianchi held that a St. Louis gangster should be on trial instead of English.

# ENGLISH DECISION DUE IN FEW DAYS

## Judge Considers Plea for New Trial in Killing

A decision on the supplemental motion for a new trial for Joe (Wop) English, heard yesterday in common pleas court, will be announced within a few days, according to Judge Roy R. Stuart, who took the matter under advisement.

Arguments of counsel for the defense and for the state were supplemented by affidavits and by citations from state supreme court decisions.

Joel Rhinefort, assistant county prosecutor, asserted, during the hearing, that the defense affidavits presented no new information that would warrant a new trial, since nothing in them would pre-empt a change in verdict if the case were retried.

Mr. Bianchi, assistant county prosecutor, accused the prosecutor of suppressing evidence which would have helped English, of intimidating witnesses, and of keeping witnesses in a hotel room where defense attorneys could not talk to them.

## English Decision Delayed by Court

Judge Roy R. Stuart was not ready today to give a decision in the hearing for a new trial for Joseph (Wop) English, found guilty of first degree murder in connection with the shooting to death of Jackie Kennedy in Point Place July 7.

The judge said he had completed a study of affidavits submitted by defense attorneys and the prosecution, and expected to spend this afternoon checking on the supreme court citations submitted by both sides.

# ENGLISH RULING DUE THIS WEEK

## Judge Stuart Hears Sharp Retrial Arguments in Kennedy Case

Whether Joe (Wop) English will be tried again for the murder of Jack Kennedy, bootlegger, at Point Place the night of July 7, of which he was found guilty by a jury in common pleas court recently will be decided this week by Judge Roy Stuart, he announced at the close of a hearing on English's motion for a new trial Wednesday.

Featuring the hearing were heated charges of unfairness from counsel on both sides of the case and an announcement by Defense Attorney A. J. Bianchi, Akron, O., that he is attempting to locate two new eyewitnesses to the killing.

### Loses Record Fight.

The affidavit of Ben Mendoza, News-Bee reporter, filed by the prosecutor, and a portion of the affidavit of Samuel S. Buder were rejected as evidence by Judge Stuart on the motion of Mr. Bianchi, who charged the Mendoza affidavit was hearsay and opinion and that that of Buder was immaterial.

Mr. Bianchi protested that the rejected affidavits should not be allowed to go into the record which is expected to be taken to the court of appeals.

### Bianchi Promises Affidavits.

Overruled on this question by the court, he announced indignantly he would take advantage of this ruling and file affidavits of reputable persons to the fact that they would not believe the state's witnesses, Robert Schwaite and Harry Craig, even under oath.

Chief among the charges against the prosecutor's office were that evidence had been suppressed and witnesses intimidated.

The state contended that evidence offered in defense affidavits was neither new nor of sufficient import to warrant a new trial.

# JUDGE TO CONFER WITH REAMS, SET EXECUTION DATE

## Attorneys for Licavoli Aid Not in Court for Decision; 'Firetop' Expected To Post \$20,000 Bond

Joe (Wop) English, convicted of the murder of Jack Kennedy, July 7, last, at Point Place was refused a new trial and Jacob (Firetop) Sulkin, indicted for first degree murder in connection with the same slaying, was admitted to \$10,000 bail in two rulings Tuesday by Common Pleas Judge Roy Stuart.

The English decision means that the convicted Licavoli henchman within a few days will be sentenced to death in the electric chair for the murder of Kennedy.

Attorneys for English sought a new trial on the grounds the prosecutor's office had suppressed evidence and intimidated witnesses. Hearings on the new trial motion were completed Wednesday. Both the defense and the prosecution filed numerous affidavits supporting and opposing the motion for a rehearing of "Wop's" case. In the trial that resulted in English's conviction, the gangster was identified as one of the slayers by two witnesses.

### Sulkin To Make Bond.

Judge Stuart said he would set a date for sentencing English after conferring with Prosecutor Reams, who is expected back Wednesday from his New Year holiday trip. Neither DeWitt Fisher nor A. J. Bianchi, attorneys for English, were in court when Judge Stuart announced his ruling.

# Convicted Slayer of Jack Kennedy Loses Plea for New Trial; Suspect's Bond \$10,000.

Rulings handed down simultaneously today by Common Pleas Judge Roy R. Stuart make mandatory the imposition of the death sentence on Joseph (Wop) English, convicted slayer of Jack Kennedy July 7 in Point Place, and provided for the admission to \$10,000 bail of Jacob (Firetop) Sulkin who is under a first degree murder indictment in connection with the same killing. Sulkin was released at 1 P. M.

Entries were made in the criminal court docket by the jurist overruling a motion and a supplemental motion for a new trial for English and granting a motion requesting that Sulkin be admitted to bail.

Action of Judge Stuart in denying the motion for a new trial of English, which was argued exhaustively during the last two weeks by Attorneys DeWitt Fisher and A. J. Bianchi and County Prosecutor Frazier Reams, Joel Rhinefort and Arnold Bunge, his assistants, will result in imposition of the death sentence on English within a few days.

### MUST SET EXECUTION DATE

In addition the court must set the date for execution of the convicted slayer in the electric chair in the Ohio penitentiary within 100 days after sentence is pronounced.

The ruling followed a study of numerous affidavits filed

by both the state and defense in support of their arguments which were obtained from various witnesses of incidents surrounding the shooting.

Attorney Harry Levy, co-counsel with John W. Hackett in the defense of Sulkin, announced that a \$24,000 real estate bond had been posted with William Renx, clerk of courts, today to release his client from the county jail where he had been held since Aug. 8 when he surrendered to the indictment which was returned against him.

Judge Stuart's ruling fixed bail of Sulkin in the amount of \$10,000 cash or double that amount in real estate.

### \$24,000 Bonds Posted

To obtain Firetop's release, real estate bonds totaling \$24,000 were posted by these persons: David Fromkin, his father-in-law; Mrs. Lillian Sulkin, his wife, and Mr. and Mrs. Abe Goodman. Mr. Goodman is a baker.

Judge Stuart declared that in view of the fact Sulkin had surrendered to the charge and made himself available when he was wanted he believed that if anyone were entitled to be admitted to bail on a charge of first degree murder it should be.

The state vigorously opposed the move to release Sulkin from custody on the ground Judge Stuart did not have jurisdiction to determine the question of admitting a person under a first degree murder indictment to bail, but the state supreme court ruled the common pleas court did have jurisdiction to hear and decide such a motion.

Trial of Sulkin is set for Jan. 15 before Judge Scott Stahl.

# ENGLISH MAPS APPEAL FIGHT

## 'Wop' Denied Retrial; Sulkin Released on Bond

A petition-in-error, seeking to save Joe (Wop) English from electrocution, will be filed in the court of appeals here within 30 days, the statutory limit of time, according to Attorneys DeWitt Fisher and A. J. Bianchi, Akron, who defended him at his trial.

The fight in the higher courts is the sequel to the decision of Common Pleas Judge Roy R. Stuart yesterday, in which he denied English a retrial on the charge of first degree murder, arising from the death of Jack Kennedy, Toledo bootlegger. Judge Stuart granted the motion of Jacob (Firetop) Sulkin, asking release on bail from the county jail where, since Aug. 9, he has been awaiting trial on a first degree murder charge, also arising from the Kennedy death.

Sulkin left the county jail yesterday afternoon, after relatives and friends had posted a \$24,000 property bond.

Sulkin will go on trial before Judge Scott Stahl on Jan. 15.

"Firetop" Sulkin, who has been in the county jail since Aug. 9, expects to post a \$20,000 property bond some time Tuesday thru Attorney Harry Levy, co-counsel with Attorney Jack Hackett for Sulkin. A \$20,000 property bond is equivalent to a \$10,000 cash bond.

Sulkin's trial date already has been set for Jan. 15 in Judge Scott Stahl's court. Judge Stuart gave no opinion in either decision.

### Judge's Statement.

In commenting on the Sulkin case, Judge Stuart said:

"To refuse Sulkin bail would be to nullify the Constitution provision which guarantees every man a right to be released on bond and a recent ruling of the supreme court which holds that common pleas court has jurisdiction to fix bail in all criminal cases.

Judge Stuart ordered the jury assembled in its box and sent for English's attorneys, DeWitt Fisher and H. A. Bianci, and the prisoner.

The courtroom was packed as the principals assembled for the reading of the verdict. The throng was tense as the slip of paper was handed to the clerk, Herbert Buck.

As the clerk drew out the finding of the jury the room remained tense. No one moved after the word "guilty" had been pronounced. It was as if they were expected a mercy recommendation.

#### Courtroom Thrown Into Uproar.

Then, as the clerk ceased speaking and handed the folded verdict to Judge Stuart, English swayed in his chair beside his attorneys.

Attorney Bianci leaped to his feet and demanded an opportunity to poll the jury. Simultaneously, Mrs. English screamed and rose to her feet. She continued to scream in Italian.

As Bianci questioned each juror as to whether or not this was the verdict they had agreed upon, English's face became even more pale than his stay in the county jail had bleached it. He made as if to rise from his chair then toppled to the floor and lay still.

Reporters scrambled for telephone. The crowd behind the spectator's guard rail surged slightly and deputy's lifted English from the floor and carried him in their arms into the judge's office.

Mrs. Lida I. Croll, 1110 Woodward avenue, Juror No. 2, was so affected by the screams of Mrs. English that she broke out crying herself, while other women of the jury turned their faces away from the crowd in the courtroom.

After English had made his hysterical plea to Judge Stuart, deputies told him they were going to take him back to the jail.

"Don't take me out yet," he pleaded hysterically. "Wait a few minutes."

The deputies waited a few minutes and then picked him up and carried him from the room.

In the corridor outside another crowd of curious was waiting.

#### Resentment Hinted.

Attorney Bianci was bitterly disappointed with the results.

"I will move to have this verdict set aside on the grounds that it is contrary to the evidence," he said. "And I will add this: In all my experience, I have never seen so little evidence on which a jury finding could be made as in this case."

The Akron lawyer thanked Judge Stuart for his fairness, but informed the judge he could not be satisfied with the verdict and intimated he harbored considerable resentment against what he called "unfair tactics" by the prosecutors.

English was walking steadily and appeared to have regained his composure, altho he still was exceedingly pale, when he reached the corridor after his wild outbreak.

He was handcuffed to Deputy Sheriff Fred Fotta and led by Deputy Clarence Fall, who helped carry him from the courtroom, after his dramatic collapse.

#### Bids Judge Good-by.

As English left Judge Stuart's chambers, he turned and said:

"Good-by, judge."

"Good-by," replied Judge Stuart. The thought of being carried from the chambers apparently had steadied the former professional pugilist, and his composure was more marked as he left the courthouse.

Shortly after the verdict had been pronounced, Prosecutor Reams said the police guard would be removed from the state's star eyewitnesses, Robert Schwaltz and Harry Craig, who identified English as one of two gangsters who shot Kennedy.

"No one is going to hurt those boys," the prosecutor declared.

#### Trial Lasts Two Weeks.

The long trial of English, which has lasted two weeks, reached its final stages with the presentation of final testimony and arguments by opposing counsel, followed by the judge's charge.

Prosecutor Frazier Reams and his assistants, Joel Rhinefort and Arnold Bunge contended in their arguments that the state had shown beyond any doubt that English murdered Kennedy and each of the three asked the jury to exact the supreme penalty for the crime.

All of them contended that English was a "leech on society," and a "member of an organized gang headed by Yonnie Licavoli."

#### Ask Gang Riddance.

They stressed the importance of ridding the city of gangsters and the duty which jurors have toward the community in this regard.

Mr. Reams said the crime had all of the essentials of a well-arranged plot to assassinate Kennedy because he had beaten John Mirabella, one of the Licavoli gang.

Defense Attorneys Fisher and Bianci of Akron pleaded with the jury to acquit English. They contended the state was trying to send him to the electric chair on the flimsiest of evidence because he had a criminal record.

#### Counts English Friend.

Fisher said he had known English for many years and counted him as a friend.

Bianci in an eloquent plea denounced the "Clark brothers," special investigators who assisted in the Kennedy murder probe. He accused them of using third degree methods and of drumming testimony into state witnesses by auto-suggestion.

In his charge to the jury, Judge Stuart submitted three prepared verdicts on which he told the jury it was legally entitled to vote. One called for a verdict of guilty without mercy, one for guilty with mercy and the third for not guilty.

Kennedy was slain at 140th street and Edgewater drive in Point Place while he was strolling in the moonlight with his girl friend, Miss Audrey Ralls, beauty contest win-

# 'Wop's' Collapse, Willingness To Squeal Disproves Myth That Gunmen Can Take It

By DONALD POND

THE "Wop" couldn't take it!

His head began to nod crazily; his hands twitched; he slumped out of his chair; a deputy sheriff caught him—and an old adage of the police was proven before a courtroom of curious persons who

had come to see a gangster face justice.

"They can't take it," the police say scornfully. "They're yellow, all of the hoodlums. They're brave when they have a gun and they can sneak up behind you, but they can't take it—not at all!"

And Joe English, the prizefighter who gloried in his toughness, who wanted the name of "Wop" English to be in the headlines, proved their point.

His wife wanted to fight back. She screamed at the jurors. She tried to fight her way thru a crowd and past deputies to scream her defiance at the judge. But, the Wop couldn't take it at all. First he sat perfectly still in what seemed a masterpiece of control, but what seems now to have been the paralysis of utter terror.

Then he collapsed. They carried him into Judge Roy R. Stuart's chambers and there he lay, the waxy, ghastly pallor of the dead on his face. The first thing he did when he recovered was to prove again that he couldn't take it.

The gangsters of lurid fiction and equally lurid movies never squeal because of loyalty to their comrades in crime. Wop wanted to squeal. He said so. He wanted to squeal badly. But, he didn't dare.

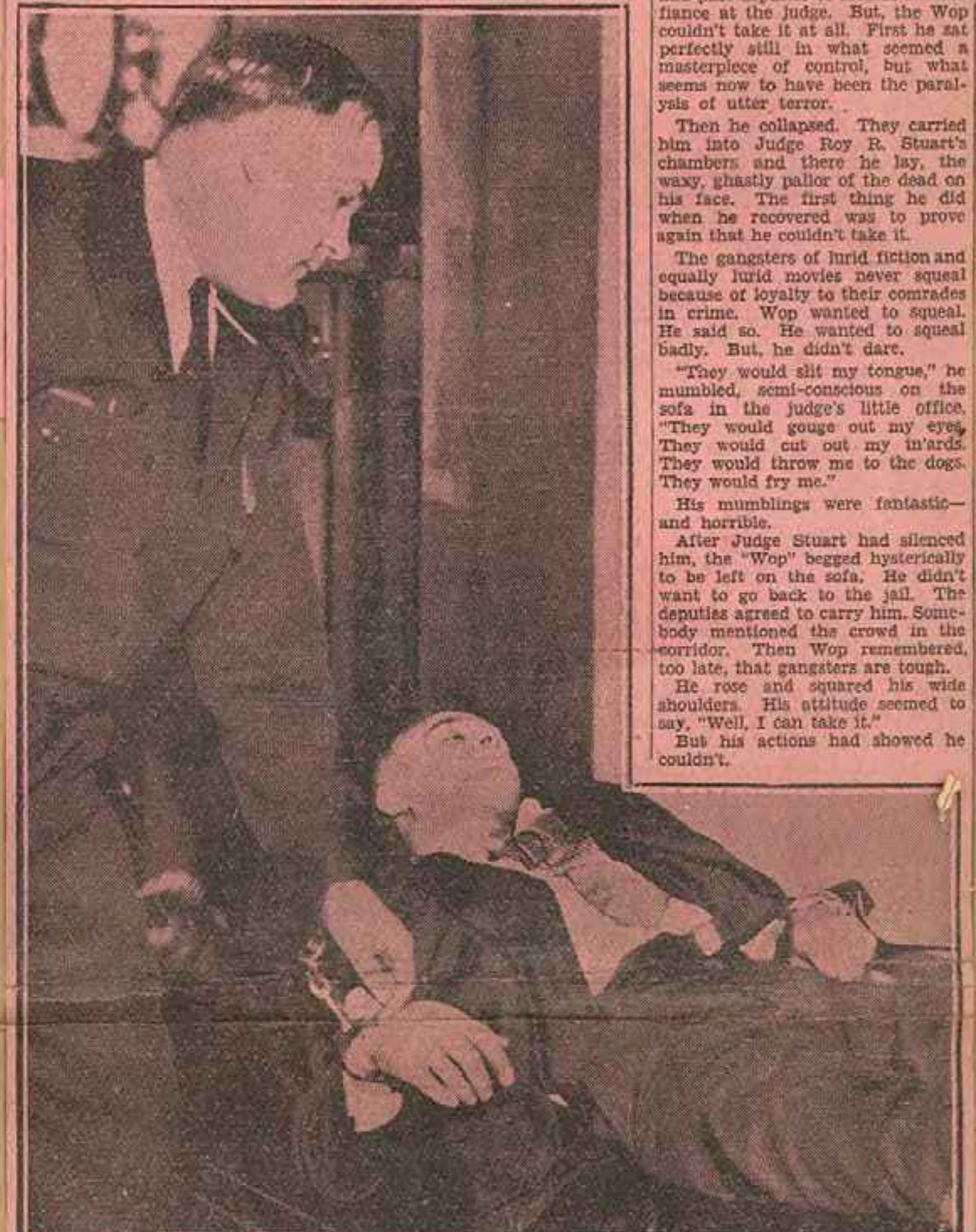
"They would slit my tongue," he mumbled, semi-conscious on the sofa in the judge's little office. "They would gouge out my eyes. They would cut out my inards. They would throw me to the dogs. They would fry me."

His mumbblings were fantastic—and horrible.

After Judge Stuart had silenced him, the "Wop" begged hysterically to be left on the sofa. He didn't want to go back to the jail. The deputies agreed to carry him. Somebody mentioned the crowd in the corridor. Then Wop remembered, too late, that gangsters are tough.

He rose and squared his wide shoulders. His attitude seemed to say, "Well, I can take it."

But his actions had showed he couldn't.



This photo shows the collapse of Joe (Wop) English. Deputy Fred Pautz is trying to revive him.

## The English Verdict

GANGDOM'S challenge to organized society in Lucas county has been answered.

After riding high, wide and handsome down our highways for more than two years, the racketeer today is sinking thru the alleys.

Joe "Wop" English was a member of the Licavoli gang. He had a part in the pernicious system which collected thousands of dollars in tribute from our community under a reign of terror and extortion. It was a system which took human lives when they stood between the gang and its mad desire for more wealth and more power.

The conviction of English is but a start in bringing to justice those in whose hands rested the authority for the underworld mob. Prosecutor Reams' drive for law, order and decent living must go on and we have every reason to believe it will.

## DEFENSE ASKS NEW TRIAL FOR 'WOP' ENGLISH

Motion Filed as Jail Guards Are Increased To Prevent Delivery Attempt

A motion for a new trial for Joe (Wop) English, convicted slayer of Jack Kennedy, Toledo bootlegger, was filed in common pleas court Monday as the guard at the county jail was increased to prevent possible attempts to deliver English. No action was taken.

by Judge Roy Stuart.

Presence in Toledo Sunday of James Licavoli, Detroit gangster, with three swarthy companions, caused the additional precautionary measures at the jail Monday.

Detectives James Tafelski and Robert Fielding of the police hoodlum squad, spotted Licavoli and three men riding in a Ford V-8 sedan at Madison avenue and Erie street, four blocks from the jail, at 3 p. m. Sunday but lost the car in a chase thru downtown traffic.

The detectives recognized Licavoli, who has been arrested here before and ordered to stay out of Toledo. They have no specific charge to place against him but would have arrested him under standing orders to bring in all known hoodlums, they said.

#### Prejudice Is Claimed.

The motion for a new trial declared the verdict, which condemns English to death in the electric chair, was influenced by passion and prejudice and charges misconduct by the prosecuting attorney and the jury, which found him guilty. The court is charged with error in receiving evidence over defense objections.

Defense Attorney A. J. Bianci left Toledo for his home in Akron, O., Saturday night, several hours after English had been convicted in common pleas court.

#### Jail Closely Guarded.

Sheriff Krieger left Toledo early Monday for Columbus with two Negro prisoners who have been sentenced to the state penitentiary. He left orders to keep all but one of the gates in the fence about the county jail locked and to permit only known visitors into the jail. Chief Jailer Jay Gilday was left in charge.

"We are well fortified against any attempt to release English," Jailer Gilday said Monday. "We could handle an army of 30 or 40 in an attack against us in the daytime. At night we keep all gates leading into the jail yard locked and each visitor must be identified before admittance is granted."

The knowledge of Licavoli's presence in Toledo caused Toledo police to keep the state's star witnesses against English, Harry Craig, 25, and Robert Schalte, 20, under police guard again Monday. Detectives searched all known haunts of gangsters here, including the residence of Thomas (Yonnie) Licavoli, gang leader, in Old Orchard, but no one was found.

#### English Eats Pheasant.

English was permitted no visitors Sunday altho his wife appeared at the jail. He ate a pheasant dinner, brought into the jail by three women, said to be his friends.

Request for a new trial for English was to be made Tuesday by

A. J. Bianci, Akron, defense attorney. He said he expected to show that the verdict was against the weight of the evidence.

#### Talks to Prosecutor.

English, who collapsed Saturday in court after hearing the verdict condemning him to the electric chair for killing Jack Kennedy, youthful bootlegger, called for Prosecutor Reams an hour after he had been taken to his cell in the jail.

No one knows what English told the prosecutor in the half hour Reams was in his cell.

English wanted to "talk." He had said he could clear himself in three minutes. He said he had been told who killed the bootlegger and night club operator. He called Prosecutor Reams after his own counsel had failed to appear.

#### There's More Coming.

English told Judge Roy Stuart, while semi-conscious on a sofa in the judge's chambers, that he could purchase his freedom by telling the names he learned the day after the murder.

That more was coming for the Licavoli gang—and for all other combinations of law-breakers in Toledo—was promised by the statements of Prosecutor Reams and Detective Captain George Timiney, another gang nemesis, after the ver-



...Saturday. Both emphasized that there was still much work to do. Both emphasized, too, that there were other gangsters to be caught than those now indicted in the Kennedy case.

### Record a New Threat.

The recent record of convictions in this county loomed up as another count against the gangsters.

English is the third man here within a few months condemned to the electric chair. Frank Vecchiano and Albert Bruno, murderers of a hotel clerk here and reputed distant subordinates of Thomas (Yonnie) Licavoli, both are in Columbus awaiting execution. Two other men have been given life sentences for murder in the same period of time.

# Kennedy Slayer Says He Has Revealed Nothing

NOV 19 1933

A move to obtain a new trial for Joseph (Wop) English, who was condemned by a jury in Judge Roy Stuart's court yesterday to the electric chair for the slaying of Jack Kennedy in Point Place July 7, will be started Tuesday, it was announced last night by Attorney A. J. Bianchi.

Mr. Bianchi said a number of reasons will be set up in the request for a new trial, including a contention the evidence was contrary to the finding of the jury.

### Wants New Trial

English, in his cell at the county jail last night, also made a demand for a new trial and expressed confidence, if given another trial, he could prove his innocence.

In his cell, English was a considerable contrast to the English who had collapsed in the courtroom early in the day after the jury had returned its verdict. He had regained most of his composure and the thought apparently uppermost in his mind was the possibility of a new trial.

### Revealed Nothing

English, who had been interviewed in his cell yesterday by Prosecutor Frazier Reams after the prosecutor had received word English "wanted to talk" declared he had not told the prosecutor anything.

Asked by a Times reporter the statement attributed to him in the courtroom that he knew the killers were, English said the only information he had was hearsay and he had no intention of repeating it.

Prosecutor Reams said that "so far as English is concerned we are through with that trial. The verdict speaks for itself and that is final," Mr. Reams said.

The prosecutor declined to divulge the subject matter discussed in a conference with English in the county jail.

### Message Purportedly From Wop

Word that English would talk was brought to the prosecutor shortly after the convicted gangster had been returned to the county jail. The message purportedly came from English, and asked the prosecutor to call upon him in his cell. Having communicated with A. J. Bianchi, defense attorney from Akron, Mr. Reams, with his assistants Joel Rhinefort and Arnold Bunge went to the jail. They were closeted with English about three-quarters of an hour.

Slumping from his chair in a faint when the verdict was read, English was revived with difficulty on the couch in the private chambers of Judge Stuart. As he came out of the faint, he began to mumble.

"They would slit my tongue," he murmured. "They would cut off my head. They would gouge out my eyes."

The jury returned the verdict of guilty of first degree murder, without recommendation of mercy. This makes the death sentence mandatory upon the court.

### Aunt Prays and Screams

Mrs. Rose English, wife of the convicted man, who had sat inconspicuously through all the trial, made no outcry when the verdict was read. Her eyes filled with tears, but she did not lose her composure. Mrs. Margaret Scinta, Buffalo, Joe's aunt, screamed when the verdict was read. She shouted prayers intermingled with imprecations against Captain George Timiney, the detective who had a large part in bringing English to trial.

This was too much for the women jurors, three of whom had stood out for a recommendation of mercy. All six of the women were crying when they left the jury box.

When English was lying on the judge's couch, after he was somewhat recovered, he called the judge and asserted that he was innocent.

He said he knew who had committed the Kennedy murder. The murderers told him the details of the crime the next day, he said.

### But I'm Not Rat

"I could go into the prosecutor's office and be free in five minutes," he said, "but I'm not a rat." He sent for the prosecutor soon afterwards.

Mr. Reams intimated that no action to be taken on the "Wop's" unexpected disclosures for the time being.

Meantime, police in many nearby cities are scouring the haunts of the underworld for the other gangsters indicted jointly with English, John Mirabella and Russell Syracuse.

And Jacob (Firetop) Sulkin, Licavoli's "messenger boy," who is alleged to have had possession of one of the murder guns before the shooting, and himself indicted on a charge of the Kennedy murder, is sitting in the county jail, thinking it over. He declined to be interviewed.

Sheriff David Krieger, anticipating the possibility gangster friends of English might attempt to liberate him or invade the jail and kill him to prevent his talking, put extra deputies on duty at the jail last night. He also kept all gates, surrounding the jail yard, locked.

Defense Attorney DeWitt Fisher was too ill to be present in court when the jury's verdict was read. The attorney is in St. Vincent's hospital where, it was reported, he will remain for a rest.

## New Trial Motion Filed for English

Hearing of the motion for a new trial for Joseph (Wop) English, convicted Saturday of the first degree slaying of Jackie Kennedy, Toledo bootlegger, will be held probably Saturday before Judge Roy R. Stuart in common pleas court.

English's attorney, A. J. Bianchi, Akron, and DeWitt Fisher, filed the motion Monday sitting 12 assignments of error.

## REAMS TO CONTEST NEW TRIAL FOR 'WOP'

Prosecutor Plans Fight Against Second Hearing Plea.

County Prosecutor Frazier Reams will oppose vigorously attempts of attorneys for Joe (Wop) English to obtain a new trial for the former pugilist who last week was convicted of the murder of Jackie Kennedy, bootlegger.

A hearing on the motion for a new trial filed in common pleas court Monday by English's attorneys will be held in Judge Roy Stuart's court this week.

Mr. Reams Tuesday was preparing for an early trial of Jacob (Firetop) Sulkin, also indicted for first-degree murder in the Kennedy killing. The prosecutor would not say whether English, since his conviction, has revealed anything which would be of value in the Sulkin case.

## Notice to Gunmen

The death penalty conviction of Joe (Wop) English, notorious Toledo gun toter and petty hoodlum, is the voice of the people speaking through a jury, saying: NOV 20 1933

"We are through being patient with you low-lived, yellow, slinking jackalls who know no law save that of the gun, and who have been living on your muscle and by what you could extort through threat from decent, hard-working people of this community."

The death penalty conviction of English is a popular verdict, meriting for the jury of six men and women the highest commendation of the people of Lucas county.

The prosecutor, Frazier Reams, and his staff, not only prepared a difficult case well, but they presented it to the jury in an intelligent manner. NOV 20 1933

The identification of English as one of the gunmen who killed Jack Kennedy in Point Place left no presumption of doubt in the minds of those who sat through the trial, and certainly must have satisfied the jury.

But back of that to weigh upon the minds of the jurors as they held in their hands the life of the defendant, was the knowledge of a long misspent career in which there was not one redeeming feature.

For nearly 20 years in Toledo English has been a character of the underworld. He has gone about armed not with one gun but two. He has not one constructive achievement he could point to as evidence that he was anything but what he was, a sinister, conniving, furtive figure whose mysterious pull often enabled him to escape from the consequence of obvious criminal acts. He pulled one job too many. He didn't reckon with a county prosecutor who couldn't be swerved from a manifest duty.

The English conviction is a real step in riding Toledo of the racketeers and the vicious gangsters who have had a happy time too long under a tolerant, supine political system. At last we have a new deal in law enforcement.

## Expert Marksmen Guard Wop English

Three former county employes and one former city detective who are expert marksmen have been assigned by Sheriff David Krieger as special guards at the county jail to frustrate any attempt to liberate Joseph (Wop) English, convicted last week of the first degree murder of Jack Kennedy, Toledo bootlegger.

They are James Baxter and William Jacobs, former deputy sheriffs; Chester Figmaka, former naturalization clerk, and Larry Nachtrab, former city detective. Jailer Jay Gilday has arranged for these special deputies to work in pairs on the night shifts at the jail. They are stationed in the jail yard armed with shotguns.

## English Hearing to Be Wednesday

The hearing on a motion for a new trial for Joseph (Wop) English, convicted slayer of Jack Kennedy, will be heard before Common Pleas Judge Roy R. Stuart Wednesday. The hearing was to have been held today. Counsel for English charge there was error in his trial which led to a first degree murder conviction without recommendation of mercy.

Absence of Prosecutor Frazier Reams from the city occasioned the delay in the hearing. NOV 25 1933

## Sheriff Adds Night Shift of Jail Guards

Fearing that an attempt might be made to liberate Joe (Wop) English, convicted murderer of Jack Kennedy who is in custody in the county jail, Sheriff Dave Krieger has assigned four special deputies to work in shifts during the night.

They are James Baxter and William Jacobs, former deputy sheriffs; Chester Figmaka, former naturalization clerk, and Larry Nachtrab, former city detective. They are stationed in the jail yard with shotguns.

## The Kangaroo Court

Joe (Wop) English has expressed considerable contempt for courts here and there in his time, but now the shoe is on the other foot.

It is reported that during the several weeks when he was waiting in the county jail to be tried on a charge of murdering Jack Kennedy, he was elected judge of the kangaroo court by other inmates. NOV 26 1933

During his own trial, he got a lot of pointers. He learned how to sustain and how to over-rule. He learned what was due a judge in the way of "Your Honor" and "if the court please."

He gave the boys quite a masterly exhibition of court room etiquette.

Then he was convicted. And the boys were through with him.

The psychology of kangaroo courts ought to be taught in college. Why did they elect him judge when he was suspected of murder and depose him when the suspicion was confirmed? It doesn't tell in the book.

And the most mystified "ex-judge" in Ohio is Joe (Wop) English, victim of contempt of kangaroo court.

## New English Trial Hearing Monday

Judge Roy R. Stuart Monday will hear the motion for a new trial filed by Joseph (Wop) English, convicted of the murder of Jack Kennedy, Toledo beer dealer, at Point Place July 7.

Judge Stuart will also pronounce a life sentence on Floyd (Sailor) Baldwin convicted last week of first degree murder for the slaying of John L. Parker, insurance agent, at the Sylvania golf course.

## English New Trial Hearing Continued

Arguments on a motion for a new trial for Joseph (Wop) English, convicted of first degree murder as the result of the killing of Jackie Kennedy in Point Place July 7, were continued until Saturday by Judge Roy Stuart in common pleas court today.

The continuance was granted because A. J. Bianchi, Akron, one of the defense attorneys, could not be present. Joel Rhinefort, assistant prosecutor, objected to the delay.

men, carrying what appeared to be a machine gun, left this car and went to the cottage occupied by Kennedy which was directly behind their house, they said.

### Objects to Letter

Producing the missive he attributed to Francis, Attorney Fisher said: "This is one letter the prosecutor is not going to see." The attorney gave the letter to Judge Stuart.

Arnold Bunge, assistant prosecutor, objected to introduction of the letter unless it was shown to attorneys for the state. Judge Stuart announced that he would not consider it unless this was done.

When the hearing opened Defense Attorney A. J. Bianchi, Akron, announced that he would file a supplemental motion for a new trial and present five affidavits, one purported to be by an eye witness to the murder, at the close of the arguments.

Mr. Bianchi asked also for a postponement of the date for a hearing on the supplemental motion to permit the defense to obtain more affidavits containing new evidence. Five or six of these could be offered, he asserted.

### Explains Statements

Attorney Fisher explained what he termed improper statements by the prosecution during the trial.

Joel Rhinefort, assistant prosecutor, told the jury in his opening statement that the murder was the result of a controversy over who was to sell beer in Toledo, but introduced no evidence in support of this, Mr. Fisher asserted.

Mr. Fisher objected to closing arguments by the prosecutors at the trial and asserted that no evidence was introduced to show that English was a member of the Licavoli gang.

The arguments had not been completed when court adjourned at noon and were to be resumed this afternoon.

English was not present during the arguments.

# KENNEDY AIDE GIVES HELP TO WOP ENGLISH

DEC 9 1933

Hearing for New Trial Brings Out Fact That Bodyguard Produced Defense Witnesses.

## LAWYER PRODUCES FRANCIS' LETTER

Reveals Knowledge of Murder Possessed by Point Place Couple.

Kenneth (Punkins) Francis, bodyguard of Jackie Kennedy when Kennedy was slain by gangsters in Point Place July 7, helped in building up a defense for Joe (Wop) English when the latter was tried and convicted for Kennedy's murder in common pleas court, it was revealed today.

During a hearing on a motion for a new trial for English in the common pleas court of Judge Roy R. Stuart this morning, DeWitt Fisher, defense attorney, produced a letter which he said had been sent to English by Francis during the trial.

This letter revealed knowledge concerning the murder possessed by Mrs. Grace Reed and her husband, residents of Point Place, who testified for the defense in the case. It was the first information that the defense received concerning the Reeds, Mr. Fisher asserted.

### Bodyguard Nearby

When Kennedy was slain, while taking a stroll in the moonlight with Miss Audrey Ralls, beauty contest winner, Francis, his supposed bodyguard, was languishing in a cottage a short distance from the scene.

The Reeds' testimony at the trial concerned the appearance of an automobile in front of their home on the night of the murder. Two

## 'Wop' English Beats Charge in Test Case

Joe (Wop) English was discharged by Municipal Judge Frank O'Connell in police court yesterday when English appeared on a suspicious person charge. Judge O'Connell held there was insufficient evidence on which to try English.

The case was regarded as another test of the city's suspicious person ordinance.

Judge O'Connell suggested another conference between city officials and detectives to perfect plans for a police drive on hoodlums.

MAY 19 1933

# Police 'Baffled' In 24-Hour Hunt For Gangsters In 'Pot Shot War'

JUN 7 1933

Police reported last night, after a 24-hour search, that they still were unable to locate any of the suspected gangsters who took 50 "pot shots" at Jack Kennedy, night club operator, Monday night in the 100 block of Michigan street.

Detectives, working under formal orders from Detective Inspector Louis J. Haas, visited suspected hang-outs of the reputed gangsters but reported that no suspicious characters could be found. The

search is being continued, it was said.

The police said they are especially anxious to question John Mirabella, with whom Kennedy had a fist fight, prior to the shooting, and Joseph (Wop) English, with whom he had a verbal argument.

They said they also are desirous of rounding up all of the suspected gangsters in order to avoid a new outbreak of gang war here.

Kennedy, who managed to avoid the shots fired at him after he had administering a lacing to Mirabella,

told police he did not know who fired the shots.

He said his fight with Mirabella was an aftermath of Mirabella's "insulting him" as he drove his car through the 100 block of Michigan street.

Kennedy's experience Monday night was the second he has had with bullets.

Several months ago he was a target for machine gun bullets which killed his sweetheart, Louise Bell, while she was in an automobile with him at Jackson and Superior streets.

## Shooting Fray Suspects Thumb Way Into Jail

Joe (Wop) English, 37, and John Mirabella, 28, described as "bad boys" by police who unsuccessfully searched for them since June 5, when about 50 "pot shots" were taken at Jack Kennedy, night club operator, thumbed their way into jail last night.

The two suspects picked out the wrong motorist to hitch hike a ride into the city after English's car broke down on the Bay Shore road, near the La Tabernilla.

The motorist was Sheriff Dave Keleger, who was riding home with Mrs. Krieger. Recognizing the two as suspects sought by police for questioning in connection with the Kennedy shooting, the sheriff, accommodatingly drove them to the county jail.

JUN 7 5 1933

## Kennedy, On Spot Again, Escapes Death; Car Hit

JUN 6 1933

Second Gang Try in Eight Months Follows Bronx Cheers, Fight With Licavoli Aid on Michigan Street

Jack Kennedy, for the second time in eight months, Monday night stepped gracefully off a spot which hoodlums had prepared and peppered with bullets for him.

At least 20 shots were fired at Kennedy at 8 p. m. in the 100 block of Michigan street. He escaped by running behind his new expensive roadster.

Kennedy blamed friends of John Mirabello, a Licavoli gangster.

"These fellows gave me a Bronx cheer as I drove by a cigar store on Michigan near Monroe," Kennedy told police in a signed statement after the shooting.

"When I returned a half hour later they repeated it. I turned around and drove close to the curb, forcing Mirabello to scramble up on the sidewalk.

"Mirabello started calling me names in Italian. I got out of my car. He swung at me and I beat him up. Then 'Wop' English came out of the cigar store and told me to mind my own business. I told him I would give him the same I had given Mirabello if he didn't

keep his tongue to himself.

"Then someone started shooting. There must have been five or six fellows shooting. I ran behind my car until the shooting stopped. Then I got in and drove away."

Police found three bullet holes in Kennedy's car. I. J. Kush, porter at Kennedy's Blackhawk cafe on St. Clair street, and Benny King, a waiter, were in Kennedy's roadster when the shooting occurred, but were not touched by the bullets.

Kennedy escaped death Oct. 31, last year, when five gangsters poured a hail of bullets into his car in front of the Interurban station and killed his companion, Miss Louise Bell.

## Detectives Voice Theories on Latest Hoodlum Battle

Believe Kennedy Shot At Because He Refused to Cut Gangsters In on Profits of His Black Hawk Cafe.

JUN 7 1933

Temporary cessation of hostilities between Jackie Kennedy, night club proprietor, and the boys who carry pistols around Monroe and Michigan street, gave detectives an opportunity to theorize Wednesday.

Jackie's Monday night invasion of the enemy's camp where he slugged a known hoodlum, threatened another and then dodged a volley of shots, prompted much speculation at police headquarters.

One pair of detectives was informed that Kennedy resisted the Michigan street "troops" attempt to "clout" their way into the profits of the Night Hawk supper club where draught beer is served to thirsty sun dodgers.

The organization has declared itself "in" on the bi-weekly cleaning of beer coils, it was said, and has been exacting tribute for the use of a steam device whether the county's beer dispensers liked the idea or not.

Jackie, it was asserted, prefers his own method of cleaning coils and, besides, doesn't care about having the mob's agents visiting his cabaret in St. Clair street. He became so annoyed Monday night, it was declared, that he loaded two

of his pals into an automobile and went out looking for the muscle-men who gave him the well-known English bird as he drew up to the curb.

Jackie is young, the sleuths observe—he's at an age when the traditional penalties of gang warfare do not terrify him. He's not afraid of Maxie the Mug or Larry the Lug.

"Kennedy might lose the fight," the detectives predict, "but he'll give the 'hoods' a good run for their money."

## SUSPECTS HIDE OUT

Gunmen Who Used Jack Kennedy as Target Disappear.

A 36-hour search for hoodlums who used the 100 block of Michigan street for a shooting gallery Monday night in an attempt to kill Jack Kennedy, Toledo cafe owner, had failed Wednesday.

John Mirabella, Licavoli gangster, who was beaten by Kennedy in a fist fight that started the shooting, and Joe (Wop) English, also known as a Licavoli man, are two of the men sought.

JUN 7 1933

# Joe English, Scared by Kennedy Gun Play, Waits 10 Days, Then Thumbs Ride To Jail

Joseph (Wop) English was so frightened at the police "drag net" spread for him as a suspect in the playful spraying of bullets all over the 300 block of Michigan street in an argument with Jack Kennedy that he's been right here in Toledo the 10 days since.

Moreover, he didn't know police were looking for him, which, when you consider how often "Wop" has been arrested, is worth noting in the second paragraph.

These things he revealed in monosyllables Thursday morning as he paced the bull pen of the county jail immaculately dressed and wondering how it happened he could have been so unlucky as to run out of gas Wednesday night when and where he did.

He and John Mirabella, gangsters-about-town whose allegiance to the Licavolis has been marked, were trying to thumb their way to get some gas for their car, and, as a car slowed at their entreaty, they thought they had scored.

But Sheriff Krieger and Mrs. Krieger were in the car. The sheriff, taking a postman's holiday, pinched the pair, got in the rear seat with them, and Mrs. Krieger drove on in to the jail. Yonnie Licavoli tried to go their bond when he heard they were in jail, but the sheriff said he'd think it over.

"Did you handle a gun in the Kennedy shooting?" Wop was asked.

"I should say not," he arched. "Did you know police were looking for you?" "Why, no. Were they?" His eyes were dewy with innocence, but his

nose looked as if it had recently been punched.

"Where was Mirabella?" "Has Mirabella been in town since the shooting?"

"I don't know. John, were you in the city all the time after the Kennedy affair?"

John, you'll remember, was beaten up by Kennedy because he made certain uncouth noises.

John doesn't speak English (the language) so well, and he merely grunted.

"He says 'yes,'" English interpreted.

"Did Mirabella handle a gun in the shooting?"

"No." "Why are you held in jail?" "I have no idea." "Are you a suspicious person?" "No, and I'm not the only one who thinks I'm not."

## Mum Gangsters Released

Police Claim There's No Way for City To Prosecute Shooting

The "splendid" code of silence gangdom has for everything but guns served Thursday afternoon to release Joseph (Wop) English and John Mirabella after their accidental capture by Sheriff Dave Krieger.

The two gangsters had been the object of a police search since 10 days ago Jack Kennedy accused them of shooting at him with intent

to kill in the 300 block of Michigan street.

When police questioned him about the shooting Thursday Joseph (Wop) English said, "No such thing."

John Mirabella said, "No such thing."

Jack Kennedy saw his lawyer and then said he guessed no such thing.

Kennedy refused to prosecute. The police said they have no

other witness.

So they released the pair.

Thus the city of Toledo has un-avenged one bullet spray in a principal downtown street.

# ENGLISH TRIAL PLANS PREPARED

Witnesses of Kennedy Murder Confer With Prosecutor's Aide

Detectors and several witnesses of the murder of Jackie Kennedy in Point Place July 7 were in conference Friday with Arnold Bunge, assistant county prosecutor, in preparation for the trial of Joseph (Wop) English, alleged Licavoli

Lieutenant, which will open Monday in the common pleas court of Judge Roy R. Stuart.

English is charged with first degree murder in the gang shooting of Kennedy, night club operator, when he was walking with Miss Audrey Falls.

Detectors who conferred were Detective Captain George Timiney, Robert Fielding and Chris Brennan. Mr. Bunge has asked Sheriff David Krieger to supply him with the report on the ballistic tests made in Detroit of a .38 caliber revolver and a .45 caliber pistol found near the scene of the murder.

Attorney Dewitt Fisher, who will represent English, has notified the prosecutor's office that he will offer an alibi in the defense of

English, arrested several weeks ago in Akron.

## Drive Out the Racketeers

A bad example may be very contagious. Crooks learn much by studying the methods of more successful contemporaries and emulate these methods in their own way.

The much advertised racketeering tactics of Chicago gangsters headed by Al Capone have prompted small fry hoodlums to establish similar nefarious enterprises in many other cities.

Thus we come down to the efforts of hoodlums in Toledo to establish a racket in the dry cleaning business, frightening the timid into paying a doubtful protection and intimidating the reluctant ones with bombs.

Toledo police can serve no more useful purpose at the moment than to hunt out these hoodlums and drive them out of town. Toledo isn't so large that these racket men can't be easily known.

If the racketeers succeed in "taking over" the dry cleaning business, as they have been known to have muscled in on the gambling and bootleg beer business, then there is no telling how far their mad ambitions might carry them.

Other lines of business would not be immune. Every honest business man should be allowed to run his establishment free from threat or coercion and without the necessity of paying tribute to a gang of crooks who could not possibly give them value received.

The bombing of the Engel Dry Cleaning plant, and the destruction of a quantity of wearing apparel in the Schmitz Dry Cleaning establishment, are an outrage to the decent citizenry of this city, and an affront against laws intended to safeguard an honest people.

Will police answer this challenge? Can they be depended on to do their full duty in putting down this sinister menace? Let their action action, action.

only a few minutes when one of the cleaners addressed one of the unidentified men and said: "I thought you were going to let us alone until we called on you."

With that the man addressed rose and said: "We are." Whereupon all four strangers filed out of the room.

Hubert Maas, assistant state fire marshal here, who was present at the police showup yesterday, said Mr. Henry arrived in Toledo Tuesday night, but remained under cover because he wished to keep his movements secret. He said his chief left the city late yesterday after making a secret investigation at the Engel plant at 1850 W. Bancroft street.

Police and private guards remained on duty in the Engel plant and the Schmitz Dry Cleaning Co. at 1716 Madison avenue, last night, and special guards were stationed in other cleaning shops and plants to prevent further hostilities. The cleaners are unanimous in a declaration that they will fight and would rather go out of business than pay protection money.

## Joe English Case Continued by Court

Case of Joe (Wop) English, arraigned Friday on a suspicious person charge before Judge Ira Cole in police court, was continued until Thursday at the request of the arresting officers, who said they wanted to bring in additional witnesses.

English was brought in connection with the bombing of the C. C. Engel dry cleaning shop, 1850 East Bancroft street and the damaging of the L. W. Schmitz dry cleaning shop, 1716 Madison avenue.

## 'WOP' ENGLISH GIVES SELF UP

Reputed Henchman of Licavoli Is Freed Again After Giving New Bond

Joe "Wop" English, 33-year-old gun-toting hoodlum, appeared at the Safety building today, squared himself with new bond on an old suspicious person charge and disappeared again.

English, reputed henchman of Yonnie Licavoli, was arrested last October in connection with the bombing of the C. C. Engel dry cleaning plant and slashing of clothing in the L. W. Schmitz dry cleaning plant.

Licavoli and Ralph Carsello were arrested with English. After several continuances, Licavoli and Carsello appeared Jan. 31 and the charges against them were dismissed. English failed to appear and bond of \$2500 was ordered forfeited by Judge Homer Ramey, who then set a \$10,000 bond.

When English appeared today, Judge Ira Cole reduced the bond to \$1000. English is to be in police court Friday at which time Earl Wittenberg, bondsman, will ask the court to restore the forfeited bond to the coffers of the bonding company.

Louis Haas, inspector of detectives, was unaware English had appeared to make new bond. He said police wanted to question him concerning other recent gang activities here.

## JUDGE SCORES HOODLUM SQUAD

English Is Discharged in Bombing Case on Lack of Evidence.

Judge Ira Cole berated Detective Inspector George Timiney's hoodlum squad Friday in police court as he discharged Joe (Wop) English, 33, on a suspicious person charge after the bombing of the C. C. Engel dry cleaning plant, 1850 West Bancroft street, and slashing of clothing in the L. W. Schmitz dry cleaning plant, 1716 Madison avenue, Oct. 24, 1932.

English was arrested the day following the disturbances and his case was continued several times, English, in the meantime, disappearing. He surrendered April 4 and his hearing began Thursday.

Judge Cole discharged him for lack of evidence and declared that he regretted having to sit in court when "it is evident that the procedure reveals the average crook smarter than the average policeman."

"The court declared there were indications of a let-down in the department when members of the hoodlum squad failed to present sufficient evidence against the men they arrest."

"I would much prefer to convict crooks but I refuse to do it when evidence fails to support the charges," the court asserted.

Judge Cole was angry Thursday when Inspector Timiney failed to appear in court, declaring that the officer should be the one most interested in the case. He caused the inspector to be aroused from bed. When Inspector Timiney appeared he declared he knew English as a bootlegger, stick-up man and safe cracker but offered no evidence to substantiate the charges.

## MAYOR OPENS RACKET PROBE

Police Department Officials for Conference on Cleaning Trouble

Mayor Add Thatcher began a personal investigation of the dry cleaning war here today by calling heads of the police department into his office and asking them what they know about the bombing Monday night of one dry cleaning plant and the invasion of another by racketeers who slashed garments and wrecked equipment by way of emulating their demands for protection money from the cleaners.

Mayor Thatcher stepped into the investigation late yesterday after Fire Marshal Frank Henry, Columbus, and his assistants here made an examination of the heated boiler room of the Engel Cleaning Co., at 1850 West Bancroft street, and had reported on their findings.

The mayor called for his police officials after Yonnie Licavoli, 1733 Robertson drive, Old Orchard, and henchman, Ralph Carsello, arrested as suspects in the two outbreaks, had been identified by three cleaners, who viewed them at a police showup yesterday, as two men who made mysterious appearances a month ago at two meetings of dry cleaners.

Licavoli and Carsello were released under \$500 bond each on charges of being suspicious persons. Licavoli made no denial that he and Lieutenant Carsello, and another, whom he classified as bodyguards, had attended a dry cleaners' meeting in the Peraster cleaning

Establishment, 136 N. Erie street, in response to a mysterious phone call received by Licavoli.

"It sounded good," he said, "and offered to do anything we could help the fellows."

Fire Marshal Probes.

According to the dry cleaners' version of the second meeting, however, Licavoli and three other party strangers sauntered into the room and seated themselves near the front. They had been present

## LICAVOLI BOND IS FORFEITED

Gang Leader, Two Others Fail to Appear in Court

When Thomas (Yonnie) Licavoli, gang leader, Ralph Carsello and Joseph (Wop) English failed to appear in police court to answer to the charges of being suspicious persons Wednesday, Judge Homer A. Ramey ordered their bonds forfeited and established a new bail of \$10,000 each.

Licavoli and Carsello were at liberty under bond of \$500 each and English's bail was \$1,000. They were arrested on the suspicious person charge following the bombing of the C. C. Engel dry cleaning plant, 1850 West Bancroft street, and the vandal raid on another establishment early in November.

A lively court session ensued when Attorney Irwin Friedmar appeared as counsel for the three men and announced that they would not be present. He asked for a continuance of the case. Judge Ramey wanted to know what his reasons for such a request were.

"Well, I have reasons," the attorney said. "It is impossible for them to be here this morning."

"You know I can't grant such a request. Your men are not here and the court can't give them a continuance unless they are."

Mr. Friedmar argued that the arresting officers had not been present on a previous occasion when the cases were called for trial and demanded that the same courtesy of a continuance be shown his clients. The case has been continued four times since Nov. 10, he asserted.

Objects to High Bail

"The cases were even marked off the docket once because the officers were not here," the attorney said. "Detective John Michalak came in late and asked to have them placed on the docket to which I agreed."

"We have always been ready to try this case," Detective Inspector George Timiney said. "On two occasions Detective Michalak was late because he was before the grand jury."

Mr. Friedmar continued to ask for the "courtesy" of a continuance and the court asked him if he could have the men in within 10 or 15 minutes. He admitted that he could not and was unable to say why. When Judge Ramey placed the new bonds at \$10,000 each, Mr. Friedmar objected. Judge Ramey explained that the men are wanted badly and ordered that bench warrants be issued for their rearrest.

Mr. Friedmar said English was talking to Detective Arthur Brown at 10 o'clock on a certain night. Brown, he said, got a call about a bombing and two hours later arrested English.

The reason English could not be present Wednesday, he said, was because he had moved his sick mother from Buffalo to Brooklyn, N. Y.

Inspector Timiney informed the court that English had been in Toledo since Nov. 22. Judge Ramey agreed to return the forfeited bail of English provided the attorney could bring him into court with proof that his statements about the sick mother were correct. Mr. Friedmar said he could not guarantee the appearance of the man.

While the case was being heard 11 dry cleaners were present as witnesses, Inspector Timiney said. A number of police also were on hand to arrest Licavoli who has been sought for the last three weeks on indictments returned by the federal grand jury naming him and a number of his henchmen in a huge liquor conspiracy here.

## JUDGE SETS ENGLISH FREE, SCORES POLICE

Cole Releases Hoodlum Picked Up in Connection With Cleaning War.

Joe (Wop) English, Toledo hoodlum, was dismissed in police court today by Judge Ira Cole, on a suspicious person charge, after Judge Cole had criticized the police department.

English, arrested last October in connection with the bombing of the C. C. Engel Dry Cleaning Co. plant and other dry cleaning war activities, surrendered here a week ago, having jumped bond last fall.

"The police have been dumping cases on this court without evidence and making the court look bad," Judge Cole said in releasing English.

## POLICE SCORED; ENGLISH FREED

Members of Hoodlum Squad Berated For Lack of Evidence

After berating members of the hoodlum squad for their lack of evidence in their case against Joe (Wop) English, arrested as a suspicious person in connection with the bombing of the C. C. Engel Dry Cleaning Co. plant, 1850 West Bancroft street, Oct. 24, Police Judge Ira Cole discharged the suspect yesterday.

"It is evident that the average crook is smarter than the average policeman according to the procedure revealed," Judge Cole said upon discharging English. "I would much rather convict a crook but I refuse to do so when evidence fails to support the charges," he said.

English was said to have attended dry cleaners' meeting previous to the bombing, but witnesses testified that he did not threaten them or attempt to tell them how to conduct their business.

## Joseph English Case Continued to May 18

On request of police and the prosecutor, the case of Joseph (Wop) English, charged with being a suspicious person, was continued until May 18 by Judge Homer A. Ramey in police court Wednesday. English was arrested Saturday night. Cases of Charles Bassett and Robert McCrory, who faced the same charge, were continued until May 15.

## POLICE JUDGE FREES ENGLISH

O'Connell Declares Lack of Evidence Reason for Dismissal.

Detectives lost another case involving an arrest under the city suspicious person ordinance Thursday when Police Judge Frank O'Connell discharged Joe (Wop) English for what the court termed lack of evidence.

English was one of four arrested recently following a conference of detectives and Police Prosecutor Steve Fazekas, who explained the type of evidence officers should obtain.

Detectives testified that English was arrested as he was hurrying away from what they called one of his hangouts, 105 Michigan street, a smoke shop operated by Charles Bassett, a moment after Bassett was arrested as a suspicious person. Bassett was convicted Tuesday.

Following the dismissal of English, Prosecutor Fazekas protested that he had had only slight evidence against Bassett but felt that he had a good case against English.

Officers testified that English is a known hoodlum who has been associating with Yonnie Licavoli, recently convicted of liquor violations by the government; Russell Syracuse, pictured by the government as the brains of the Licavoli mob and who jumped both federal and police court bail and has not been apprehended, and others. They said he has no visible means of support but is always well dressed and driving new cars.

Judge O'Connell said he wouldn't convict his worst enemy on the flimsy evidence offered by the prosecution and suggested city officials meet again with detectives to make better plans for their drive against hoodlums.

# DRY CLEANERS PICK BOMB SUSPECT OUT OF POLICE SHOW-UP

## Underworld Leader Admits Attending Meeting After Receiving Summons by Phone

Thomas (Yonnie) Licavoli and his henchman, Ralph Carsello, were definitely linked with Toledo's dry cleaning war when they admitted they were present at a recent meeting of dry cleaners at which extortion demands are said to have been made.

The admission came after a police showup when the two were identified by dry cleaners who had attended the meeting on Monday night. Six dry cleaners viewed the suspects. Three identified Licavoli and one recognized Carsello.

The dry cleaners who viewed Licavoli and Carsello were Benet, of the National Dry Cleaning Co.; Nate Forrester, Forrester Cleaning Co.; Sam Solomon, Sam Dry Cleaning Co.; Nate C. Engle, Cadillac Dry Cleaning Co.; Sam Rudick, City Dry Cleaning Co.; W. W. Thais and C. C. Engle, of the Engel Dry Cleaning Co.; Fred and Frank Pizze of the Engel Dry Cleaning Co., and Paul of the Eastern Dry Cleaning Co.

One of these men said they were at the meeting.

The dapper 28-year-old leader of the Licavoli gang and his lieutenant who also is 28, were arrested last night in Licavoli's palatial home at 35 Pemberton drive, in the exclusive Old Orchard district, where he rests at night from his toiling the day as a butter and egg here.

Two Released on Bond.

Licavoli and Carsello were released at noon on \$500 bonds each.

Charges of being suspicious were after they had sought writs of habeas corpus in common pleas court. Judge Frank O'Connell of municipal court set the bonds.

Questioned by Inspector Emmett following the showup today, Licavoli denied he had made an extortion demand at the meeting.

He got a phone call to attend this morning, he said. "I didn't know it was from, but it sounded all right. I took these boys (meaning Carsello and other bodyguards) along just for protection, because I didn't know what I was getting into."

He said he listened to every phone call you get?" Inspector Cairl asked.

Offered Cleaners Help.

"Well, this one sounded all right," Licavoli answered.

"Then I got into the meeting," he continued, "a lot of these fellows demanded to know who I was and them. Now, do you think I'd be throwing bombs after doing a thing like that?"

He told these fellows (indicating dry cleaners) that if there were anything we could do for them, we'd be glad to help."

He made the statement. "We'll get the rest into line?" Inspector Cairl asked. Licavoli said he did not know.

Plans To Press Own Suits.

"I think a bunch of punks are doing this," Licavoli continued, "and I'll get the phone calls just to mix up in it."

He is sick of hearing of this dry cleaning business—from now on I'll even press my own suits."

"Do you hear who's doing this, you let us know?" one of the men asked.

"I certainly will," Licavoli answered.

Youth Is Slugged.

It is believed by police to have another hostility in the dry cleaning war occurred last night.

Turn to Page 2, Col. 4.

Continued on Page One.

Thomas Donofrio, 16-year-old Miss High school sophomore, of Parrakeet avenue, was beaten and kicked severely by a man who hours before had questioned the girl's sister about prices in the cleaning shop where she is employed.

Her sister, Miss Helen Donofrio, informed police that a tall, thin man came into the Negler Cleaning shop, 2029 Upton avenue, where she is a clerk, at 6 p. m. Monday and inquired about prices for cleaning various garments.

perpetrators of Monday night's violence.

Mayor Add Thatcher said, "I don't know what to make of the whole affair. Arrests will be made and every effort will be made to round up the racketeers."

Other cleaners expressed the belief that some solution for the problem confronting them might be found if they knew what it was all about. One cleaner explained that there are 22 large wholesale and retail cleaners in Toledo and 300 small tailoring shops which send their cleaning to the wholesalers. There are seven retail cleaners. The retailers maintain their own plants and deal directly with persons who send garments to be cleaned.

Practically every cleaning shop and plant in the city was guarded last night. Patrolmen were detailed in the Engel plant and the Schmitz shop. In both places, there were other special guards. Telephone calls coming to the establishments were checked thruout the night.

## LICAVOLI FACES QUESTIONING IN CLEANING WAR

### Reputed Gang Chief, Henchman Are Arrested

Thomas (Yonnie) Licavoli, 28, and Ralph Carsello, 28, of 1622 Monroe street, were arrested in Licavoli's home at 2733 Pemberton drive, Old Orchard, last night for questioning in connection with gang terrorism in Toledo's competitive price war between dry cleaning establishments.

The arrests were made by Acting Inspector of Detectives George Timiney and Detectives John Michalak, Arthur Brown, Earl McBride and Ralph Murphy. Inspector Timiney said both Licavoli, who is well known to Toledo and Detroit police, and Carsello, reputed Licavoli gang henchman, would be questioned.

Fear New Outbreaks

Joe (Wop) English, who was arrested for investigation following a bomb explosion Monday night in the Engel Dry Cleaning Co. plant at 1850 West Bancroft street and the destruction of a pressing ma-

chine, 25 suits of clothing and a plate glass window at the Schmitz Dry Cleaning Co., 1718 Madison avenue, was released on \$1,000 bond.

Inspector Timiney said formal charges will be preferred against Licavoli and Carsello today. Carsello was finger-printed and photographed in the identification bureau in the Safety building last night. Licavoli's specifications had previously been taken.

Face Formal Charges

Fearful of additional outbreaks by gangsters who are seeking to regulate dry cleaning prices in Toledo, police officials last night assigned special guards to several dry cleaning establishments which are said to have refused to obey the orders of the gangsters.

Chief of Police Louis J. Haas.

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## GUARD IS PROVIDED FOR DRY CLEANERS

Continued from Page 1

who made the assignments, declined to reveal the identity of the places to be given the special guard but said every effort will be made to give them adequate protection.

State To Investigate

Frank Henry, state fire marshal, is scheduled to arrive in Toledo today from Columbus to make an investigation of the bombing of the Engel plant, it was reported last night.

Inspector Timiney said a special search is being made for three gangsters, who have been definitely linked with Monday night's outbreak.

The dry cleaners indicated they will prosecute the men if they are apprehended by police.

Asks Price Schedule

Police last night received a call from the Nagler Dry Cleaning Co., 2029 Ashland avenue, that a suspicious man entered the place shortly after 5 o'clock and asked the price schedules. He left, however, without making any threats.

Attorney Joseph Eppstein, legal representative of the Engel Co. conferred with Police Chief Haas yesterday. He said after the meeting he was of the belief the police could handle the situation and it would not be necessary to appeal to Gov. White for assistance. The plan of appealing to the governor was suggested by some of the dry cleaners.

## LICAVOLI SAYS HE MET TWICE WITH CLEANERS

Admits Going to Sessions, but Denies Talking; Suspect and Aide Freed on Bond.

### GRILLED BY POLICE IN ENGEL BOMBING

Asserts He Was Called to Conferences With Operators by Man He Didn't Know.

Thomas "Yonnie" Licavoli, 28, and Ralph Carsello, 28, Monroe street, a Licavoli henchman, admitted to police Wednesday that they attended two meetings of Toledo dry cleaners, when they were questioned after their arrest for investigation in connection with the bombing of the C. C. Engel dry cleaning place and the wrecking of the Lawrence Schmitz cleaning establishment Monday night.

The two were called before Detective Inspector Emmet Cairl and Acting Inspector George Timiney for questioning before 10 cleaners Tuesday night, at the request of proprietors who have not earlier. One of these sessions was in the Gardner building and the other in the office of Nathan Forrester.

Deny Saying Anything

Police revealed that both men denied saying anything at the meetings. Joe "Wop" English, of the Licavoli gang, police said, also was present at one meeting but did not say anything when it was in progress.

Outside of the session, however, English was quoted as having said, "You had better get going and get organized or we'll have to whip you into line."

Licavoli said that he attended both meetings after receiving telephone calls from someone unknown

to him. Inspector Cairl said that he didn't believe Licavoli was the type of person who would go to such a meeting unless he knew who would be there and what it was all about.

It was revealed also that the meetings were called by a promoter, who, in the opinion of Inspector Cairl, was trying to get the cleaners together on an equitable basis.

Cleaners who have been in conference with police for the last two days in regard to the meetings in-

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Continued From First Page

cluded Ben Chester of the National Cleaners & Dyers, Nathan Forrester and Sam Solomon of the Western Dry Cleaning Co., Nate Greenberg of the Cadillac Cleaners, Sam Rudick of the City Dry Cleaners & Dyers, Fred Hawley and Frank Pizze of Pizze's Garment Cleaning Co., Paul Darrow of the Eastern Dry Cleaning Co. and C. C. Engel and Fred Thais of the Engel Dry Cleaning Co.

The meeting Wednesday preceded the filing of writs of habeas corpus in common pleas court to obtain release of Licavoli and Carsello. These writs were withdrawn when charges of being suspicious persons were placed against the two and they were released on bonds of \$500 each.

Arrested in Home

Licavoli and his aide were taken into custody in the fashionable Licavoli home at 2733 Pemberton drive, by Acting Inspector of Detectives George Timiney, and Detectives Arthur Brown, John Michalak, Ralph Murphy and Earl McBride.

Meanwhile police continued the search for a known gangster whose picture has been identified by victims in the outrages.

English, who was taken into custody early Tuesday for investigation, because of known affiliations with the Licavolis, was released on bond of \$1,000 late Tuesday afternoon when the charge of being a suspicious person was placed against him. The case was continued until Nov. 9 by Judge Homer Ramey in police court Wednesday.

Bond Is Reduced

Bond on English was first set at \$2,500 by Judge Frank O'Connell and later was reduced by the judge to \$1,000. English was freed after bond was posted by Wittenberg, Berenson & Jacobs, bondsmen. English will be arraigned in court Wednesday.

Arrival of Frank Henry, state fire marshal, was expected Wednesday, when it was indicated that a state investigation into the bombing would be conducted. Mr. Engel expressed a desire for state protection Monday night.

Early Tuesday night, while detectives were seeking several men definitely connected with the recent attempt at racketeering here, a call was received from the Nagler's Dry Cleaning Co., 2029 Ashland avenue, that a man was acting suspiciously in the place.

Man Flees

Helen Donofrio, 4315 Parrakeet avenue, an employe, told officers that a man entered the store and inquired the cost of cleaning and pressing garments. When she called the proprietor the man fled. He was described as about 30 or 35-years old, five feet, nine inches tall, and weighing about 165 pounds. The man wore a brown leather coat and dark cap and had several broken teeth in his upper jaw.

Miss Donofrio's brother, Thomas, 16-year-old Scott high school student, called for her at the cleaning establishment at 8:30 P. M. and took her home. The girl entered the house and as her brother was putting the automobile into the

garage, he was attacked and beaten.

The youth reported that a large man wearing a brown leather coat and a hat knocked him down and stepped on him. No attempt at robbery was made and it is believed that the thug was the same man who entered the dry cleaning place.

To prevent further outbreaks in the cleaners' war, policemen were stationed in several dry cleaning places Tuesday night, at the request of proprietors who have not met the demands of gangsters.

Get the Gangsters Now

THE municipal and state authorities should at once assure the public that no person needs a gangster's license to carry on legitimate business in Toledo or anywhere in Ohio.

Under cover of fog and darkness, two Toledo dry cleaning establishments have been attacked by racketeers. One place was virtually wrecked by a bomb explosion. Equipment and garments in another were smashed and slashed—ruined utterly.

The unmistakable inference is that the proprietors of these establishments failed to pay tribute, or to comply otherwise with regulations laid down by extortioners.

The rackets have become so firmly entrenched and the racketeers so bold in Chicago and some other large cities that they virtually dominate some lines of small business. The proprietors pay regularly for "protection" or their establishments are bombed or burned out of existence.

Every good citizen is interested directly in subduing such criminal industry, not only that lives and property may be made safer, but in order that the price of legitimate services need not have to be raised to support human leeches in idleness and luxury.

The time to stop the activities of racketeers in any city is when they begin business. It may be difficult, if not impossible, to evict them once they become firmly established by means of threats and unholy political alliances.

QCT 2 6 1932

**Blast Shakes Hundreds of West End Homes; Operators to Ask Probe by State.**

**LICAVOLI GANGSTER HELD; 3 SOUGHT**

**Clothing Slashed in Raid by 3 Men on Second Place; Machinery Is Wrecked.**

Gangland's attempt to establish a "racket" in the dry cleaning business in Toledo reached a climax Monday night when thugs, moving swiftly under cover of a heavy fog, struck twice, planting a bomb that shook many houses as their final gesture.

Joe (Wop) English, 35, of White street, a member of the Yonnie Licavoli gang, was arrested early Tuesday on orders of Acting Inspector George Timiney. Three other members of the gang also are being sought.

An immediate investigation of the invasion of the racketeers in the dry cleaning business will be asked of Gov. George White by C. C. Engel and his son-in-law, Fred Thais, whose dry cleaning plant at 1850 West Bancroft street, was damaged by a bomb at 9:30 P. M. Damage was estimated at \$300 by District Chief Joseph Kennedy.

**Plants Threatened**

Scarcely an hour and a half before the bombing, three men invaded the Schmitz Dry Cleaning Co., 1716 Madison avenue, and wrecked a pressing machine, slashed 25 garments and shattered two plate glass windows. A fourth man remained in the gangster car.

The forays Monday night are said to be the answer of racketeers to proprietors of dry cleaning establishments who have not fallen "in line." It is reported the Engel and Schmitz plants had been threatened, at least indirectly. A price cutting war among dry cleaners has been in effect several days.

Detectives reported Lawrence Schmitz, proprietor of the Schmitz shop, identified the picture of a Licavoli gangster well known to Toledo and Detroit police as one of the men who entered his store. Partial identification of this racketeer

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the boiler room, 15 minutes before the accident occurred.

Mr. Thais said he had telephoned his attorney, Joseph Eppstein, informing him he wanted Governor White to make an investigation. He stated he did not care to have his business methods dictated by members of the underworld.

Mr. Thais charged he had asked police protection three weeks ago and had not received any. The police department is impotent, he said.

**Driver Is Stopped**

James Collins, driver for Engel, reported he was stopped two weeks ago in Collingwood avenue, between Monroe and Dorr streets, by two men who advised him not to pick up any more wholesale dry cleaning loads.

These same men, a week previous, followed him on his route, he said. The suspect is said to have been one of the men, police report. Mr. Engel said the same man at a meeting of dry cleaners, recently outlined the gangsters program and informed them of gangland's demands.

Frank Davis, operator of the Unique Cleaners, 1908 Berdan avenue, whose dry cleaning is done by Engel, said he had been threatened by three men and had been advised to raise prices three weeks ago. The window in the front door of his place was broken last week.

The gangsters who raided the Schmitz shop forced Mr. Schmitz, his wife, Mary, Stanley Walendzak, 2234 Westbrooke drive, a driver, Joseph Robertson, 123 Thirteenth street, a presser, and Howard Richmond, 1632 Norwood avenue, a helper, into a rear room after they flourished a gun.

**Clerk Calls Police**

Then they smashed a pressing machine and slashed garments. As they left the shop they broke two

windows. Anthony Schaeffer, 14, of 930 Peck street, clerk at the Berry Drug Co., Madison avenue and Eighteenth street, called police when he heard the noise.

The license number of the gangster car was obtained by Nellie De-Tamble, 1104 Orchard street. A check by police revealed the plates were forged as the original plates were found in an automobile dealer's store.

The war on dry cleaners started a month ago when the City Dry Cleaning Co. branch at 1644 Sylvania avenue, was broken into and garments were slashed.

**Truck Is Looted**

Merle W. Barnes, driver for the Eastern Dry Cleaning Co., reported his truck was looted at Summit and Jackson streets Monday afternoon. Clothing valued at \$75 was stolen. Mr. Engel filed suit in common

pleas court July 14 for \$50,000 against a group of dry cleaners, contending a combination in this group was ruining his business by enforcing price levels and conditions of the trade. He has been in business 15 years.

He was named in a \$60,000 libel suit filed July 27 by Davis Cleaners & Dyers, Inc., and Jacob Davis, 2525 Collingwood avenue, which was based on statements in Engel's suit. This suit was withdrawn later.

**WHERE RACKETEER'S BOMB EXPLODED**



These pictures were taken shortly after a racketeer's bomb, set off in the window of the boiler room back of the Engel Dry Cleaning Co., 1850 West Bancroft street, shook the West End Monday night. Above is a view of the damage caused by the blast. Below, left to right, are Mrs. Fred Thais, Mr. Thais and C. C. Engel. Mr. Thais is a son-in-law of Mr. Engel and a partner in the business. Joseph Galloway, a motorcycle policeman, is shown in the upper picture with a flashlight.

**FOILS EMISSARY OF CLEANING RACKETEERS**



When a man believed to be a member of the gang terrorizing Toledo dry cleaners approached Miss Helen Donofrio, 22, of 4315 Parrakeet avenue, where she is employed, last night and began questioning her about cleaning prices, she called the proprietor. The suspect fled. Later a man of the same description slugged her 16-year-old brother, Thomas.

**Continued From First Page**

has been made by other dry cleaners, it was reported.

**Homes Are Shaken**

Hundreds of homes in the west end were shaken by the explosion of the bomb, which was placed in a boiler room in the rear of the Engel shop. The force of the blast could be felt for miles. Hundreds were attracted to the busy intersection of Upton avenue and West Bancroft street, where traffic jammed.

Mr. Engel and Mr. Thais were in the store working. Mrs. Elsie Thais, daughter of Mr. Engel, was standing in the rear doorway when she saw smoke coming from the boiler plant, which is a one-story brick structure. Then she heard the explosion. They were uninjured.

George J. Deckelman, 1812 Freeman street, reported to police he thought he heard Halloween pranksters on his front porch shortly before the blast. He stepped to the door as the explosion occurred and saw a man running from the boiler room to an automobile parked in Upton avenue near Freeman street. The machine, which was occupied by a driver, then sped toward Monroe street.

**Blast Shatters Windows**

The blast shattered windows in the boiler room and tore a large hole in the side wall. A window in the store was broken. An alley separates the store from the boiler room.

Mr. Engel said he believed the gangsters intended to wreck a boiler which is used to raise the pressure in steaming clothing. This, however, was not harmed and the plant was able to open for business Tuesday. No garments were damaged, Mr. Engel reported.

Scores of homes and stores in the immediate neighborhood were damaged as the explosion shattered windows. They included the A. & P. store in West Bancroft street; Kroger store, 2210 Upton avenue; E. W. Swigert barber shop, 2212 Upton avenue; vacant building at 2214 Upton avenue; homes of Hal Elliott, 1841 Freeman street and J. M. Johnstone, 1845 Freeman street, and the paint shop of Howard Hall, 2216 Upton avenue.

**Woman Knocked from Sofa**

Mrs. H. O. Borchert, sitting on a davenport in her home at 2246 Upton avenue, with her husband and his brother, George, was knocked from the sofa. She was unhurt. Two windows were broken in the Borchert home.

Richard Lampert, 1340 Prospect avenue, watchman, and Mr. Thais, had been in a washroom, adjoining

# EX-BOXER HELD IN GANG KILLING

## Joe "Wop" English Arrested in Death of Innocent Toledo Man

Joe "Wop" English, former Toledo pugilist, was held at the Safety building Saturday for investigation in connection with the slaying of Aaron Harris, youthful drug clerk. Harris was the innocent victim of gangland guns two weeks ago when Toledo gangsters made their second attempt to put Jimmy Lahey "on the spot."

The ex-boxer, who also was arrested following a shooting at the Silver Slipper night club in Adams street several weeks ago, was apprehended by Detectives Michael Burke and Louis Belkey Friday night.

He was arrested while sitting in his auto in the 300 block, St. Clair street, and the detectives reported he was in possession of a .38-caliber, snub-nosed revolver, of the model particularly popular among gangsters.

The shooting of Harris occurred in the 300 block of Nebraska avenue, while Harris, Lahey and a third man were riding in an auto.

# ENGLISH FACED BY NEW CHARGE

## "Wop" Held as Bad Check Passer as Well as Suspicious Person

A new charge was added Wednesday to the list of those which police at various times and with varying degrees of success have placed against the name of Joe ("Wop") English, one of Toledo's more persistent police characters. This time he was accused of issuing a check without funds.

The charge came when he was arraigned before Municipal Judge Ira Cole Wednesday morning after his Tuesday arrest by Detective George Timiney, head of the hoodlum and liquor-vice squads. English also was accused of being a suspicious person. The check was for \$31.50.

Detective Inspector Emmet Cairi had been saving the bad check charge for a year for just such an occasion as English's arraignment Wednesday and English plainly was surprised. The prisoner was picked up by Detective Timiney for questioning in connection with the Monday bombing of the Lanning drug store.

Fred Dickens, 43, of 244 12th street, another police character, was picked up with English, whose case was continued to Friday after he had been freed on \$1000 bail.

Charles Malone, 37, and Harry Mollenkamp, 51, were picked up as pickpockets Tuesday night and Joseph Ruddy, Wilkesbarre, Pa., was held as a suspicious character.

they barked a staccato order: "Get into this room and be snappy about it."

One of the men took an ax, apparently the object which Mr. Schmitz had seen concealed under his coat, and wrecked the pressing machine. Another of the vandals went along the clothing rack with a razor, ripping the arms and seats of the trousers.

Twenty-five pieces of apparel were gashed.

### Ignore Cash Register

After completing their sabotage they ignored the cash register—robbery was not their intention—and left.

Police who answered the summons of Mr. Schmitz asked him if he would be able to identify the men who had invaded his establishment.

He said he believed he would be able, and when the detectives arrived he supplied them with a description of the men.

Mr. Schmitz said he had never received any threats from any so-called protective association.

He said, however, that he believed the vandalism was committed in reprisal for an announcement of a reduction in dry cleaning prices at his establishment.

When detectives asked him if he feared a bombing, should he identify suspects, he said he could not afford a bombing, but would at-

tempt to bring the vandals to justice.

Mr. Schmitz said he would make full adjustments to his customers for the damage done.

The building that was damaged is of one-story brick construction. The explosive material was placed, police said near the boiler room.

### Windows Shattered

Windows of the building were shattered and a portion of one of

leaving a driveway near the Engel firm.

Police said license X9-323 had been issued to the Culver Motor Sales, 323 Main street, Toledo.

Police investigating last night were informed that the license by that number was in the possession of the Culver Motor Sales. Detectives expressed the opinion that the license used by the vandals was a counterfeit.

# ALIBI SLATED FOR ENGLISH

## Attorney for Kennedy Murder Suspect Asks to See Documents.

Dewitt Fisher, attorney for Joseph (Wop) English, indicted for first degree murder in connection with the gang slaying of Jackie Kennedy, has served notice on the prosecutor's office that he would establish an alibi for his client, showing that he was at 1311 Milburn avenue the night of the shooting.

Kennedy was killed in Point Place the night of July 7 while walking with Audry Ralls, Toledo beauty contest winner.

The Milburn avenue address is that of the State Service company, allegedly slot machine headquarters of Thomas (Yonnie) Licavoli, and operated by Maurice and Arthur Shapiro and Sebastian Lupica.

Attorney Fisher also filed a demand for inspection and copy of all written statements, affidavits, book accounts, prints, documents and photographs made to the prosecutor's office by any of 66 persons he lists.

The list includes the name of Miss Ralls, John Mirabella, Russell Syracuse, both of whom have been indicted for the Kennedy slaying; the "Clark Brothers," detectives who aided the prosecutor's office for a time in obtaining evidence; Licavoli and many underworld characters whom the prosecutor's assistants say are unknown to them.

The list also includes the names of Safety Director Albert Fall, Police Chief Dan Wolf, Coroner Frank G. Kreft and other officials.

# Date Set for New Trial for English

Hearing of the action in the court of appeals for a new trial for Joe (Wop) English will be held in Toledo March 26 before the Akron court. The request for an outside court to hear the case was made some time ago. Arrangements were made first to hear the case in Akron.

Petitions for new trials for the double liability stockholders' suits in which Common Pleas Judge James S. Martin found against all of the stockholders sued will be heard by the Akron court, probably March 28.

# Tampering Charged In English Record

## Reams Files Motion in Murder Trial

A motion suggesting a diminution of record of the first degree murder trial of Joe (Wop) English, was filed in the court of appeals yesterday by Prosecutor Frazier Reams.

The motion contends the word "Objection" has been interpolated into the bill of exceptions in the case on several occasions where, according to the prosecutor, defense counsel for English did not object.

Attorney DeWitt Fisher, counsel for English, declared, when he was questioned about the motion yesterday, that nothing appears in the bill of exceptions which did not occur at the trial.

Mr. Reams said Frank Hackett and William J. Billingslea, court stenographers who reported the trial, both admitted having prepared the bill of exceptions for Mr. Fisher, and admitted typing "objection" into the bill in a few places where their stenographic notes did not call for it, because Mr. Fisher assured them the objection had been made.

The motion asked that the bill be remanded to Judge Roy R. Stuart's court for examination.

# ENGLISH TO APPEAR IN COURT MONDAY

## Charge of Carrying Concealed Weapons Brought Against Ex-Boxer.

Joe "Wop" English, former Toledo pugilist, was at liberty on \$500 bond Monday pending arraignment in municipal court on charges of carrying concealed weapons. English was arrested last week in connection with the slaying of Aaron Harris, young Toledo drug clerk, the innocent victim of gangsters' guns two weeks ago when Toledo hoodlums made their second attempt to slay Jimmy Lahey.

When English was arrested in his car in the 300 block, St. Clair street, Detectives Michael Burke and Louis Belkey disarmed him of a .38-caliber snub-nosed revolver.

# Vandals Ruin Clothes After Using Ax on Machinery

## Toledo's dry cleaning war flared on two fronts last night when a dynamite bomb blasted a building used by the Engel

Dry Cleaning Co., at the rear of 1850 West Bancroft street, shortly after the Schmitz Dry Cleaning Co., 1716 Madison avenue, was invaded by four vandals who destroyed the pressing machine with an ax, gashed 25 pieces of apparel and smashed a plate glass window.

Police early this morning arrested Joe "Wop" English, of 201 White street, Toledo police character, for investigation in connection with bombing of the Engel Dry Cleaning Co. establishment.

### Driver Threatened

Mr. Engel told police that one of his drivers had been stopped and threatened two weeks ago. The molesters ordered the driver not to pick up stubs for the Engel firm, Mr. Engel said.

George Timiney, acting inspector of detectives, said he also expected to question members of the Licavoli gang when they could be rounded up.

### Partners Not Injured

The explosion in the Engel establishment, felt over a radius of several miles in the West End vicinity, occurred in the building used as the cleaning plant.

It is separated by an alley from the main office and store room, which face on West Bancroft street.

C. C. Engel and F. W. Thais, partners in the business, with Mrs. Thais, were in the front office building when the blast occurred. Both families live at 2653 Goddard road. They were not injured by the explosion and no damage occurred in the front building where they were working.

At work in the Schmitz establishment when the vandals entered were Lawrence W. Schmitz, of 4336 Bellevue road, his wife, Mary Schmitz, a presser, Joseph Robertson, of 123 Thirteenth street, and two drivers, Harold Richmond, of 1632 Norwood avenue, and Stanley Walendzak, of 2234 Westbrook drive.

### Wore Dark Glasses

According to the account of Anthony Shaffer, of 939 Peck street, who is a clerk in the Berry Drug store at the corner of Madison and Eighteenth streets, the four men drove up to the corner in a heavy sedan, and turned their car around in front of the Schmitz firm. After donning a pair of glasses, one of them got out of the car, Mr. Schaffer said, and was followed by another, who concealed a large object under his coat.

Two other men followed and the four entered the Schmitz firm. To the five persons in the store

the walls was wrecked. Other wall partitions were loosened. Windows in the home of Mr. and Mrs. Hal Elliott, 1841 Freeman street, which parallels West Bancroft street, were shattered.

Four windows were knocked out in the home of J. M. Johnstone at 1848 Freeman street. Mrs. Johnstone was home alone at the time. At 2246 Upton avenue the explosion knocked Mrs. H. O. Borchert off the davenport as the living room window and a window in the bathroom were shattered. Sitting beside her were Mr. Borchert and her brother-in-law, George Borchert.

Windows in the rear of the barber shop of Albert W. Swigert at 2212 Upton avenue; in the Rapp Radio Co., 2214 Upton avenue; in the Howard Hall Paint Co., 2216 Upton avenue, and in the Kroger store at 2205 Upton avenue were shattered.

### Throng Congregates

Richard Lampert, of 1340 Prospect avenue, watchman, who had made his rounds in the vicinity of the site of the blast shortly before, told police he had not seen anything amiss.

Motorists and residents of the district hurried to the scene. The size of the throng that gathered was estimated at 7,000.

Fire apparatus was dispatched, but no fire resulted.

In addition to the damage to the building, it was thought additional damage may have resulted to the boiler in the building.

### Filed Injunction Suit

Mr. Engel filed a suit in common pleas court July 14 in which he charged that a group of wholesale establishments sponsored organized efforts to dominate the retail dry cleaning business in Toledo. He asked judgment of \$50,000 and an injunction to restrain interference. At that time, Mr. Engel's petition said, the conspiracy continued although two similar law suits previously had been filed and were pending. In his petition, Mr. Engel said he was compelled to maintain a dictated price to keep his place open.

### License Numbers Tally

A heavy sedan bearing a dealer's license plate, X9-323, was reported seen at the Schmitz establishment. Shortly afterward, a car bearing the same license number was observed, police were told,

# English's Appeal Slated March 26

## Reams or Aide To Argue Case in Akron

Prosecutor Frazier Reams announced yesterday that he or some member of his staff will go to Akron, probably March 26, to argue the Joe (Wop) English first degree murder case before the court of appeals there.

Akron is the home city of A. J. Bianchi, co-counsel for English with DeWitt Fisher. It is also reputed to be one of the headquarters of the Licavoli gang, and was the city in which English was arrested on a charge of murdering Jack Kennedy.

The Akron court of appeals will exchange with the Toledo court of appeals on several cases, it was indicated.

A jury in Judge Roy R. Stuart's court found English guilty of the murder without recommendation of mercy. He was sentenced to electrocution in the Ohio penitentiary.

# ENGLISH APPEAL SET

## Hearing on Death Sentence Shifted to Akron Court.

The case of Joe (Wop) English, sentenced to die in the electric chair for the murder of Jack Kennedy, Toledo bootlegger, will be argued before the court of appeals in Akron, O., March 26.

Akron is the home of A. J. Bianchi, one of English's attorneys.

# English Case Record Is Hit

## Appeals Court Remands It To Correct Errors, if Any Exist

The court of appeals yesterday remanded the record of the first degree murder trial of Joe (Wop) English to Common Pleas Judge Roy R. Stuart to permit reconsideration of it by Prosecutor Frazier Reams and Defense Attorney DeWitt Fisher, "to correct errors, if any exist."

The remanding order was not accompanied by instructions of any sort.

### Up To Attorneys

Judge Stuart said yesterday he will ask Mr. Reams and Mr. Fisher to agree on the true record, and will accept their findings.

The record was remanded following hearing before the court of appeals on a motion filed Friday by the prosecutor, in which a diminution of the record was asked. The motion charged the word "Objection," had been introduced into the bill of exceptions in places where it did not appear in the stenographers' transcript of the trial. Both W. J. Billingslea and Frank Hackett, court stenographers who reported the trial, admitted yesterday they retyped portions of the record in order to insert the "Objections," because they were assured by Mr. Fisher that they belonged in the record.

### Fisher Opposed

Mr. Fisher asserted there was nothing in his bill of exceptions which did not occur at the trial. He opposed the remanding of the record on the grounds the appeal had already been filed in the Summit county court of appeals.

Hearing on the appeal is set for March 26, in the court house here, before the visiting court.

# EX-BOXER FACES WEAPON CHARGE

## 'Wop' English Questioned in Gang Slaying of Aaron Harris

Joe "Wop" English, former Toledo prize fighter, who, police believed Friday held the solution of the Aaron Harris gang murder, yesterday afternoon was charged with carrying concealed weapons.

English was arrested in the 300 block of St. Clair street for questioning in the Harris slaying, the police believing he knew the identity of the killers who shot an innocent man while attempting to "get" James Lahey, notorious police character.

English was held for investigation until yesterday afternoon, when police admitted they were wrong and charged him with carrying concealed weapons. A revolver was found in English's car, the officers claim.

# Beaten Merchant Accuses English

A warrant charging Joe (Wop) English, former pugilist, with assault to kill, was sworn out Thursday by Sam Schuster, Canton street shoe merchant, who was beaten in his store Tuesday evening.

Mr. Schuster told police he attributed the attack to his activities

in behalf of Mayor W. T. Jackson's campaign for re-election.

# Assault Warrant to Be Withdrawn

Sam Schuster, Canton street shoe merchant, who last week signed an affidavit charging "Wop" English with assault to kill, has asked that the warrant be withdrawn.

Schuster told police he was beaten by a group of men. He attributed the attack to politics.

# ENGLISH CASE SENT BACK TO LOWER COURT

MAR 3 - 1934

## Transcription Alterations Are Not Allowed by Decision of Appeals Judges.

The court of appeals, following a hearing today, remanded to common pleas court the bill of exceptions in the Joseph (Wop) English murder trial. The remanding order was not accompanied by instructions of any sort. Judge Elias Richards, speaking for the court, said that in view of a controversy of counsel on both sides of the English case, no corrections could be made in the bill in his court.

The remanding order was given over the objections of English's counsel, Attorney DeWitt Fisher, who maintained that the local court had lost jurisdiction since the case already has been appealed in Summit county.

Mr. Fisher also said no change had been made to alter any word of the record, and that under the law he has the right to draw the bill of exceptions as he pleases. Mr. Fisher said his first notification of the motion before the court came from the newspapers, and not from the court.

### Motion Filed By Reams

The motion was filed Friday by Frazier Reams, county prosecutor. The motion charged that the bill of exceptions contains matters, statements, objections and rulings which should not be in the record. It was accompanied by an affidavit from W. J. Billingslea, official court stenographer.

Prosecutor Reams informed Judge Stuart that changes had been made in the bill of exceptions consisting of the addition of objections and motions by defense lawyers and rulings of the court.

These matters were added to the bill of exceptions by Mr. Billingslea and Frank Hackett, court stenographers, at the request of DeWitt Fisher, counsel for English, it was admitted.

Mr. Fisher told The Blade that he asked that the changes be made since he said he had a gentleman's agreement with the prosecutor during the trial that he could make his objections later.

Several of the objections and motions which he asked inserted actually were made by defense lawyers during the trial but do not show on the shorthand notes of the stenographers, Mr. Fisher insisted. The lawyer said that he has a distinct recollection of making the objections.

Mr. Reams and members of his staff denied that such an agreement existed. They said that there were a few agreements on certain issues in the case but no agreement for a blanket objection.

Both Mr. Hackett and Mr. Billingslea who alternated in taking the testimony of the English trial contended that the bill of exceptions was not theirs but that of Mr. Fisher and that he had the right to have it drawn up as he desired.

### Cites Changes 1934

Mr. Billingslea said that it is not an unusual matter for a defense lawyer to ask that certain changes be made in the record for the bill of exceptions. He said that Mr. Fisher had informed him that he intended to consult the prosecutor about the changes.

According to Mr. Reams and his assistants, Joel T. Rhinefort and Arnold Bunge, the changes were never called to their attention by Mr. Fisher and were discovered accidentally by Mr. Bunge.

The motion of Mr. Reams cited that on page 747 of the bill of exceptions the word "Objection" has been added twice and a motion of defense lawyers together with a ruling of the court and an exception have been added and do not appear in the original shorthand notes.

On page 752 of the bill the word "Objection" has been added; on page 752, the words "Objection" and "Exception;" on page 753 the words "Objection" and "Objection" and "Exception;" on page 755 the word "Objection;" on page 758 the following: "Mr. Fisher—Objection to entire line of argument;" and also "Mr. Fisher—Objection and cite it as misconduct."

### Says Words Written In

On page 757 the word "Objection" has been inserted twice; on page 758, the word "Objection;" on page 790 the word "Objection" and the following: "Mr. Bianchi—We now ask that the court withdraw a juror and declare a mistrial for misconduct of the prosecutor in argument;" on page 805 the word "Objection."

The prosecutor set forth that none of the foregoing statements or remarks was made by counsel for the defendant at the time of the trial.

The motion further alleged that after the trial the entire closing argument of Mr. Rhinefort was rewritten and inserted in the bill of exceptions; that during the trial counsel for the state and the defense each were furnished with a carbon copy of the testimony and arguments daily and that none of these statements, objections, orders or exceptions appear in that record.

### Hearing March 26

Mr. Billingslea's affidavit set forth that statements made on pages 747, 752, 753, 755, 758, 757, 788 and 790 are not contained in his stenographic records made at the time of the trial.

The affidavit said that the shorthand notes of Mr. Billingslea shows that only three objections were made to the argument of Mr. Rhinefort, whereas the bill of exceptions contains 11 objections and a motion of Defense Lawyer Bianchi.

Mr. Hackett explained that changes in Mr. Rhinefort's closing argument, were inserted at Mr. Fisher's request and the entire argument rewritten by a typist employed by the stenographer. This argument of Mr. Rhinefort was taken in shorthand by Mr. Billingslea.

English was convicted of the murder of Jack Kennedy, Toledo beer baron, at Point Place, July 7. He is at the Columbus penitentiary awaiting execution. His appeal will be heard here March 26 by the court of appeals from Akron.

# Yonnie Pal of Politicians, Lawyer Says in 'Wop' Plea

MAR 27 1934

"Every politician in town is glad to have Yonnie Licavoli for a friend," A. J. Bianchi, Akron attorney, told a visiting court of appeals here Monday.

Mr. Bianchi's reference to Licavoli came in the midst of an impassioned plea for the life of Joe (Wop) English. The court—Judges Clarence G. Washburn, Ross W. Funk and P. H. Stevens—took the appeal under advisement after hearing arguments of Mr. Bianchi and Attorney DeWitt Fisher on behalf of English and Assistant Prosecutors Joel Rhinefort and Arnold Bunge for the state.

English is in the Ohio penitentiary awaiting electrocution April 20 for the killing of Jack Kennedy July 7 in Point Place.

"The prosecutors have been talking all along about Licavoli being a gangster," Mr. Bianchi said. "I do not know anything about him except that he lives in one of the finest houses in town, associates with all the politicians and every

politician is glad to have him for a friend."

Arguments to the jury made by Prosecutor Frazier Reams and his assistants during the English trial, Mr. Bianchi branded as "the most uncalculated, the most vicious arguments ever made in a trial in the state of Ohio."

Both Mr. Bianchi and Mr. Fisher attacked as prejudicial error the fact that Common Pleas Judge Roy Stuart, in closing his charge to the jury, instructed the jurors only as to verdicts of first degree murder with and without mercy and omitted reference to finding the defendant not guilty.

Alleged "extravagant" statements to the jury made by prosecutors were blamed by Mr. Rhinefort and Mr. Bunge on the hostile attitude of defense counsel during the trial.

"All thru this case," Mr. Rhinefort charged, "they were trying to put us on the pan and trying to try somebody else beside the defendant."

# English's Appeal for New Trial Is Heard by Court

## Final Decision in Murder Case Will Be Announced at Akron Later

Thomas (Yonnie) Licavoli was described as "a man Toledo politicians are proud to know" by Attorney A. J. Bianchi, Akron, in a vigorous argument in connection with the error proceedings in the Joe (Wop) English case here yesterday before a visiting court of appeals from the Ninth appellate district, Akron. Bianchi referred to parts of the testimony in the English trial when the association of English with Licavoli was pointed to by the state as proof of the defendant's criminal status.

"At no place in the testimony is there a shred of evidence that Licavoli is a gangster," Mr. Bianchi asserted. "All I know is that he lives in a fine house and calls local politicians his friends."

The visiting court announced it

will deliberate on the record of the case in Akron, and will announce its decision there. The electrocution of English, who was convicted of the first degree murder of Jack Kennedy, rival bootlegger, is scheduled for April 20.

The visiting court announced it would decide later whether to order a stay of electrocution. Members of the court are: C. G. Washburn, Elyria, presiding judge; Ross W. Funk, Wooster, and P. H. Stevens, Akron.

The principal disagreement in the argument, which was conducted for the state by Assistant Prosecutors Joel Rhinefort and Arnold Bunge, and for the defense by DeWitt Fisher and Bianchi, was in the number of cars in the vicinity of the shooting, at 140th street and Edgewater road, last July 7.

The state maintained there were two automobiles near the place; while the defense claimed there was only one, and that the car present was one seen by neighbors on 136th street, in which the state attorneys admit English was not a passenger.

The defense attorneys complained that while gruesome pictures having to do with the murder were not shown to the jury, the meaning of the pictures was conveyed to them through their identifica-

Continued on Page 2, Fifth Column

# English Appeal For New Trial Heard by Court

Continued From Page 1

tion by the photographer who was called as a witness.

George Timiney, captain of detectives, was called "Master of Ceremonies" of the trial by Mr. Fisher.

Mr. Bunge pointed out the jury "showed a remarkable lack of prejudice" in arriving at the guilty verdict. There were conflicting witnesses on most of the important points, he asserted, yet the jury had preferred to credit the testimony of the witnesses for the state.

Both sides made much of the fact that English, whose real name is Sarafino Sinatra, was known by more than one name. The defense attorneys claimed he received his aliases while he was a boxer; the state claimed the various names were part of the stock in trade of a criminal.

Mrs. Sinatra, wife of the convicted man, dressed entirely in black, sat unobtrusively in the back of the court room during the hearing.

# "Wop" English Must Die, Appeals Court Rules

## Akron Jurists Rule Convicted Killer of Kennedy Must Go to Chair May 25

Joe (Wop) English must die in the electric chair May 25 for the murder of Jack Kennedy, bootlegger, July 7, 1933, at Point Place.

This was decided by the Ninth district court of appeals at Akron in an opinion handed down Thursday. The court heard English's appeal here March 26.

English was found guilty in common pleas court here of first degree murder without recommendation of mercy.

Kennedy was killed as he and a companion, Miss Audrey Ralls, were walking at Edgewater drive and 140th street in Point Place. The bootlegger previously had had several brushes with the Licavoli gang over the beer business in Toledo.

### Alibi Is Rejected.

Witnesses at English's trial told how a car drove up behind the couple, two men alighted, walked rapidly toward Kennedy, pushed his companion aside and fired 12 shots into Kennedy's body. The pair escaped in their car toward Toledo.

As a defense, English contended he had been in the State Sales Co. office on Milburn avenue at the time the shooting occurred.

In their appeal, English's attorneys, DeWitt Fisher and H. A. Bianchi, claimed that errors in the trial and prejudice aroused by the prosecutor had caused a miscarriage of justice.

### Fair Trial Is Upheld.

In the appeals court opinion, written by Judge Ross W. Funk and concurred in by Judges Clarence Washburn and P. H. Stevens, it is decided that these alleged errors did not prevent English from getting a fair trial.

The appeals court ruled that Judge Roy Stuart did not commit prejudicial error in his charge to the jury, as claimed by attorneys for English. They declared Judge Stuart, in repeating the forms of verdict that might be returned, failed to include a verdict of not guilty.

The appeals court also ruled that Assistant Prosecutor Joel Rhinefort was not guilty of misconduct in asking respective jurors if they knew Thomas (Yonnie) Licavoli and other Toledo gangsters.



## English Verdict Sustained

The court of appeals, sitting at Akron, has upheld the verdict of the Lucas county common pleas court finding Wop English guilty of murder in the first degree. The Toledo gunman must die in the electric chair May 25, unless the supreme court intervenes.

The approval of the conviction gives new indication of the thoroughness with which Prosecutor Frazier Reams and his staff prepared their cases. Prosecutor Reams would be the last to attempt to railroad a man to the electric chair. He said after the English conviction the evidence was present for such a verdict, and quite clearly by the appellate court action in sustaining that verdict, he was stating the facts rightly.

The appellate court placed no importance upon the charge of the defense attorneys that there was error in the court's instructions to the jury. Where there is an overwhelming evidence to support a belief of guilt in the minds of the jurors, appeal courts are not likely to set such verdicts aside because of minor errors that in no way interfere with full justice for the defendant.

Conviction of English as one of those who helped to kill Jack Kennedy, rival beer baron, was in line with the facts. It was a particularly offensive crime, not because Kennedy was a man of high repute, but because the manner in which the murder was committed flouted public decency and was a direct challenge to the forces of law and order. That Prosecutor Reams met this challenge and will continue to meet it is proof that the people voted as able and fearless a county attorney into office as has sat there since Wachenheimer's time.

## English To Carry Appeal For Life to Supreme Court

A final appeal to save the life of Joe (Wop) English, convicted slayer of Jack Kennedy in Point Place last July 7, will be made by his attorneys, DeWitt Fisher, Toledo, and A. J. Bianchi, Akron, when they seek state supreme court review of the case.

The Akron court of appeals yesterday announced its affirmation of the local common pleas court conviction, and set the date of execution for May 25. English is in the Ohio penitentiary.

The opinion of the Akron court was written by Judge Ross W. Funk, and concurred in by Judges Clarence Washburn and P. H. Stevens.

Should English escape execution as a result of the present conviction, he probably will be brought back to Toledo to face trial on a new indictment, returned since his conviction, in which he is named with 12 other men, among them Thomas (Yonnie) Licavoli, on a charge of conspiring to commit the Kennedy murder.

The opinion asserted that the information contained in affidavits presented by the defense in support of its motion for a new trial, was largely contradictory and not such as would probably result in a different verdict.

## 'WOP' ENGLISH GIVEN STAY OF EXECUTION

Granted Delay Until June 27 on New Evidence Plea

Joe (Wop) English, sentenced to die for the murder of Jack Kennedy, Friday was granted a stay of execution until June 27 by Chief Justice Carl V. Weygandt of the Ohio supreme court. English is in death row of the Ohio state penitentiary. His execution had been set for May 25.

DeWitt Fisher, Toledo, and A. J. Bianchi, Akron, attorneys for English, appealed to the court on grounds of newly discovered evidence. They charged the trial court erred in admitting hearsay evidence prejudicial to the defendant and that Prosecutor Reams was guilty of misconduct in his final arguments to the jury. The supreme court probably will hear the appeal the first week in June.

## English to Appeal to Supreme Court

Notice that counsel for Joe (Wop) English will file a motion in the state supreme court Friday asking a hearing on an appeal to that tribunal of the conviction of English on a first degree murder charge was given Prosecutor Frazier Reams here today.

English was found guilty of the first degree murder of Jackie Kennedy in Point Place July 7, and the court of appeals in Akron sustained the conviction. English has been sentenced to die in the Ohio penitentiary May 25.

## English Receives Stay of Execution

Joseph (Wop) English, Toledo gangster under a death sentence in the Ohio penitentiary, was granted a stay of execution until June 27 by Carl V. Weygandt, chief justice of the state supreme court, in Columbus Friday, an Associated Press dispatch said.

The reprieve was granted after Attorneys DeWitt Fisher, Toledo, and A. J. Bianchi, Akron, filed a motion with the court for leave to file a petition in error. English was scheduled to die in the electric chair for the murder of Jackie Kennedy, bootlegger, in Point Place last July 7.

## 'WOP' ENGLISH MUST DIE IN CHAIR JUNE 27

Supreme Court Refuses To Hear Plea in Killing of Jack Kennedy

Only the intervention of Gov. White or the state parole board can save the life of Joe (Wop) English, mobster killer of Jack Kennedy, Toledo night club owner, the Ohio supreme court ruled Wednesday.

English is under sentence to die in the electric chair next Wednesday. The high court held there was no debatable question in the case.

Kennedy, cafe owner and bootlegger, was "put on the spot" by the Licavoli gang the night of July 7, 1933, at Edgewater drive and 140th street, Point Place.

### With Beauty Winner.

He had returned from a swim with a girl companion, Miss Audrey Ralls, beauty contest winner. In his cottage he changed from his bathing suit to white trousers, a white silk undershirt and slippers.

Miss Ralls donned beach pajamas. Arm in arm, they went for a stroll in the moonlight. They were singing "Love in the Moonlight" as they walked.

It was one of the rare occasions when Kennedy had ventured forth at night without his bodyguard.

### Escaped Twice Before.

Twice before gang guns had sought his life. Once, Nov. 30, 1932, a girl companion, Miss Louise Bell, died when bullets flew at Superior and Jackson streets. Kennedy escaped unscathed. His luck continued when, the following May, a hall of lead missed him in Michigan street.

On the night of the murder, however, Kennedy had become careless. Why, probably never will be known. He had reason to know the Licavoli mob had marked him for death.

The mob was ready to resort to murder to maintain its beer mo-

nopoly and to enforce its rules. Kennedy had defied the gangsters by cutting the price of his beer to 15 cents a glass and refusing to buy from the Licavolis.

### Eleven Shots Fired in Body

When the couple reached the intersection, two men moved out of the shadows. The singing stopped. One of the men pushed Miss Ralls aside. The other emptied the contents of his pistol into Kennedy's body. Then the second killer did likewise.

Residents of the vicinity found the girl screaming beside the body of her dead lover. Eleven bullets had found their mark with deadly accuracy.

There never was any doubt in the minds of police as to who were responsible for the murder. One by one, members of the Licavoli clan were rounded up.

### Convicted in November.

English was arrested in Akron and brought here for trial. Maintaining his innocence, charging he had been "framed," he was convicted in mid-November, 1933, and sentenced to die April 20.

Stays of execution, pending appeal, postponed the death date to June 27.

Meanwhile, Yonnie Licavoli and 11 other members of his gang were being indicted for a series of murders including that of Kennedy. Miss Bell, Norman (Agate) Blatt and Abe (The Punk) Lubitsky.

### Three in Jail.

Indicted with their chief were Leo Mocer, Jacob (Firetop) Sulkin, John Mirabella, Ralph Carsello, James (Blackjack) Licavoli, Harry (Chalky Red) Yaranowski, alias Leonard; Ernest Lasalle, Russell Syracuse, John Ral, Anthony (Whitey) Besase and Sebastian Lupica.

Yonnie Licavoli and Sulkin are in the county jail awaiting trial. Carsello is in the Milan, Mich., federal penitentiary serving a liquor sentence. The others are still at large.

## Court Denies English Plea

Jurists Decide Toledo Gangster Must Die June 27

Joe (Wop) English, convicted slayer of Jack Kennedy, rival bootlegger, last July 7 in Point Place, must die June 27 in the electric chair at the Ohio penitentiary, the state supreme court determined in refusing to review his conviction, yesterday.

Attorney DeWitt Fisher, who with Attorney A. J. Bianchi, Akron, defended English, says that he will appeal to the state parole board and the governor for executive clemency, on the grounds that he has additional information bearing on the case which was not discovered until after the trial.

Even if English should escape death on this conviction, however, he would face trial on another indictment charging him with first degree murder in connection with the Kennedy death and those of Louise Bell, Kennedy's former sweetheart; and Abe Lubitsky and Norman Blatt, minor bootleggers. He is charged in this indictment jointly with 12 other men, all alleged members of the Licavoli gang. Among them are Thomas (Yonnie) Licavoli and Jacob (Firetop) Sulkin, both in the county jail; and Ralph Carsello, who is serving a term in the Milan, Mich., federal prison on a charge of liquor law violation.

## HEARING ON PLEA OF ENGLISH SET

Governor White Indicates He Will Not Interfere With Execution.

Gov. George White probably will not interfere with the scheduled execution of Joe (Wop) English Wednesday, he indicated unofficially while in the city Saturday for the Toledo Yacht club's annual long distance sailing race.

Governor White did not commit himself as to what he actually has in mind, but said he merely was awaiting the results of the hearing before the state parole board at 3 P. M. when an application for a reprieve for English will be made.

Those who discussed it informally with him, however, got the impression that he does not favor clemency for the man convicted of the murder of Jack Kennedy last July 7.

"There's nothing I can do about it until after the hearing before the parole board," he said when questioned at the Toledo Yacht club.

"Besides," he declared with a broad smile, "I'd much rather talk right now about this beautiful sight you are presenting here in Toledo. I had no idea it was such an impressive affair."

"This is a regular vacation for me. I'm thoroughly enjoying myself and I'd like very much not to talk politics or anything else for a few hours." The governor admitted, however, that he feels certain he will win his race for a senate seat.

Frazier Reams, county prosecutor, will attend the English hearing. Attorneys DeWitt Fisher and A. J. Bianchi, counsel for English, have asked for a delay in the execution because they claim they have newly discovered evidence.

# 'Wop' Reiterates His 'Frame-up' Charges in Death House Talk

Reveals Mother, Living in Buffalo, Does Not Know He Is in Prison; Accuses Reams and Timiney

By MERRITT GREEN,  
News-Bee Staff Writer.

COLUMBUS, O., June 26.—Joe (Wop) English is ready for the last round in his long fight with the state—ready to meet his adversary with his chin up and boring in as he did years ago in the boxing ring.

Joe, the man the state claims pulled the trigger which sent Jack Kennedy, a rival gangster, to his death while strolling with his beautiful sweetheart along the lake in the moonlight, is facing the ordeal ahead with the same calm that

## English May Be Next Victim

By United Press.

COLUMBUS, June 26.—Irmel Kittrels, 26-year-old Negro, who obtained just \$2.50 from the home of Thomas Mitchell after slaying the retired farmer at Hillsboro, O., a year ago, died in the electric chair at Ohio penitentiary Monday night. Kittrels, who freely confessed the crime, ate heartily before he was executed. He went calmly to the chair. Watching the proceedings in the death house were Harry Pierpont and Charles Makley, Dillinger gangsters convicted of slaying a sheriff and sentenced to die July 13. Joe (Wop) English, sentenced to die Wednesday for gang activities in Toledo which led to a slaying, also witnessed the last march of the Negro.

he possessed when he climbed into the ring at Bay View park on July 4, 1919 to fight in one of the preliminaries to the Willard-Dempsey fight.

English just can't realize that he faces death, that it is so close and almost a certainty. The parole board is to give its decision at 10 a. m. today.

He is fighting the last round on faith, fighting to a victory, he feels.

The first thing he said when questioned in his cell in death row, was:

### He Names Toledo's "Swell Guys."

"How does it look? Gee, I'm sure glad to see you. It sure was fine for you to drop in."

Then followed a series of eager questions about how things were back home and how everyone was. As he named over almost 25 persons, he would ask how each one was and add

Continued From Page 1.

lan't so bad, but when you are innocent you hate to go out. Nobody wants to go.

"I don't hold anything against Judge Stuart or Reams, but what they ought to do is go out and investigate this thing and give me a decent break. It's terrible," he added again, shaking his head.

"How can they connect me with the Licavolis? During all the time the federal government carried on their investigation and during the trial my name was never mentioned, no sir, not once.

"They didn't have enough evidence to send me away for 30 days. If they would investigate this thing to the bottom, they would find out. "But case they don't I'm waiting. There is nothing I can do about it; I'll not duck.

"Say, Dewitt Fisher is sure a great guy, isn't he? Absolutely the greatest guy in the world. He has done more for me than I can ever tell. A swell guy.

"All I ask is that the prosecutor go to the bottom of this thing and investigate.

"There is one thing I would like to get straight. I didn't squeal to Reams. In the first place I didn't have anything to talk about, for I didn't know anything about the murder. When he came over to my cell in the jail, I told him that it was all a mistake that he had given me a bum rap and asked him to investigate.

"Somebody has been pumping Reams about me, about what a bum I was. Reams had Timiney investigating that case. He couldn't find his hat. The only way he could ever get a conviction was to frame one.

"That guy is by far the biggest racketeer the town ever had; he had his finger in everything. I could split the town wide open on Timiney if I wanted to, but he knows I'm not that kind.

"They figured that I was in the public eye so much that I was a good guy to run in for the Kennedy murder.

"I see by the papers that Timiney says he's not a reformer. I'll say he's not a reformer. He's the biggest racketeer in town. Look up his record and see what he has done. Nothing.

"Gee, Add's a Swell Guy."

"Well, Reams hasn't done anything much either. Nothing more than anyone else has done in that office, except send me here on a bum rap.

# Declares Reprieve to English Was Interference With Justice and Insult to Jurors, Judges.

Frazier Reams, county prosecutor, in a scorching statement today, accused Gov. George White of permitting outside interests to influence him in granting a 60-day reprieve to Joseph (Wop) English, sentenced to die for the murder of Jack Kennedy, Toledo beer baron.

Charging the governor with unwarranted interference and misuse of his power, Prosecutor Reams declared the chief executive had wilfully insulted the intelligence of the 12 jurors who sat in the case and that of 11 judges, including members of the state supreme court.

Addison Q. Thacher, former mayor of Toledo and a close friend of Governor White, also was attacked in the statement. The prosecutor charged that Mr. Thacher used undercover tactics with the governor after he had evaded an opportunity to testify for English in an open court, where the former mayor would be subject to cross examination.

### Reams' Statement

English, convicted for the slaying of Kennedy in Point Place the night of July 7, 1933, had been condemned to die tonight in the electric chair. The governor's stay was granted Tuesday afternoon.

Here is Mr. Reams' statement: "If there was now or had been at any time since the killing of Kennedy any evidence to indicate that English was not guilty of this crime as proven by eye witnesses, I would be the first to ask for a stay of execution of the sentence.

### Nearly Year Since Crime

"Within less than two weeks a year will have elapsed since English knew he was charged with this crime. Within that time he and his counsel could have discovered any evidence, if any had existed, to refute the charge made by the state.

"At the hearing before the governor no newly discovered evidence was offered which could change the verdict and judgment.

"In my opinion, the stay was unwarranted interference by the governor with judicial processes. There was no claim on his part or on the part of the board that there was newly discovered evidence.

"It was a wilful insult to the intelligence of the 12 jurors who sat in this case and of the 11 judges,

political thought believe. Governor White is a Democrat, and so is Prosecutor Reams.

With a Democratic official attacking the official acts of a Democratic governor of a state in an outstanding murder case, and in particular when the governor is a candidate for nomination for the United States senate, observers point out that the result at the primary, when nominations will be made, may be changed by the incident.

### Affidavits Introduced

Critics of Governor White were not slow to point out that in postponing the law's action in the case of English for 60 days, Governor White fixed the date 13 days after the Aug. 14 primaries, when he is to come before the Democrats of the state for their decision as to whether they want him, Vic Donahey, former governor, or Congressman West to be their standard bearer in November.

Arnold F. Bunge, assistant county prosecutor, said that shortly after the murder of Kennedy, he questioned Mrs. Mildred Weasy Detrich and Babe Schwaite.

Affidavits of these two witnesses were the basis of the newly discovered evidence which attorneys for English introduced in Columbus before the governor's hearing.

Mr. Bunge said that these women did not inform him in July that they had seen Robert Schwaite and Harry Craig, state star witnesses, sitting on the running board of an automobile in front of the Erb's market either at the time of or

that "he sure is a swell guy.

"How do you feel, Joe?" I greeted him.

"I feel swell," he answered. He then proceeded to talk—to set forth in logical order the reasons why he should be given another trial.

"Look," he said, "it stands to reason that I didn't do that killing. In the first place I didn't have any reason to take off Kennedy. I never was connected with the Licavoli mob. Sure, I knew them. So did everyone else in town. I knew Kennedy for years, slept with him, borrowed money from him, knew his dad 20 years ago.

"I wasn't in a fight with him that night which the state says was the motive. I walked out of a store after the fight was over. Kennedy and Mirabella had the fight. I didn't even see it.

### Bitter Against Detective Timiney.

"I have lived in Toledo 23 years and the Licavolis came there three years ago. Why should that make me a member of their gang?

"The cops were always picking me up and never did place anything on me. Every time Timiney (Detective Captain George Timiney) wanted to make a pinch he sent out after me.

"The only time I was ever charged and convicted was when I was a kid 19. I took a rap for robbery at that time.

"After Kennedy was killed and the police picked me up and released me I told my wife that I was going to my mother in Buffalo. I wanted to get away for a while, for I knew that they would pick me up every time they saw me on the street.

"Before I went away, I went to my friends and asked them to get the cops to lay off me.

### Wants Judge, Reams To Investigate.

"I wasn't hiding out on them. When I was in Buffalo I didn't know they wanted me on a murder charge. Just to show you, would I have gotten new license plates when the bill of sale was in my own name if I had wanted to hide? When I went to Akron I didn't hide out. I thought they wanted to question me as they had done in the past.

"I got the rawest deal in the world. Anyone would have been put away at that time. They didn't have any evidence to show that I killed Kennedy.

"What they ought to do is investigate this thing thoroly. The judge and the prosecutor ought to go over this thing and check it up close.

"Was I ever connected with the Licavoli mob? Never. I knew them, that's all."

At this point, English stopped a minute and looked to the floor and gave a sigh.

"It's pretty tough to go. If a man commits a murder it

Timiney, he's a darn, he is. I have known him since he was in uniform and it was only in the last couple years that he kept running me in. Imagine Timiney running anyone in.

"Sure I'm calm. I got to fight, win or lose.

"I see in the paper that Add Thacher tried to do something for me. Do you think a guy like that would go to bat for me if he didn't think I was innocent? Gee, he's a swell guy. The best ever.

"You know, I look at myself and I can't believe that I'm down here. It's all like a dream. I just can't believe it. I have been in this row for seven months. I was all alone for three months. I saw six come in and go by my door to go out. One fellow went by just a few minutes ago.

"Rhinefort and Reams ought to investigate this thing and go to the bottom of it.

"I'm all right. My wife and aunt were here just before you came in. They are holding up fine."

All of this conversation in answer to an occasional question was carried on in the calmest manner. It was hard to conceive that this man was to pay the extreme penalty for the killing of a gangster who plied the same trade, that of bootlegging.

### His Mother Doesn't Know.

For English does admit that he sold liquor. It was not until he was asked if his mother is living that he showed any sign of emotion.

He was affected. He stopped, he thought.

"By mother, God bless her, she doesn't even know I am here. She doesn't know that I am about ready to go out."

"She lives in Buffalo with my aunt. She doesn't read or speak English. She doesn't know."

"But Joe, what will they tell her if the worst comes?" he was asked.

"They will tell her that I got smashed up or something, she will not know, thank God."

Thus, the model prisoner of the death house, the man whom prison officials declared does not act like a condemned man. The man whom they all like because he is a "swell guy" is ready to bow out with his chin up.

including seven supreme court judges, three of the court of appeals and the trial judge, for the governor to express a desire to go into the record for technical errors after these courts had carefully examined all supposed errors presented by counsel for the defense and had declared that there was no reversible error in the case.

### Charges Other Influences

"In the light of the governor's previous record of non-interference with cases of this character, it is apparent that influences outside the record and outside the case affected him in granting so long a stay in this matter.

"The only persons who contend that English is innocent are his attorneys, English himself and his co-conspirators, Firetop Sulkin and Yonnie Licavoli.

"Even ex-Mayor Thacher, who has busied himself under cover in this matter and whose influence went so far with the governor, did not see fit to testify for English when the case was being tried in open court where he could be cross-examined. Nor has he made any open statement in his behalf since.

"The power of granting a stay

Continued on Page Nine, 1st Col.

### Continued From First Page

or clemency is given to a governor in order that he may act in emergencies which are based on evidence discovered after trial or on matters not reviewed by the appellate court. It was never intended that he should use this power to supplant our judicial system.

"The supreme court heard this matter, studied the record and was satisfied. The governor was unwarranted in overruling the supreme court even in the face of expediency or the undercover advice of so trusted a counselor as ex-Mayor Thacher."

### Stands on Record

When informed of Prosecutor Reams' statement, Governor White said:

"Out of 30 executions ordered during my administration, only one death sentence has been commuted to life imprisonment and eight persons have received reprieves. I stand on this record. The English case is no different from any other. It is merely under investigation."

The accusations against Governor White, as made by Prosecutor Reams, may have state-wide effect in political circles, interpreters of

## REAMS HINTS ACTION ON MISSING RECORDS

Prosecution of Guilty Persons Sought By County Official.

Prosecutor Frazier Reams declared Tuesday that he would prosecute whoever took his private records in the case of Joe (Wop) English if he learned they had been taken from the prosecutor's office illegally.

The prosecutor was to confer Tuesday with Arnold Bunge, his assistant, whom he left in charge of the investigation of the missing records while he went to Columbus last week to check several cases coming up on the supreme court docket.

Bunge has declared he has traced the "leak" and knows who obtained the records. Reams said all of the records used by A. J. Bianchi, Akron, O., attorney for English in his motion for a new trial, had been kept in the vault in the prosecutor's office or in his own private desk and the office of Bunge.

## ENGLISH RECORD LEAK UNCOVERED

Bunge Says He Knows How Papers Were Obtained

Arnold Bunge, assistant county prosecutor, told reporters yesterday that he believes he knows how private records of Prosecutor Frazier Reams came into the possession of A. J. Bianchi, Akron, one of the defense attorneys for Joe (Wop) English, convicted of the murder of Jack Kennedy.

When Mr. Reams returns to his office this morning from Columbus Mr. Bunge is prepared to divulge this information, he said.

Mr. Bianchi, last Saturday, during the hearing on the motion for the new trial for English, asserted that a box of records, weighing five pounds, with no identifying marks, came to him through the mail. He said he had no idea who sent them. The postmark was from Toledo.

Thirty-five pages of testimony are missing from the files, Mr. Bunge said. The loss was noted when the records were prepared for finding.

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## English Letter Denied by Francis

Francis (Punkins) Francis, bodyguard for Jack Kennedy, July 7, when Kennedy was slain by gangster bullets in Point Place, today denied authorship of a letter reported to have been written by him in the statements of defense counsel at the hearing on a motion for a new trial for Joe (Wop) English in the courtroom of Judge Roy Stuart Saturday. English was convicted of the murder of Kennedy. Mr. Bunge questioned Francis in the prosecutor's office but revealed only Francis' denial of the letter.

## KENNEDY WITNESS TELLS HIS STORY

Buder Refutes Charge He Withheld Facts in Killing

Samuel Buder, 3007 Edgewater drive, casual witness to the murder of Jack Kennedy in Point Place last

July 7, yesterday appeared voluntarily in the court room of Judge Roy R. Stuart to refute the insinuations of defense counsel for Joe (Wop) English to the effect that he was concealing information which would help English's motion for a new trial.

In the preliminary hearing, on the motion, last Saturday, Defense Attorney A. J. Bianchi, Akron, accepted the offer of assistance from Assistant Prosecutor Arnold Bunge in locating residents of Point Place from whom the defense sought affidavits.

At that time, Mr. Bianchi asked for the address of Samuel Buder, whom he said neither he nor his associates, DeWitt Fisher and Abe Kipperman, had been able to locate.

Mr. Buder asserted that he had given the attorneys for the defense the same story he gave the prosecutor. He said he could not identify anyone of the murderers, although years ago he had known Wop English.

## ENGLISH CASE IS MARKED BY MYSTERY QUIZ

Prosecutor, Accused of Concealing Witness, Produces Him for Questioning.

Accused of concealing a witness important to the defense in the Joseph (Wop) English case, the county prosecutor's office late yesterday produced Sam Buder who lives at Edgewater drive and 140th street, Point Place, a purported witness of the slaying of Jack Kennedy, for questioning by Attorney DeWitt Fisher, chief counsel for English.

The witness was brought by Capt. of Detectives George Timiney to the chambers of Common Pleas Judge Roy R. Stuart. Mr. Fisher requested Judge Stuart's permission to examine the witness privately and was accommodated. Judge Stuart, members of the prosecutor's staff and newspapermen were excluded from the jurist's chambers while the interrogation took place.

Identity Withheld  
In addition, the defense attorneys refused to reveal the identity of the witness who was submitted to the mysterious inquiry.

After a lengthy quizzing by Mr. Fisher, however, the witness left Judge Stuart's chambers and immediately was taken to the county prosecutor's office where he made a statement to Joel Rhinefort and Arnold Bunge, assistant county prosecutors, who also declined to reveal the identity of the witness or the nature of his statement.

Newspapermen, however, not only learned his identity, but also were informed that the defense had anticipated he would assert that while he had seen the murder car and the murderers of Kennedy that English was not among their number.

Did Not See Killers  
Buder, however, was said to have told the assistant county prosecutors that while he saw the automobile used by the murderers leave the scene of the slaying he could not identify any of the actual killers because, in fact, he had not witnessed the killing.

Buder, who exhibited great fear of the fact his name might be revealed to the public, was released immediately after the quizzing by Attorneys Rhinefort and Bunge.

## Secrecy Veils Appearance of Mysterious Kennedy Murder Witness

Sam Buder, Edgewater drive and 140th street, Point Place, said to have been a witness to the killing of Jack Kennedy, bootlegger, July 7, was examined privately in Common Pleas Judge Roy Stuart's chambers late Wednesday.

Mr. Buder is the mysterious witness which attorneys for Joe (Wop) English, convicted of the killing, have accused Prosecuting Attorney Reams of withholding.

He was brought to the judge's chambers by Detective George Timiney at the request of Arnold Bunge, assistant prosecutor.

Mr. Bunge, and two of English's attorneys, DeWitt Fisher and Abe Kipperman, were present at the examination. What, if anything, was revealed by the witness was not disclosed.

English's attorneys have claimed the witness would be able to testify English was not one of the killers.

The prosecution has contended Mr. Buder saw the murder car but did not see its occupants and, therefore, his testimony was of small importance.

The witness was produced as a result of defense attorneys' efforts to obtain a new trial for English.

## ENGLISH CASE AFFIDAVITS TO BE FILED TODAY

State To Offer Three in Opposing New Murder Trial

TWO BY DEFENSE Point Place Residents Tell of Seeing Two Autos

Five affidavits, three prepared by the prosecution and two by the defense, will be filed with Judge Roy R. Stuart at 9 a. m. today, in connection with the supplemental motion for a new trial for Joe (Wop) English, convicted murderer of Jack Kennedy.

The state's affidavits are said to be those of Thelma Boost, 3243 136th street; A. R. Taylor, 6331 Edgewater drive, and Samuel S. Buder, 5907 Edgewater drive. Affidavits of Mrs. Boost and Taylor were filed by the defense last Saturday, at the preliminary hearing on the supplemental motion. It is intimated that both these Point Place residents have modified the statements previously attributed to them, in these new affidavits given to members of the prosecutor's staff.

Appeared Voluntarily  
Buder's affidavit, as taken Wednesday after he voluntarily appeared at the courthouse to refute the intimation of Defense Attorneys DeWitt Fisher and A. J. Bianchi, to the effect that he was withholding information which would help the convicted man's case.

At the time Buder asserted he only saw the murder car, a dark brown or dark maroon sedan, after the shooting was completed, when it started back down Edgewater drive toward Toledo. He asserted he got only a fleeting glance at the occupants, and could not identify them. He said he knows English by sight, but could not say whether or not he was in the murder car.

Buder also asserted, in the presence of Judge Stuart, he had given this information to Attorney Abe Kipperman, associate of DeWitt Fisher, before last Saturday.

Two Cars Declared Seen  
It is intimated Mrs. Boost, in her new affidavit given to the prosecutor, asserts her statement to the defense attorneys was not recorded completely in their affidavit last week.

Mrs. Boost, it is alleged by county officials, asserts in this new affidavit there were two cars visible from her house shortly before the shooting.

Mr. Taylor's new affidavit is said to assert the affidavit filed by the defense over his name last Saturday was incorrect in two respects, both of which he called to the attention of Mr. Kipperman when the instrument was drawn up.

It is asserted Mr. Taylor declares in this new affidavit to be filed

the letter prefix on the license number of the murder car. He is reported to have testified in this new affidavit he believed the numbers to have been 17893, but did not see the letter.

Asks License Data

In this connection, Assistant Prosecutor Arnold Bunge yesterday asked the state bureau of motor vehicles, Columbus, to send to the courthouse in time for today's court proceedings, a statement asserting that no such license number as K17893 was issued in Ohio in 1933.

A second inaccuracy in the first Taylor affidavit, said to be reported in the new one, to be filed today, involves Taylor's alleged statement to defense attorneys that English was not one of the trigger men. Taylor says in this new affidavit, it is reported, that when Kipperman asked him to sign the first instrument, he objected, saying "That last line is not right because I wouldn't say it wasn't English."

Defense Affidavits

The two affidavits to be filed by the defense are those of Ralph Deeds, 452 Oak street, and his wife, Mable M. Deeds, whose statements are almost identical. Both assert that on the night of July 7, they were sitting on the porch of their summer home, 5548 Edgewater drive. They saw a young man and woman dressed in pyjamas, later identified as Kennedy and Miss Audrey Ralls, stroll down Edgewater drive toward 140th street. Then a car, driven slowly, followed after. They heard shots, and the same car sped past their house in the opposite direction, headed toward Toledo. Both assert no one followed the car, or jumped their front fence into their garden.

There probably will be no hearing on the supplemental motion, members of the prosecutor's staff asserted yesterday, both sides being satisfied to rest their pleas on the affidavits.

## STATE CHARGES 'WOP' TRICKERY

Defense Offered Partially Incorrect Affidavits, Is New Claim

Charges that attorneys for Joe (Wop) English tricked witnesses into signing partially incorrect affidavits in their attempt to win a new trial for the convicted murderer are expected to be made by members of the county prosecutor's staff before Judge Roy Stuart in common pleas court next week.

The prosecutor Saturday filed affidavits which brand as partly false other affidavits which have been filed during the last week by English's attorneys.

The prosecutor's affidavits were filed Saturday after defense attorneys indicated they had finished filing their affidavits in support of a motion for a new trial for English.

Continuation of the hearing on the motion, scheduled for Saturday has been postponed until 11 a. m. Monday.

Early next week Judge Stuart is expected to consider evidence by which defense attorneys hope to obtain a new trial for English, who is in county jail awaiting the death sentence for the murder of Jack Kennedy, bootlegger, July 7, in Point Place.

The sixth and seventh affidavits produced by English's attorneys were filed late Friday. They were signed by Mr. and Mrs. Ralph Deeds, who on the night of the murder were sitting on the porch of their summer home at 5548 Edgewater drive.

In their statement they declared they saw a dark car pass their house and a short time later heard a number of shots fired. There was no one following the car, the affidavits declared.

By this testimony, it is believed, defense attorneys will attempt to refute the statements of Robert Schwaite and Harry Craig, who testified at English's trial that they followed the murder car to the scene of the shooting.

After the shooting, the Deeds' affidavits continued, the car returned past the Deeds' cottage. No one jumped the hedge and ran into their yard as Schwaite and Craig had testified, the affidavit declared.

Prosecutor's Affidavits.

Affidavits filed by the prosecutor were made by A. R. Taylor, 6331 Edgewater drive; Mrs. Raymond Boost, 3243 136th street; Samuel S. Buder, 5907 Edgewater drive, and the state bureau of motor vehicles.

Statements contained in the affidavits, it is believed, will be taken by the prosecutor as the basis of an attack upon defense attorneys' charges that he has concealed testimony in the case and upon the tactics of defense counsel in obtaining their own affidavits.

Most spectacular of the prosecutor's affidavits is that of Mr. Taylor which contains a new eyewitness account of the Kennedy

Affidavit Quoted.

The affidavit in part:

"The first time I had seen the killers' car was when it was backing up on Edgewater drive towards 140th street with the back end towards 140th street, and I did not see anyone get out of the car, but I first noticed two men when they came from the back of the car.

"The car which I saw was a Ford sedan or coach, a new V-8 auto. I did not notice the color of the car but was a dark, shiny car.

"The two men whom I saw come from behind the car walked up behind Kennedy and the girl and one of the men gave the girl a push. One of the men shot at Kennedy and after he was down on the ground both men started to shoot at Kennedy.

Describes Appearances.

"Both men had soft straw hair on. One of the men had on what looked like a sleeveless sweater. When the men quit shooting they got into the car; they both got in the same door. I could not tell whether or not there was any other person in the auto. I did not see any other men but these two men.

"After the men got into the car, it swung around and went south on Edgewater drive.

"On the 8th day of December, 1933, I made an affidavit in this case before Mr. A. R. Kipperman, a notary public of Lucas county, Ohio, which affidavit has been filed in this cause. . . in said affidavit . . . appears the following paragraph: 'Someone called out the license number and I repeated it and marked it down. It was K-17893. After the car pulled away, I walked over to the body, looked at it and walked away. Previously to that, after the first shot, the victim fell and he didn't move again.'

Did Not See Prefix.

"At the time that I signed this affidavit I called it to the attention of Mr. Kipperman and the man who was with him, whose name is not known to me, that this paragraph was not correct and that the license number as I remembered it was 17893, but that I did not know what the letter or prefix was preceding the number.

"At that time the man who was with Mr. Kipperman and whose name I do not know told me that he got the K-17 from the lady down at the yacht club and he said that would verify her statement."

"I told him that I could not identify the letter because I did not see any of the numbers on the license plate or the letter because they were just called back to me, and when they were called back to me no letter was given."

Identification Statement.

"The man who was with Mr. Kipperman told me. That will be all right, we won't hold it against you."

"Affiant further says that in said affidavit and on the second page thereof appears the following paragraph: 'I cannot now and could not at any time identify English as being one of the two men who did the shooting as English's appearance is entirely different from the men who did the shooting, and English was not one of the men.'

"I also called the attention of Mr. Kipperman and the man who was with him to the fact that this paragraph in the affidavit was not correct and told them that I could not identify any of them and I didn't know whether it was English or not."

"He said: 'Well, do you think it looked like English?' And he said further: 'What did the smaller man look like?' I said: 'He looked darker to me than English, although the light was kind of tricky there under the electric light.' I told them: 'That last line there, that's not right because I wouldn't say it wasn't English.'

"The man who was with Mr. Kipperman then told me: 'That will be all right, we won't use that against you or we won't call you for a witness.'

"I now state that I do not know whether or not Joe (Wop) English

## ENGLISH'S TRIAL MOTION LISTED

Arguments For New Investigation Into Kennedy's Murder To Be Heard Today

The motion for a new trial for Joe (Wop) English, convicted two weeks ago of the first degree murder of Jack Kennedy, will be heard by Judge Roy R. Stuart in common pleas court this morning.

The state will be represented by Prosecutor Frazier Reams and his assistants Joel Rhinefort and Arnold Bunge. Attorneys DeWitt Fisher and A. J. Bianchi, Dayton, who defended English, both will be present to argue for a new trial.

English was convicted without a recommendation of mercy.

## 'LEAK' TRACED BY PROSECUTOR

State Attorneys Aghast as English Defense Bares Mysterious Aid

A five-pound package of records of the Lucas county prosecutor's office in the Joe (Wop) English case, which in some mysterious manner found its way into the hands of defense attorneys was the subject of a vigorous investigation Monday.

Apparently swept off their feet Saturday when English's attorneys produced information from the prosecutor's own records in arguing for a new trial prosecutors said they would bend every effort to determine how the papers got out of their office.

English has been convicted of the murder of Jack Kennedy at Point Place July 7 and faces death in the electric chair.

A. J. Bianchi of Akron of defense counsel told the court he received a package thru the mails last week without a word of explanation and in it he found papers which he believed were the prosecutor's records in the case.

"I looked up some of the persons named in the documents and found they had information which would be of great assistance to the defense," Mr. Bianchi said.

The attorney admitted that affidavits which he and his associate, DeWitt Fisher, produced in court in support of their argument for a new trial were based on information obtained from the mysterious package of papers.

### Grants More Time.

On the strength of the affidavits and the statement of defense attorneys that they would have additional important information in support of English's defense within a few days, Judge Roy Stuart granted a continuance of a week to give them time for additional preparation.

The most important affidavit produced Saturday was signed by A. R. Taylor, 6331 Edgewater drive.

Mr. Taylor swore he was at the scene of the Kennedy killing when the shooting occurred, saw both of the gunmen in the case and insisted neither of them was English.

He also gave an auto license number which he said was on the killers' auto. The number was K-17893.

### Charge Concealment.

Defense attorneys repeated their contention that the prosecutor's office was concealing information which would be valuable to the defense but the prosecutor denied the charge.

Prosecutor Frazier Reams said his office had the right to believe or disbelieve any prospective witness.

The judge cautioned the prosecution that if it had any witness who would aid in clearing English, if he should be innocent, it was obligated to turn this witness over to the defense in the cause of justice.

Other affidavits produced by the defense were signed by Thelma Boost, 3243 136th street; Ollie E. Hill, 5849 Edgewater drive; Charles Deegan, 131 Austin street, and Mrs. Mildred Porter, 5850 Edgewater drive.

### Francis Letter Is Found.

Thru the sworn statements of these new witnesses the defense sought to prove there were four men in the party which killed Kennedy and that English was not among them. At the trial it was testified the murder car contained three men.

An interesting development of the hearing Saturday was the introduction of a letter which defense attorneys said was sent to English during his trial over the signature of Kenneth (Punkin) Francis while both men were in the county jail.

In the letter Francis, who was Kennedy's bodyguard, is reported to have told English the names of witnesses who could assist in his defense.

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## NEW EVIDENCE INTRODUCED IN ENGLISH CASE

Affidavits of Point Place Residents Are Offered

### DELAY ORDERED

Papers Declared Taken From Private Files of Prosecutor

At the request of defense attorneys, who assert they need time in which to formulate additional affidavits of witnesses to the Jack Kennedy murder, Judge Roy R. Stuart yesterday put over the hearing on the supplemental motion for a new trial of Joe (Wop) English, convicted of the crime, until next Saturday.

Five affidavits of residents of Point Place, who either saw the crime or saw a car believed to have been occupied by the murderers, were introduced yesterday by Attorney A. J. Bianchi, Akron, in support of his request for a delay in the hearing on the supplemental motion.

### New Evidence

Mr. Bianchi filed also with the court an affidavit signed by himself; his associate counsellor, DeWitt Fisher; and Wop English, stating the information contained in the other affidavits had not been known to defense counsel before the verdict was returned.

English was convicted of first degree murder without recommendation of mercy.

The affidavits presented yesterday were those of: Thelma Boost, 3243 136th street; Ollie E. Hill, 5849 Edgewater drive; Mrs. Mildred Porter, 5850 Edgewater drive; Charles Deegan, 131 Austin street, who at the time of the murder lived in the 6800 block of Edgewater drive; and A. R. Taylor, 6331 Edgewater drive, then proprietor of a fish market at 6911 1/2 Edgewater drive.

### Death Car License

Mr. Bianchi asserted the additional statements which he believes he can obtain before next Saturday, will be more conclusive than those presented yesterday.

The most telling of the affidavits presented yesterday was that of Mr. Taylor, who said he was walking in the street, close to 140th street, when the shooting occurred. He said two men took part in the shooting, arriving at the place, and leaving in a dark car "either a Ford or a Chevrolet, and either a coach or a sedan, bearing the license number K-17893."

He said he got a clear look at the two men who took part in the shooting. One was tall, at least six feet. The other was shorter, heavily built and had a decidedly hooked nose. He declared neither looked like English, whom he was shown later in a police lineup and could not identify.

### Hope of Victory

The defense attorneys appeared yesterday to pin their hope of victory on the contention that only one car took part in the crime. During English's trial the prosecution had intimated two cars possibly took part. The state attorneys averred the car which Mr. and Mrs. Ernest Reed, 136th street, testified was parked before their house, with four men in it, shortly before the killing, probably was not that in which English and his confederates arrived on the scene.

The affidavit of Mrs. Thelma Boost, 3243 136th street, next door neighbor to the Reeds, presented yesterday, was described by Mr. Bianchi as proving that the car which parked in 136th street was the one used by the killers.

### Overhears Talk

Mrs. Boost reported the license number began either K-15 or K-17. She stated she overheard the four men in hurried conversation, after two had got out of the parked car. One said "What's the number?" and the reply was "Follow behind." The two crossed a vacant lot to the cottage on 136th street where Kennedy was living, returned to the car, got some object, returned to the Kennedy cottage, came back running, got in the car and drove toward Edgewater drive.

A few minutes later, she said, she heard shots fired in the direction of Edgewater drive, and shortly thereafter the same car drove past her house again, heading as before for Edgewater drive. She described the car as a Ford V-8 sedan.

The affidavit of Charles Deegan fixed the time of the shooting at 9:45 p. m., for he said "Edwin C. Hill had just finished broadcasting when I heard shots." He asserted he had been threatened by officers with detention in jail if he did not identify English.

### Heated Argument

The affidavits of Mrs. Hill and Mrs. Porter, who were sitting on Mrs. Porter's front porch at the time of the shooting, merely bore out the description of the car and the number of men in it, which had been furnished by other witnesses.

A heated argument developed between Mr. Bianchi and Prosecutor Reams, Joel Rhinefort and Arnold Bunge when the defense attorney read statements of witnesses which, it was believed by the state, could have come only from the private files of the prosecutor.

Mr. Bianchi averred he had received them through the mail, in a plain wrapped package, posted in Toledo but bearing no return address. He said the package weighed about five pounds, contained many original documents, but no note to identify it. He asserted he does not know who sent it.

### 'Leak' To Be Probed

Mr. Bunge suggested "it had not been come by legitimately," and Prosecutor Reams intimated he would investigate the leak.

Mr. Fisher asserted no evidence was introduced during the trial to prove that English was a member of a gang, or that he was an enemy of Kennedy.

Mr. Fisher also produced a letter, which he said was sent by Kenneth (Punkin) Francis, Kennedy's bodyguard, to English, telling him about the Reeds. The attorney pointed out that Francis would not have offered help to the murderer of his employer.

The letter was not presented to the state for inspection, and on the request of Arnold Bunge, the refusal of the defense lawyers to show it was written into the records.

### Accusation Denied

Replying to the accusation of defense attorneys, who asserted the state was holding back information which would have freed English, Prosecutor Reams declared the allegation was untrue. He said "a prosecutor has the right to believe certain witnesses and not believe others."

Mr. Bunge declared the "information in these affidavits is inconsistent with the statements we received from the same witnesses. If, however, we can be of any help to the defense in locating other witnesses they wish to question, we will be glad to co-operate."

## KENNEDY LEAK BELIEVED FOUND

Bunge Is Satisfied He Knows How Papers Reached Defense.

Arnold Bunge, assistant county prosecutor, asserted today that he was satisfied that he knows how statements taken from the private files in the prosecutor's office reached the hands of A. J. Bianchi, Akron, one of the defense attorneys for Joe (Wop) English.

Private papers of the prosecutor appeared in possession of the defense Saturday afternoon during the hearing in the common pleas court of Judge Roy R. Stuart on motions for a new trial for English, who was convicted of the murder of Jackie Kennedy in Point Place July 7.

Mr. Bunge said today that 35 pages of testimony are missing from the files. Although satisfied that he has found the leak, the assistant prosecutor said that he would give his information only to Prosecutor Frazier Reams, who was in Columbus today.

### Statements Missing

Mr. Bunge recalled Saturday that when statements of witnesses in the investigation were being bound recently, it was reported that several statements could not be found. Prosecutor Reams said that he intended to look into the matter to determine how the papers were removed from his office where they usually are kept in a locked cabinet.

### Statements Produced

Mr. Bianchi produced copies of statements made to the prosecutor by Kenneth (Punkin) Francis, Kennedy's bodyguard, and Audrey Ralls, beauty contest winner who was strolling in the moonlight with Kennedy when he was slain.

The attorney said that these statements, together with other statements in the Kennedy investigation, were received by him at Akron in a five-pound bundle which bore a Toledo postmark. He did not know the identity of the person who had mailed the bundle to him.

### Illegal Means Charged

Mr. Bunge informed the court before Mr. Bianchi's explanation that the Akron attorney had not obtained the statements legitimately.

On Mr. Bianchi's statement that he wished to make a further investigation in an effort to obtain additional affidavits from eyewitnesses to the killing, Judge Roy R. Stuart granted a continuance until next Saturday.

Mr. Bianchi and Attorney DeWitt Fisher, co-counsel, charged that witnesses had been intimidated by persons connected with the prosecutor's office and that one man, "a roommate of English," had been warned that his record would be "spread all over" if he repeated a statement that English was not the man who killed Kennedy.

### Witness Was Cellmate

It was learned by reporters that the witness referred to had been a cellmate of English at Ohio penitentiary for two and one-half years. In his statement to the prosecutor he stated that he did not know who did the shooting, one of the assistant prosecutors said.

Prosecutor Reams denied a charge of Mr. Bianchi that he had numerous statements which would exonerate English of the murder. Mr. Bunge said that the witnesses either identified a photograph or testified that they did not know who committed the murder.

The defense introduced an affidavit signed by Mrs. Thelma Boost, 3243 136th street, which corroborated testimony at the English trial given by Mrs. Ernest Reed, a neighbor.

### Tells of Seeing Auto

Mrs. Reed told of seeing an automobile occupied by four men stop in front of her home the night of the slaying. Two of the men left

the car with what appeared to be a machine gun and approached the cottage occupied by Kennedy which was across the lot from the Reed home.

Mrs. Boost said that the car was a dark one. She testified that English was not in the automobile that she saw. She said also that the license number of this car began with a K followed by the numbers either 15 or 17.

In another affidavit Mrs. Ollie E. Hill, 5849 Edgewater drive, related that she was sitting on the front porch at the home of Mrs. Mildred Porter, 5850 Edgewater drive, the night of the killing and saw a dark, new car at the Porter driveway. Two men of medium size got out and walked toward 140th street where Kennedy was slain.

### Heard Shooting

Mrs. Porter in a similar affidavit said that she had sent her daughter to a store to get a cake of yeast and noticed two men sitting in the front of a dark car near her home. The men wore dark hats, she asserted.

She heard shooting then, the statement continued, and fearing that her daughter had been harmed started toward Edgewater drive and 140th street. She saw two men wearing white shirts get into the machine which was driven away after the shooting. There were no other cars in the vicinity at the time, she said.

Charles Deegan, 131 Austin street, who formerly lived in the 5600 block of Edgewater drive, told of seeing two men getting into an automobile after the shooting. The automobile was either a Ford or Chevrolet and was dark, he testified. Mr. Deegan stated that he gave his statement to the "Clarke Brothers," private investigators, and was threatened with jail if he did not identify the killers.

### Saw Kennedy Shot

The affidavit of A. R. Taylor, 6331 Edgewater drive, related that he saw two men shoot Kennedy and then get into the car. One was about six feet tall and wore a slouch straw hat and a white shirt.

The other was short and had a hooked nose, he asserted.

Someone called out the number of the license as K-17-893, which he jotted down, the witness stated. The affidavit stated that Taylor viewed a lineup at the Safety building in which English was included but could not identify him as one of the murderers. Both were taller than English and the smaller man was darker than the defendant, the affidavit asserted.

### Political Ambition Charged

Mr. Bianchi in his argument charged that Mr. Reams was seeking to send two persons to Columbus through the persecution of English. One of these is to fill the chair of a high political office and the other to meet his doom in the electric chair. He said that he understood the ambitions of Mr. Reams and that there was a lot more back of the trial than just the prosecution of English.

## REAMS CLEARS STAFF IN LEAK

Says Loss of Papers Will Not Affect English's Conviction.

Prosecutor Frazier Reams today said that after a careful check he had determined that the leak by which A. J. Bianchi, Akron, attorney for Joseph (Wop) English, had obtained certain records from the prosecutor's private files, did not originate in his own office.

He exonerated every member of his staff and all employees connected in any way with his office, declaring himself as satisfied with their loyalty and that none of them would be connected with such an affair.

He refused to comment on the theory advanced to him by Assistant Prosecutor Arnold Bunge who Monday said he knew who took the papers. Mr. Reams said it involved liability.

"It may take time but eventually the person responsible for the leak will be known," he said.

The prosecutor said the leak would in no way effect English's conviction of first degree murder in connection with the slaying of Jack Kennedy, declaring that the stolen records and other material had been offered during the English trial but had been objected to by defense counsel.

# ENGLISH ALIBI SEEN AS JURY IS SELECTED

## Tentative Group of Six Men, Six Women Seated in Murder Trial

A tentative jury of six men and six women will occupy the jury box in the court room of Common Pleas Judge Roy Stuart when the first degree murder trial of Sarafino Sinatra, alias Joe (Wop) English, is resumed Wednesday morning. English is charged with killing Jack Kennedy at Point Place July 7.

Several of those seated in the jury box in the Monday session of the court will be removed by state and defense challenge. It is not expected that the actual taking of testimony in the case will be started until Wednesday afternoon.

Each side has the right to exercise six challenges before accepting the jury and proceeding with the selection of a 12th juror to act as an alternate in case any juror should have to give up his duties while the trial is in progress. On the 12th juror, each side has two peremptory challenges.

### Selection Moves Slowly

The work of selecting a jury proceeded slowly thru Monday's long session of court and the 12 tentative jurors was not selected until 4:30 p. m.

DeWitt Fisher, chief of defense counsel indicated in his questioning of prospective jurors that the defense will rely principally on an alibi to prove English was not at the scene when the Kennedy murder occurred.

He also indicated the defense will contend English has been framed and that he is being discriminated against in being tried in advance of bankers who were indicted for alleged irregularities many months before the Kennedy murder occurred.

### Faces Accomplice Charge

The state, while shielding its course, indicated it in its questioning that it may seek to prove English was an accomplice in the case even if he should be able to prove by alibi that he was not at the scene of the crime.

The questioning of jurors proceeded along prosaic lines except on one occasion late in the afternoon, when Attorney Fisher took

expectation to what he termed smiles on the faces of prosecutors while a juror was on the witness stand.

"I want to file a formal protest at this time against the prosecutors smiling at the questions I am asking this juror," Mr. Fisher declared with some heat. "This is a serious business with me."

### Protests Position

He sat down but arose almost immediately with a further protest.

"I think you should rearrange the trial tables to remove the prosecutors from their place near the jury," Mr. Fisher demanded of Judge Stuart.

The judge refused to accede to the request.

Four jurors were excluded from service for various reasons before the 12th tentative juror was seated. Two were disqualified because they were opposed to capital punishment. One was excused because she said the defense would have to prove the defendant innocent before she would vote for an acquittal.

### Jury Names Listed

The tentative jurors in the box at the close of the day's session were:

Stanley F. Brannan, 1973 N. Erie street, unemployed decorator.

Mrs. Lyda I. Croll, 1110 Woodward avenue, housewife.

Robert Bourdo, Bono, O., road worker, employed part time.

Mrs. Clara Cripe, 440 W. Bancroft street, housewife.

Jesse J. Coe, 3221, St. Bernard drive, unemployed draftsman.

Mrs. Vanessa Davidson, 2041 Giant street, housewife.

Charles F. Charpie, 6035 333rd street, mechanic.

Mrs. Margaret Erasquin, 2137 Perth street, housewife.

Mrs. Frances Collins, 3325 Glenwood avenue, housewife.

Clarence F. Day, 1001 Oakwood avenue, jeweler.

Harry Greenlese, Maumee, O., railroad clerk.

Mrs. Ella Fryer, E. Baywood road, housewife.

### Home Near Scene

Mr. Charpie was accepted for service, tentatively in spite of the fact that his home is near the scene of the murder. He said he had heard a connection connecting English

Mrs. Erasquin, who is the daughter of Attorney George Bassett, former judge, was the only juror not subjected to cross examination by defense attorneys.

Mrs. Rose English of 2110 Elm street, wife of the defendant was a spectator in the court room thruout the Monday session. She embraced English warmly during a morning recess. English was neatly attired in clothes of sombre hue. He wore rimless spectacles during part of the day's proceedings.

### State To Confer

Prosecuting attorneys were to confer at the courthouse Tuesday to arrange the order of their witnesses. No subpoenas had been issued up to Tuesday night and prosecutors would not reveal the names of those who will be called.

It is expected Audrey Ralls, beauty contest winner, who was with Kennedy when he was waylaid and shot by gunmen, will be one of the state's first witnesses. Coroner Kreft also will be among the first to testify.

## OFFICERS BRING BACK CARSELLO

### Licavoli Gang Member May Be Questioned in Kennedy Murder Case

Ralph Carsello, 29, member of the "Yonnie" Licavoli gang, was returned to Toledo Tuesday from Akron, where he was arrested Sunday after he had crashed into a wrong apartment while seeking a girl friend.

The gangster, facing nine months' imprisonment in a federal penitentiary for violation of the national liquor law, was brought back by Detectives Chris Brennan, Robert Fielding and James Tafelski.

### Questioning Planned

He may be questioned Tuesday by Prosecutor Reams in connection with the slaying last July 7 of Jack Kennedy, youthful bootlegger and night club operator, in Point Place.

Lee N. Marlin, assistant United States district attorney, asked that Carsello be held for federal court. This move indicated Mr. Marlin may ask that the \$5000 bond, under which Carsello was at liberty, be increased.

### Has Diamond Ring

When booked at the Safety building, Carsello was credited with having in his possession \$250 and a diamond ring.

Carsello was captured in Akron by an aviator who now dwells in an apartment in which a girl friend of Carsello formerly lived.

He must begin his term in federal prison as soon as a mandate upholding his sentence is received from the court appeals.

## Detectives Return Carsello to Toledo

Ralph Carsello, 29, Licavoli mobster, was returned to Toledo from Akron early Tuesday by detectives. Carsello was captured there by an aviator who slugged Carsello as he tried to force an entrance into the flier's home Sunday.

Detectives James Tafelski, Chris Brennan and Robert Fielding returned Carsello to Toledo. The prisoner refused to talk when questioned regarding the murder of Jackie Kennedy. Carsello, who gave his address as Akron and occupation as a salesman, also is held for United States authorities.

The Toledo detectives raided a house in Akron Monday hoping to find Russell Syracuse, wanted here for the murder of Kennedy. Joe (Wop) English is being tried for the killing.

## Just a Couple of Softies

Not very dignified for a gangster to be introduced to the police while lying on his back with a perfectly respectable, law abiding citizen sitting on his chest. That's terribly unconventional. All the gangsters, we thought, had a way about them. They dominated every situation.

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But Ralph Carsello, one of Yonnie Licavoli's fair haired hoodlums, is unorthodox. He happened to get tough with the wrong citizen over in Akron. Now he'll be back in Lucas county jail with his fellow hoodlum, Wop English who was last seen, before being captured, crawling under a bed.

Apparently our gangsters are getting soft with too much living. In the good old language of the street they can no longer "take it."

## AUDREY RALLS TO BE WITNESS

### Girl May Be Among First Group Called by State in English Trial

Miss Audrey Ralls, attractive beauty contest winner, who on the moonlit night of July 7 accompanied Jack Kennedy, her sweetheart, on a stroll through the streets of Point Place which terminated when a withering blast of bullets from gangsters' guns killed him, may be among the first state's witnesses called in the trial of Sarafino Sinatra, alias Joseph (Wop) English, for the first degree murder of the night club operator.

The trial will be resumed Wednesday after a jury finally is seated in the courtroom of Common Pleas Judge Roy R. Stuart. No session will be held Tuesday because of the election.

County Prosecutor Frazier Reams and his assistants, Joel Rhinefort and Arnold Bunge, will confer Tuesday to determine in what order the first witnesses will be called. They have refused either to affirm or deny that Miss Ralls will be summoned to the stand.

Statements were taken Tuesday from three witnesses who names were not divulged by the prosecutor.

### Coroner to Testify

Coroner Frank G. Kreft and members of the homicide squad which investigated the killing undoubtedly will be among the first witnesses to testify.

The attention of counsel for the prosecution and defense, however, first will be directed to the jury of six men and six women tentatively seated late Monday. Each side has six peremptory challenges

to use in removing members of the panel, who were not challenged for cause on the preliminary examination by Defense Attorney DeWitt Fisher and Mr. Bunge.

Following the seating of the jury proper, a 13th, or alternate juror, will be selected and two peremptory challenges are allotted each side for this purpose.

### Some Jurors Seated

Those seated tentatively Monday were: Stanley F. Brannan, 1972 North Erie street; Mrs. Lyda I. Croll, 1110 Woodward avenue; Robert Bourdo, Bono, O.; Mrs. Clara A. Cripe, 440 West Bancroft street; Jesse A. Coe, 3221 St. Bernard drive; Mrs. Vanessa Davidson, 2041 Giant street; Charles F. Charpie, 6035 333rd street, Point Place; Mrs. Margaret A. Erasquin, 2137 Perth avenue; daughter of Attorney George A. Bassett, former jurist; Mrs. Frances L. Collins, 3325 Glenwood avenue; Clarence F. Day, 1001 Oakwood avenue; Harry Greenlese, Maumee, O.; and Mrs. Ella Fryer, East Baywood drive, Oregon township.

Wren Bolin, 3315 Blanchard street and Fred W. Bender, Route 2, Holland, O., were excused when they declared they were opposed to capital punishment, and Charles D. Bowman, 2808 Northwood avenue, was excused after he asserted he had formed an opinion about the case. Mrs. Rose J. Farner, 2729 Upton avenue, was excused on a challenge for cause by Mr. Fisher.

### Defendant Shows Interest

Throughout the tedious examination of the prospective jurors, English, attired in the ultra-conservative style of the professional man in a dark gray suit, socks to match, black oxfords, white shirt and blue tie, sat at the side of Deputy Sheriff Lou Gramling and watched the proceedings with great interest.

Although he appeared outwardly calm the preceptible, if slight, bobbing of his right foot when he crossed his legs betrayed a rapidly beating heart. At no time did he

counsel, A. J. Bianchi of Akron, during the trial.

During the morning recess a tastefully dressed, attractive woman came up to talk with him in low tones and it was learned she was Mrs. Rose Harbight English, whom the defendant married in July, 1927, under his right name of Sarafino Sinatra. She remained in the courtroom throughout the day and it was intimated she may appear as a witness for her husband.

### Monotony Relieved

The monotony of the routine questioning of the prospective jurors was relieved once by the astonishing frankness of one of the women examined and again by a sharp objection by Mr. Fisher to an apparent instance of levity on the part of Mr. Bunge.

Mr. Fisher, in questioning the prospective jurors, asked each if he or she knew that the presumption of innocence remained with his client through the entire trial. Questioning Mrs. Collins, he said, "Do you know that this man is considered innocent right now—even as innocent as you or I?"

"Well, not quite," coolly replied Mrs. Collins, "after all, he has been indicted and you and I haven't—there must have been some reason for indicting him."

The rejoinder brought broad smiles from the trial tables and a ripple of amusement through the remainder of the venire of prospective jurors drawn in the case.

### Criminal Laws Discussed

Mr. Fisher also asked each person examined if he or she believed that all the criminal laws of Ohio should be enforced against all the people—even bankers—and if there was any reason why indicted bankers shouldn't be tried as well as other persons under indictment.

He just had finished asking Mr. Greenlese this question when he leaped to his feet and shouted, "Your Honor, I'd like to state for the record at this time our exceptions to counsel smiling at me when I'm questioning a juror—it's a serious matter to me even if it isn't to them."

"Who's smiling at whom?" asked Mr. Rhinefort.

"Well—I guess I was smiling," Mr. Bunge said, "and I'll tell the court why if he desires."

A moment later Mr. Fisher reiterated his objection and asked for a re-arrangement of the trial tables, which was refused by Judge Stuart.

### Questioned Closely

Mr. Fisher also questioned closely the persons examined as to whether they had read editorials in newspapers concerning law enforcement; if they had any prejudice against Italians or boxers, for his client is of Italian extraction and formerly was a boxer, and if they believed that to offer an alibi defense was legitimate and proper.

It has been revealed that the defense will attempt to establish the alibi that English was at 1311 Milburn avenue, the office of the State Service Co., reputed Licavoli slot machine headquarters, when the slaying occurred.

Mr. Bunge inquired carefully into the qualifications of all as electors of Lucas county, remembering that a motion for a new trial for Frank Vacchiano, convicted of the murder of John J. McLaughlin recently, was based on the ground one of the jurors was not a qualified elector of the county.

### Questioning Brings Objection

He also asked whether they knew Thomas (Yonnie) Licavoli, Ralph Carsello, John Mirabella, Russell Syracuse, Sebastian Lupica and other purported members of the Licavoli mob.

This question drew a vigorous objection from Mr. Fisher which was overruled when Mr. Bunge asserted he intended to show English's connection with the men named.

Mirabella and Syracuse were indicted jointly with English for the first degree murder of Kennedy by the county grand jury. They have been apprehended.

The fusillade of bullets under which he wilted and died was fired from a .38 caliber revolver and a .45 caliber automatic pistol by two men who seized Miss Ralls and swung her out of the line of fire before pumping the hail of leaden death into the body of their quarry.

The gunmen escaped in a maroon colored Ford V-8 sedan.

### Killing Is Near Cottage

The killing occurred a short distance from the Kennedy cottage which the couple left to go on the fatal stroll. Kenneth (Punkins) Francis, long the bodyguard of the victim, escaped death because he remained at the cottage at his chief's request.

Still another automobile in which three other men were seated, one of them holding a machine gun, was parked near a vacant lot in rear of the cottage, investigators learned later, so as to reduce the possibility of the victim escaping the "spot" which the ruthless killers had designated for him.

The killing generally was believed the result of a double-cross of the Licavoli mob by Kennedy and a subsequent beer and alcohol war which flared between the gang chief and the aggressive night club owner following his defiance of the Licavoli power.

### Girl Is Slain

The gangsters' first attempt against the youthful Kennedy was made at the intersection of Superior and Jackson streets. The bullets meant for him took the life of Miss Louise Bell, his young companion, as Kennedy ducked down on the floorboards of the car when he saw his life was imperiled.

The next attempt came in June when Kennedy, driving in Michigan street near Monroe street, suddenly received a vociferous Bronx cheer from certain persons standing on the sidewalk in front of a smoke-shop.

The enraged Kennedy, who was said to have had a knack of handling his fists, stepped from his car and administered a beating to Mirabella and escaped amid a hail of bullets which drummed against the side of his automobile.

### Defendant Flees

English, Mirabella and Carsello were taken into custody shortly after the killing as material witnesses but were released on the promise of their attorney they would be available for questioning.

They fled, however, and when the prosecutor's office obtained information which is purported to connect them with the slaying they were well hidden. A hunt throughout Ohio finally resulted in the arrest of Yonnie Licavoli in Akron and two weeks later the arrest of English in the same city.

When first arrested all the men stoutly maintained they were attending a wake in Detroit for Licavoli's father-in-law—a story which is at wide variance with the alibi which English now seeks to establish.

## ENGLISH'S APPEAL CITES 11 ERRORS

### Petition Asks Reversal of Murder Verdict; in Death Row

On 11 charges of error, Joe (Wop) English, sentenced to electrocution for the first degree murder of Jack Kennedy, yesterday filed his petition-in-error in the court of appeals, asking a reversal of the verdict reached by a common pleas jury in Judge Roy R. Stuart's court.

In addition to the petition, English filed an application asking his appeal be heard by a visiting court of appeals. A similar request was made, and granted by the local appeals court, in the cases of Frank Vacchiano and Albert Bruno, convicted of the slaying of John J. McLaughlin, Park Lane hotel clerk.

The petition, filed by Attorneys DeWitt Fisher, and A. J. Bianchi, Akron, who defended English in his trial, recites the verdict was not supported by the evidence; that the opening arguments of Prosecutor Frazier Reams was improper, and that the court erred in his conduct of the case.

English is awaiting electrocution in death row, at the Ohio penitentiary, April 20. Russell Syracuse and John Mirabella, indicted jointly with English, have not yet been apprehended.

# JUDGE TO RULE ON WOP PLEA

English Asks To Scrutinize Evidence Prosecutor Has in Killing

Whether Joe (Wop) English will be permitted to scrutinize evidence on which Prosecutor Reams hopes to convict him of the murder of Jack Kennedy July 7 in Point Place was to be decided by Judge Roy Stuart in common pleas court Saturday.

Judge Stuart was to hear a motion filed late Friday by DeWitt Fisher, counsel for English, seeking to force the prosecutor to file a bill of particulars setting forth the precise time of the shooting and asking a court order to the prosecutor to allow Mr. Fisher to examine all testimony in the hands of the prosecutor relative to the case.

**Asks To Inspect Evidence.** Specifically the motion asks court authority to inspect and copy all evidence taken by the prosecutor, police and Corner Frank Krefl in the presence of any of a list of 66 persons.

Persons named are principally those quizzed in the investigation into the Kennedy killing. Among them are: Donald McLeary, William Hood, Robert Schwaltz, Boyd Swait, Vern Taylor, James Ross, Harry (Chalky Red) Leonard, Sebastian Lupica, Joe Fretti, Ben Fretti, Fred Burnett, William Ponkos, Bernard Hester, Eddie Vanderhorst, Walter Crabb, Louis Igdaloff, Jule Parrish, Quintillo Pochim, Mrs. Sadie Gromintz, Mildred Porter, Morris Shapiro and John Mirabella.

**Audrey Ralls Mentioned.** Audrey Ralls, Ralph Carsello, Leo Mocerl, Arthur Shapiro, Joe Pizzo, John Rai, Boyd Murphy, Lawrence Mittendorf, Harry Foor, Lowell Bolander, Richard Jackson, Tony Abots, Gust Chazero, J. S. Gromintz, Russell Syracuse, Clarence Holmes, Charles Kennedy, Sam (Sam) Paloccolo, Jacob Sulkin, Samuel Stein, Thomas Licavoli, Kenneth (Punk) Francis, James Licavoli, Patrick Deegan, Ernest LaSalle, Pete Corrado, Jack Lupino, Tony (Whitey) Besace, Manuel Licati, Mrs. Frank Burowy.

# ENGLISH DEATH TRIAL JUROR PICKING OPENS

Licavoli Hoodlum, Accused of Kennedy Murder, Appears at Court in Natty Dress.

3 TENTATIVELY SEATED IN PANEL

Gangster's Wife Attends Hearing as Mate Starts Fight on Electric Chair.

Dressed with the meticulous care of a professional man arrayed for an important conference, Joseph (Wop) English, Licavoli gangster, sat in the common pleas court of Judge Roy R. Stuart Monday and observed the selection of jurors who will decide whether he shall die in the electric chair.

Charged with the first degree murder of Jackie Kennedy in Point Place July 7, English was taken to the courtroom from his cell in the county jail by Deputy Sheriffs Lou Gramling and Fred Pautz. He was attired in a gray suit, gray socks, black oxfords, white shirt and a blue tie.

Although he tried to appear unperturbed, his nervousness was made evident by the manner in which he swung his foot up and down as he sat with legs crossed at the table of his attorneys, DeWitt Fisher, of Toledo, and A. J. Bianchi, of the law firm of Sheck, Stevens & Hargreaves, Akron, O.

**No Court Tuesday** It was announced that there will be no court session Tuesday, when members of the prosecutor's staff will meet to arrange the order in which they will present their testimony. The first witnesses will be called for Wednesday when it is expected that Audrey Ralls, beauty contest winner and companion of Kennedy when he was mowed down by gangster bullets, will testify.

A surprise spectator of the drama appeared in the person of the Wop's wife, Rose English. An application for a marriage license for the couple was made July 11, 1927. They were married under English's right name, Serafino Sinatra. The wife's name formerly was Rose Harbright. She was dressed neatly in a conservative costume, and talked to her husband in low tones during the court's morning recess.

Arnold Bunge, assistant prosecutor, and Attorney Fisher examined the prospective jurors. Mr. Bunge inquired as to their qualifications as electors, remembering the plea for a new trial made on behalf of Frank Vacchiano, convicted Dayton killer, on the plea that one of the Vacchiano jurors was not a qualified elector of Lucas county.

The prosecutor also asked the jurors if they knew Thomas (Yonnie) Licavoli, Ralph Carsello, John Mirabella, Russell Syracuse, Sebastian Lupica and other supposed members of the Licavoli gang. The defense objected to this line of inquiry, but was overruled when Mr. Bunge said that English would be linked to them by testimony in the trial.

**Questions Ventrismen** In his questioning of the jurors, Mr. Fisher asked if they had read editorials on law enforcement in the daily newspapers recently and if they harbored any prejudice against Italians or boxers. English is a former boxer.

Mr. Fisher also indicated what the defense will be based upon when he asked the jurors if they believed that an alibi defense was proper and legitimate. The attorney inquired also as to how the jurors would weigh testimony of accomplices in crime.

Wren Bolin, 3315 Blanchard street, and Fred W. Bender were excused from jury service because they objected to capital punishment. Charles D. Bowman, 2908 Northwood avenue, was excused because he had formed an opinion as to the guilt of the defendant.

**Six Seated Tentatively** Stanley F. Brannan, 1972 North Erie street; Mrs. Lyda I. Croil, 1110 Woodward street, and Robert Bourdo, Bono, O., were seated tentatively in the jury box.

Mrs. Clara A. Cripe, 440 West Bancroft street; Jesse A. Coe, 3221 St. Bernard drive, and Mrs. Vanessa Davidson, 2641 Giant street, also were tentatively selected before the noon recess.

County Prosecutor Frazier Reams and Joel Rhinefort and Mr. Bunge, assistants, handled the state's case. Mr. Fisher has indicated he will attempt to establish the alibi that English was in the State Service Co., 1311 Milburn avenue, reputed Licavoli slot machine headquarters, at the time the murder was committed.

**Requests Denied** Following a hearing Saturday on a demand by Attorney Fisher for a bill of particulars, leave to inspect the original transcript of the inquest in the case by Coroner Frank G. Krefl and permission to examine all documents and exhibits of the prosecution, Judge Stuart ordered the state to fix as closely as possible the exact time of the murder but overruled the other requests. Mr. Bunge asserted the exact time of the murder could not definitely be stated but said the state intended to prove it occurred between 9 and 10:15 P. M. July 7.

## Caught in Akron



Ralph Carsello, reputed Licavoli henchman, was arrested yesterday in Akron and is held there for Toledo authorities in the investigation of the murder of Jack Kennedy.

# PILOT FLOORS HOODLUM AND SITS ON HIM

Henchman of Licavoli Starts Fight in Hunt for Girl

## THIRD ARREST

Two Others Still Sought in Kennedy Murder; Two in Jail

Another Licavoli henchman, Ralph Carsello, was captured in Akron yesterday after he had been knocked down and sat upon by an unarmed transport pilot.

Painted as a gunman and dangerous character, Carsello was found flat on his back with the flier astride him at an apartment where he had gone hunting for an old girl friend. He was in much the same position as Joe (Wop) English who dived under a bed when police raided his Akron apartment recently.

**Carsello Third** Carsello is the third of the Licavoli gang arrested at Akron in the last few weeks. Besides English, who will go on trial here today for the murder of Jack Kennedy, the leader, Yonnie Licavoli, was captured there. Licavoli, police said, was the only one who made any show of resistance. Akron officers charged he reached for a snub-nosed pistol.

John Mirabella and Russell Syracuse still are hunted while Jacob (Firetop) Sulkin and English are in jail here. All were indicted for first degree murder in the death of Kennedy last July.

**Went To See Girl** Carsello, police said, went to the apartment where his friend formerly resided and found it occupied by Glenn Clark, air-transport pilot, and his wife. Mr. Clark informed Carsello that the woman was no longer a resident of the apartment.

Carsello insisted that the girl was still there and attempted to force his way into the apartment. Fists began to fly and Carsello discovered himself stretched on the floor with Pilot Clark sitting on top of him, a press dispatch said.

It was in this position that two squads of police found Carsello.

Taken to police headquarters, Carsello was immediately recognized by Detective Gilbert Mosley who several weeks ago arrested Licavoli and English.

**Gives Different Name** Carsello gave his name as Robert Bortel when booked.

Detective Captain George Timiney will go to Akron today to return Carsello who is wanted by Prosecutor Frazier Reams for questioning in the investigation of the Kennedy murder.

Federal authorities here are awaiting a mandate from the federal court of appeals in Cincinnati before arresting him to serve a sentence of eight months in the workhouse, imposed by Federal Judge George F. Hahn last February when Carsello was found guilty of conspiracy to violate the national prohibition amendment.

The case was carried to the higher court but the sentence was upheld.

Police said Carsello inadvertently aided in identifying himself by muttering as he entered the apartment, "I'm a member of the Licavoli gang."

After his arrest, Licavoli was returned to Toledo and then taken back to Akron and fined \$100 in the Summit county common pleas court for carrying a concealed weapon.

# TRIAL OF ENGLISH WILL OPEN TODAY

Defense Indicates Alibi Will Be Attempted in Murder Case

The first degree murder trial of Joe (Wop) English, charged with the slaying of Jack Kennedy in Point Place July 7, will open in Judge Roy R. Stuart's common pleas court today.

It is believed today will be devoted to seating a jury. There will be no session of court tomorrow, election day.

DeWitt Fisher, defense attorney, had indicated that he will attempt to establish an alibi for English, proving that he was at the State Service Co., 1311 Milburn avenue, at the time of the slaying. The time of the murder has been set as between 9 and 10:15 p. m., July 7.

Prosecutor Frazier Reams and his assistants, Joel Rhinefort and Arnold Bunge, will prosecute the case.

## "WOP" ON THE SPOT



Joseph (Wop) English, who Monday went on trial for the murder last July 7 of Jack Kennedy, youthful bootlegger and night club

# LICAVOLI AID FACES CHAIR IF CONVICTED

Blond Wife of Accused Gang Member in Court; Three Jurors Seated

Under the almost never used correct name of Sarafino Sintara, Joseph (Wop) English, member of the Licavoli gang, went on trial Monday for his life in the murder last July 7 of Jack Kennedy, youthful bootlegger.

English, dressed in a dark gray suit, white shirt, black shoes and a dark blue necktie, sat in the courtroom between two uniformed deputy sheriffs. He watched the proceeding with intense interest, following each juror with his eyes as he took his seat in the jury box.

Once he was started, the prosecuting attorney asked the first prospective juror to be examined if he believed in capital punishment. The juror said "Yes." English twitched.

**Wife Embraces English.**

At the intermission an attractive woman, probably 35, blond and tastefully dressed, pushed thru the prospective jurors into the attorneys' clearance and embraced English. She was his wife, and her appearance is the first she has made since English was charged with murder. She retired after the intermission to the spectators' area.

Attorneys DeWitt Fisher and A. L. Branchi of Akron are defense counsel. Prosecutor Reams and assistants, Joel Rhinefort and Arnold Bunge, are handling the state's case.

**Three Are Excused.**

Tentatively seated in the jury Monday morning were:

Stanley Brannan, 1972 North Erie street, an unemployed decorator. Mrs. Lyda J. Croil, 1110 Woodruff avenue, a housewife whose husband works at the Willys-Overland Co. Robert Bourdo, a laborer, single, 10 1/2

To get the three seated, three were excused, one because he did not believe in capital punishment and two because they said they had formed opinions.

**Will Offer Alibi.**

English's defense will be based on his contention that he was at 1311 Milburn avenue at the time of the shooting. The address is that of the State Service Co., a slot machine headquarters. When questioned by Prosecutor Reams shortly after the killing, English said he was in Detroit attending a wake before the funeral of the father-in-law of Thomas (Yonnie) Licavoli, Toledo gangster.

Kennedy was shot to death between 9 and 10 at night as he was walking with Miss Audrey Ralls of 2428 Fulton street, 20-year-old beauty contest winner, at Edgewater drive and 140th street, Point Place. Kennedy had a summer cottage in the neighborhood. He was shot very full of 45 slugs by two gunmen who escaped in a maroon-colored Ford sedan, driven by a third man. Miss Ralls was pushed aside by one gunman and was unhurt. Kennedy's bodyguard, Kenneth (Punkin) Francis had been left behind in the cottage when Kennedy started his death stroll.

**Warrants Are Issued.**

Immediately after the killing Coroner Frank Krefl asked police to arrest Licavoli, English, John Mirabella and Ralph Carsello. It was generally known that competition in the beer business here had made bad blood between Kennedy and the Licavoli gang. Kennedy, who was not known as a killer and preferred to settle disputes with his fists, sold beer at reduced prices in defiance of Licavoli.

Just a year ago killers followed Kennedy one night as he left the Paramount theater with Miss Louise Bell, 22. They drew up beside his car at Jackson and Superior streets and opened fire. Kennedy ducked. Miss Bell was killed.

In February of this year gunmen were reported to have visited the Kennedy spot and to have been bounced by bodyguards. On June 5 Kennedy made a derisive gesture at Licavoli men as he drove by one of their haunts in Michigan street. They honored him with a Bronx cheer in return and Kennedy beat

up Mirabella. Kennedy was fired upon as he left the scene of his fistie triumph.

**Death Gun Traced.**

Kennedy continued riding around town in an open car, presenting an attractive target, but was not attacked. When Yonnie, head of the local branch of the Licavolis, went to Detroit to attend a wake, and Kennedy was put on the spot.

Licavoli, English, Mirabella, Carsello and Sam Stein, pawnbroker's clerk to whom a gun used in the killing was traced, were taken into custody. The first four were released on promise of their attorneys to produce them when wanted—and promptly disappeared.

Stein refused to tell to whom he had given the murder weapon collateral for a \$5 loan and was charged with first degree murder. Later, after an all-night grilling by a mysterious pair known as the Clark brothers, he said he gave the gun to Jacob (Firetop) Sulkin, minor cog in the Licavoli machine. Word that he had "broken" seeped out and Sulkin left the city.

**Two Still Sought.**

The indictment against Stein was nolleed and Sulkin, later arrested, was in turn indicted for first degree murder.

There followed a hunt thruout Ohio and adjoining states for the other Licavoli henchmen. Licavoli was captured in Akron Sept. 13 by Detective Captain George Timiney and Detective Chris Brennan. He was armed when arrested. Subsequent trial in Akron on a concealed weapon charge brought him only a \$100 fine.

Two weeks later English was captured, also in Akron. He attempted to crawl under a bed in a sumptuous apartment, but left his feet sticking out where detectives could see them.

Brought here and lodged in the county jail, he was indicted for the Kennedy murder together with Mirabella and Russell Syracuse, both of whom are still at large.

### Drinking Denied

He admitted that he takes a drink occasionally, but denied he had been drinking the night of the murder.

He also admitted he had been taken to the Safety building by Sheriff David Krieger to view a lineup in which English was placed, but at that time had refused to make an identification.

"Why did you refuse to identify English then and three weeks later tell the Clark brothers he was one of the gunmen?" Mr. Fisher said. "Because I didn't want to become involved in the affair," Craig replied, obviously ill at ease.

"You didn't identify him for the Clark brothers after all, did you?" "I certainly did."

### Shown 30 Pictures

"Did they show you any pictures?" "About 30, and one of them was of English."

Mr. Fisher presented the witness a scrapbook opened at a clipping and said, "Which of those pictures is of English?"

"Neither one," the witness replied.

Mr. Fisher stepped back, adjusted his glasses, and eyed the witness with an air of surprise. Mr. Bunge, who had walked up and peered over Mr. Fisher's shoulder at the clipping, laughed aloud as he turned away and went back to the trial table.

Attorney Fisher objected strenuously to the action and requested Judge Stuart to restrain Mr. Bunge from laughing.

### Events Related Again

Mr. Fisher then forced the witness again to go over the events leading up to the shooting and incidents which occurred after the murder.

Craig said that Miss Ralls had remained at the scene for about 30 minutes until she had been taken away somewhere to change her attire. He also described the clothing worn by both the victim and his sweetheart.

"How was English dressed?" he was asked.

"I didn't notice."

"Did he have any pants on?"

"Certainly."

"Well, what color were they?"

### Face Seen Clearly

"I didn't notice."

"You know the man had on a straw hat, but you don't know what sort of clothes he was wearing?"

"That's right."

Craig testified he had just one look at English's face, but that he had obtained a good view of the face because the man had stopped momentarily to adjust his hat before he and his companion started after Kennedy.

He also testified that he had not known who Kennedy was until Schwaite had pointed out Kennedy and Miss Ralls and informed him of their identity.

When the car halted and the men got out to follow Kennedy, he said, they suspected something.

### Shooting Expected

"What did you expect?" Mr. Fisher asked.

"Just what happened — we thought Kennedy was going to be put on the spot."

"You didn't think to get the license number of the car did you?"

"Well, we were about 40 feet behind it and the driver had turned the lights out."

"Why didn't you yell at Kennedy?"

"I didn't think of it."

"Which one of the two men got out of the car on your side?"

"English."

### Audience Chuckles

Craig testified he had been staying at home until three nights ago when he spent the night at the home of Ed Kennedy, a friend, but no relation to Jack Kennedy. He also admitted he had stayed Saturday and Sunday nights at the hotel Lorraine with Schwaite and Patrolman McCarthy, occupying different rooms each night.

The audience chuckled when he testified he and Schwaite and Patrolman McCarthy had gone to the Princess theater Saturday night to see Mae West in "I'm No Angel."

He also declared he had not paid his hotel bill at the Lorraine and did not know who had paid it.

### English Seen in Courthouse

The first time he had seen English since the police lineup was Wednesday when he had come to the courthouse and had seen English and two other men by the stairway on the third floor, Craig said.

Asked why he had changed his mind and decided to identify English, Craig responded that he "had not been so hot about doing it then," but that certain persons, including the Clark brothers, had told him about the activities of the Liscavoll gang and he figured it would be for the best if he made the identification.

"You knew that if Joe English went to the chair you'd get a job, was that it?"

"Well, maybe I will and maybe I won't," was the response.

"Well, the papers say they're putting 7,000 to work Thursday." "Tell us what kind of a car these men were riding in," Mr. Fisher suggested. "A Ford V-8." "Maroon color wasn't it?" "I don't know about that."

# KENNEDY NEIGHBOR ORDERED BY COURT TO REVEAL FACTS

## Mrs. Grace Reed Placed On Stand in Murder Trial; Refusal To Talk To Defense Counsel Cleared

By CARL ADAMSHICK.

A Point Place woman whose home is near the summer cottage of Jack Kennedy, bootlegger and night club operator, slain by gangsters, July 7, was ordered by Judge Roy R. Stuart Wednesday to disclose to defense attorneys information in connection with the murder. She previously had refused to discuss the murder on advice of the prosecutor's office.

The woman, Mrs. Grace Reed, 3345 136th street, was placed

on the witness stand in Judge Stuart's court during a recess in the trial of Joe (Wop) English, accused of Kennedy's murder, and was questioned by the judge concerning the case.

Attorney A. J. Bianchi, Akron, co-counsel for English, told the judge he and his associates had been informed that Mrs. Reed and her husband had information which would clear English.

### Bunge Protests Methods.

"We went to their house last night," Bianchi said, "and asked her what she knew about the murder. She refused to talk to us, saying she had made a statement to the prosecutor and had been told not to talk about it to anyone. I don't know what her testimony will be, but I feel the prosecutor has no right to suppress evidence pertinent to the case."

Arnold Bunge, assistant county prosecutor, said he has no reason why the judge should question Mrs. Reed in the absence of the jury.

"She called me last night on the telephone and asked me if she had to talk to men who were out there to see her," he said. "I told her she didn't."

Defense Attorney DeWitt Fisher told the judge he and the other attorneys had told the Reeds Tuesday night they would be subpoenaed as witnesses early Wednesday.

### Husband Out Fishing.

"When the sheriff went out with the subpoena this morning," Mr. Fisher said, "Mr. Reed had gone fishing."

Questioned by the judge, Mrs. Reed disclosed that a sedan, which she described as dark blue or black, was parked in front of her house at 8:45 p. m. the night of the murder. She said her house is 150 feet back of that formerly occupied by Kennedy, with a lot in between them.

"In the car," Mrs. Reed told Judge Stuart, "were four men, three of them dressed in light clothing and one in dark clothes. Three of the men got out of the car and walked toward the Kennedy house with something in their hands, saying they would be back in 10 minutes. They returned a short time later, got into their car and drove down toward the scene where the murder occurred."

### Identifies English in Photo.

Kennedy was murdered at about 9:15 p. m., the state contends. "Did you ever talk about this to anyone?" Judge Stuart asked.

"Yes, I talked to Detective Captain Timiney and later to Prosecutor Reams and Mr. Bunge," Mrs. Reed replied.

"Did Timiney show you any pictures?" the judge asked.

"Yes, he showed me four pictures," she answered.

Judge Stuart produced a Bertillon picture of the "Wop" and asked, "Did you ever see this picture?"

"Yes, that picture was shown me," Mrs. Reed said.

### Judge Gives Defense Witness.

"Did you identify any of the pictures shown you as being the men who were in front of your house?" "No, I couldn't."

"Did you talk to Bunge about this last night?"

"Yes, I did, and he told me not to talk any more than was necessary."

The judge told Mrs. Reed that she was at liberty to talk about the case to attorneys for either side. He said it was important that she disclose any facts she might have.

Attorney Bianchi asked the judge for permission to question Mrs. Reed. This was granted.

"Didn't you tell me, Mrs. Reed, at your home last night, that your statements were in the prosecutor's office and we could get our information there?" he asked.

"My husband did," she replied.

"Did you make a statement at the prosecutor's office and sign it?" Mr. Bianchi persisted.

"Yes, I did make a statement, but I didn't sign it," Mrs. Reed said. "But they told me not to divulge its contents and to call them if any one bothered me."

Attorney Bunge then took up the questioning.

"Isn't it true, Mrs. Reed, that you told me when you made your statement that you didn't want to get mixed up in this case and that you were fearful and that then I told you to call us if you were bothered?" he asked.

"Yes," she replied.

### Directions Misunderstood.

Judge Stuart, in making his ruling, said there was no evidence that the prosecutors attempted to suppress testimony.

He said it appeared, rather, that Mrs. Reed had misunderstood instructions given her. Judge Stuart added that it was very important that the court and jury be given all matters pertinent to the case.

Earlier Wednesday the defense produced evidence to show that the glasses which English was wearing in the courtroom were purchased from Robert L. Turner, at the Sears-Roebuck Co., in 1929. The state's testimony had shown that the man identified by the eye-witnesses as English was not wearing glasses on the night of the murder. He had worn glasses intermittently during the trial.

### License Testimony Denied.

The court refused to admit testimony on the marriage license of Harry Craig, one of the state's two eye-witnesses, and on the marriage license of English, which the defense attempted to offer thru Victor Rosenberger, deputy clerk of probate court.

Defense attorneys argued that the Craig license would impeach his honesty as a witness and that English's license was offered as material to show his general character.

Judge Stuart said the testimony was not pertinent.

### Jury May Get Case Friday.

Mr. Fisher, who is directing English's defense, said he and Mr. Bianchi hope to complete their side of the case Wednesday. Six men and six women, members of the jury who will decide the issues, probably will be given the case Friday.

The state closed its case Tuesday with testimony of its star witnesses, two youths who claimed they were at the scene and saw English shoot Kennedy to death.

At the opening of court Wednesday Judge Stuart overruled motions of defense attorneys for a mistrial and a directed verdict in favor of the defendant, which were filed with him by defense attorneys after the state rested its case.

Mr. Bianchi, who presented the motions, said they should be granted on the ground that prosecutors have been guilty of willful misconduct and have made deliberately untruthful charges in the opening statement in the case.

### Court To Make Rulings.

On 10 other motions presented to the court by the defense, Judge Stuart said he will make final rulings when he instructs the jury. He said he will give opposing counsel an advance announcement on these

rulings so they will not include in their final arguments any matter which he intends to exclude from the jury's deliberation.

By its 10 motions still pending before the court the defense is trying to exclude from the jury's consideration testimony offered by 16 of the state's 19 witnesses.

Mr. Bianchi in support of the motions said the state has not proved that guns found near Ottawa river after the murder ever were in the possession of English; that there was no testimony to prove English fled after the crime was committed; and that there is nothing to prove English took part in a fight and shooting affray at Monroe and Michigan streets June 5, in which Kennedy was one of the principals.

### Defense Wins Point.

The defense won a point when the court admitted only five of the 25 exhibits offered in evidence by the state. The court ruled out among other things pictures of Kennedy's body taken after the killing, guns found in an Akron apartment where English was arrested, and a Bertillon picture of John Mirabella, who, the state contends, was one of English's accomplices.

Mr. Bianchi was especially vehement in his contention that the court should rule out testimony offered by Detective Captain George Timiney, ace gangster hunter, of the Toledo police department.

"The testimony of Timiney was totally irrelevant," Mr. Bianchi said. "By his own statement he came into the case long after the crime was committed and his statements that he hunted English in every dive in Ohio were intended only to influence the jury."

### Jabs at Timiney.

"Bear in mind that English had been released by the prosecuting attorney after questioning and had a right to go anywhere he desired. The amusing part of the whole affair is that Timiney in spite of his diligent search never found English."

The defendant was arrested in Akron by Akron detectives.

In ruling out of the evidence guns found in the apartment where English was seized, Judge Stuart said there was nothing to show the guns belonged to English or that he had any connection with them.

Arguing for exclusion of evidence of two men who testified with regard to the fight between Kennedy and Mirabella on June 5, Mr. Bianchi said the testimony only showed that English was at the scene, but took no part in the fight.

### Kennedy Called Vicious.

"These state witnesses have shown that Kennedy was the most vicious person who ever walked on the streets of Toledo," Mr. Bianchi said. "He went to Monroe and Michigan streets looking for trouble with this man Mirabella."

"Never have I seen so much improper evidence offered in a case in which the life of a man is at stake."

The argument on the motions was marked by a bitter exchange of words between opposing counsel during which Assistant Prosecutor Joel Rhinefort sarcastically referred to Bianchi as "the angel in the case."

### Declares State Held Out.

DeWitt Fisher told the court the state in submitting its exhibits to defense counsel before the trial, as ordered by the court, had not shown all of the exhibits and had switched at least one picture thru an inadvertence or otherwise.

To which the prosecution replied that it had switched no pictures and had shown all of the exhibits which it had at the time.

The only exhibits remaining for the jury after the judge's exclusions were a map of the location where the murder occurred, a police Bertillon picture of English, guns which the state contends were used in the killing and bullets taken from Kennedy's body.

### License Clerk Called.

The defense will open its case with Vic Rosenberg, marriage license clerk, on the stand. He will testify that English was legally married here. He also will be asked to testify on circumstances surrounding the marriage of one of the state's witnesses.

An aunt of English will testify that he has a home in Buffalo, N. Y., and then the defense will present witnesses to support an alibi, on which English bases his hope to beat the first degree murder charge for which he is being tried.

The witnesses who pointed out English as one of the slayers were Robert Schwaite, 19, of 3018 135th street, and Harry Craig, 25, of 221 E. Delaware.

# IDENTIFICATION OF ENGLISH HIT IN NEW STORY

## Sheriff Testifies State's Star Witness Failed to Pick Gunman From Lineup.

### DEFENSE LAWYERS MAKE ACCUSATION

## Judge Finds No Evidence to Support Charge That Testimony Was Suppressed.

After a delay in the first degree murder trial of Joseph (Wop) English during which charges that the state had suppressed evidence in the case were cleared up Wednesday, Sheriff Dave Krieger, called as a defense witness, testified that one of the state's star witnesses was unable to identify English at a police showup.

His testimony referred to statements of Harry Craig, 25, of 221 East Delaware avenue, who pointed English out in the common pleas court of Judge Roy R. Stuart as one of two gunmen he saw kill Jackie Kennedy in Point Place July 7. Following the police showup, during which Craig looked at the prisoner while English was both bareheaded and wearing a hat, the sheriff said, Craig told him he could not recognize any of those in the lineup.

### Hearing Interrupted

The hearing was interrupted shortly after it opened when Attorneys DeWitt Fisher and A. J. Bianchi for the defense charged that the prosecution had failed to introduce testimony of Mr. and Mrs. Ernest Reed of Point Place, witnesses who had significant information concerning events surrounding the Kennedy murder.

After hearing statements by attorneys on both sides, Judge Stuart said that he could see no evidence that any testimony had been suppressed.

"Counsel for the defense has asked to be permitted to make a statement in regard to an experience which they had with a witness last night," Judge Stuart said.

"We have been informed that there are three or five persons who have knowledge of this case, among whom are Mr. and Mrs. Reed of Point Place," Attorney

Bianchi, for the defense, said. "They live about 100 or 150 feet in the rear of the cottage occupied by Kennedy and we were told they had information which would exonerate Mr. English."

### Visited by Attorneys

"Mr. Fisher and myself visited them last night and were told by them that they had been questioned by the prosecutor to whom they had given statements. They also declared that there was a court order for them not to divulge the information they had given to anyone."

"If defense attorneys questioned them, they said, they were not to reveal the nature of their information and were to keep them out of their house. I don't know of any provision of law which permits the prosecutor to suppress any evidence."

"Mr. and Mrs. Reed told us that if the court so instructed, they would tell their story. We would like to put Mrs. Reed on the stand to testify in the absence of the jury."

Assistant Prosecutor Bunge declared that he saw no reason why the jury should be excluded and expressed his willingness to tell the court details of the incident concerning Mr. and Mrs. Reed.

### Reluctant to Talk

"I am more concerned now about determining by whose authority this evidence was suppressed," Judge Stuart said.

Mr. Bunge declared that when Mr. and Mrs. Reed were first questioned they had indicated that they did not want to become involved in the Kennedy case. He also said that Mrs. Reed called him Tuesday on the telephone to inform him that someone wanted to talk to her and that he had told her she did not have to talk to them if she did not wish to.

Mrs. Grace Susan Reed, 3245 136th street, took the stand for questioning by Judge Stuart.

The court instructed Mrs. Reed, after questioning her about her testimony, that she was at liberty to talk to anybody about the case

The .38 caliber revolver, during the course of the murder investigation, was identified by Sam Stein, former pawnbroker's clerk, as one which he had sold for \$17.50 to Jacob (Firetop) Sulkin who also is under indictment for first degree murder in connection with the crime.

Sheriff Krieger testified he arrived at the scene of the slaying about 9:45 P. M. and remained there after the body of the victim had been removed. He questioned several persons, he said, including Miss Ralls and Kenneth (Punkins) Francis, bodyguard of Kennedy, who was at a nearby cottage. The couple later was taken to the county jail where they were held pending Coroner Frank G. Kref's inquest the next day.

#### Shells and Bullets Found

He also said several shells and a few bullets were found at the scene and that a man had informed him about two automobiles which had been driven rapidly through red traffic lights at the intersection of Detroit and Phillips avenues soon after the murder.

He also testified about arresting English, Ralph Carsello and John Mirabella at the home of Thomas (Yonnie) Licavoli, 2733 Pemberton drive, July 11, after receiving a telephone tip they were there. He admitted on cross examination that the men had been released without bond on an order from the prosecutor's office, because, he said, there had been an understanding with their attorney they would appear voluntarily if wanted.

#### Veteran Detective Testifies

Emmett Cairl, veteran member of the detective bureau, testified about questioning witnesses of the murder at Point Place July 8 and obtaining from them descriptions of the killers. He also told of tracing the .38 caliber revolver to Igdaloff's pawnshop, 822 Monroe street, through an identification card in possession of Detectives Ernest Raitz and William Rogers of the pawnshop squad.

George Timiney, captain of detectives, next was summoned to the stand. He asserted he had not taken an active part in the murder probe until Aug. 1 when he was requested to find some witnesses and take them to the office of Prosecutor Frazier Reams in the Board of Trade building.

#### Tells of Search

He also told of seeking English at his various haunts which he said included the Acme Sales Co., 105 Michigan street; the Romanoff & Kaplan cigar store in the 400 block Superior street; the intersection of Madison avenue and Superior street, and the home of his mother-in-law in the 2100 block Elm street.

Captain Timiney testified he had gone to Akron Sept. 29 with Detectives Robert Fielding and Chris Brennan to return English to Toledo after his arrest by detectives there.

On cross-examination he was asked by Attorney Fisher if he knew the mysterious Clark brothers and admitted he did.

"What are their real names?" Mr. Fisher queried.

#### Names Are Revealed

"One is named McDonald and the other Smith—I don't know their first names," the witness replied.

"What do they do?"

"They are special investigators working out of the office of Prosecutor Harry Toy in Detroit."

"How long have you known them?"

"Since the Louise Bell murder."

"Now, it's true, isn't it, that they came down here to do the rough stuff in the investigation?" Mr. Fisher asked.

"Not to my knowledge," Captain Timiney said. "I never saw them do any rough stuff."

#### Crowd Assembles

A large crowd had assembled before the doors of the courtroom during the noon recess and Bailiff Frank Shelling was unable to clear a path for the principals when the trial was resumed.

He sought assistance and Deputies Harry Seitz, Harry Glick and Clarence Fall from the county jail, and Deputy Dewey Anderson from the sheriff's office in the courthouse, came to his aid and forced the murder trial fans to clear the corridor. A rope barrier then was put up by the third floor elevator landing to prevent the spectators from massing before the doors of the courtroom.

#### Coroner Testifies

Earlier in the day Coroner Kref testified about his autopsy on the body of Kennedy and told of removing several bullets from the victim.

He was followed on the stand by Arnold Finch of the surveyor's office, who explained a large plot of the scene of the murder and adjacent territory, and Henry Sembach, police photographer, who identified several pictures which he said were taken at the murder scene before the removal of the body and also some photographs

taken where the two weapons were found.

Mrs. Rose Harbriht English, wife of the defendant, and his aunt, Mrs. Margaret Scinta of Buffalo, remained in the courtroom throughout the day.

# KENNEDY-MIRABELLO FIGHT RETOLD IN ENGLISH TRIAL

## MEET "MR. CLARK"



To Toledo mobsters the gentlemen shown here is "Big Clark" of the "Clark Brothers." In private life he is plain Leonard Smith, special operative out of the Wayne county, Mich., prosecutor's office, who, with "Little Clark" helped Prosecutor Reams grill a score of Toledo hoodlums.

## Porter in Slain Bootlegger's Cafe Brings Laughter Into Murder Trial With Bronx Cheer and Encore

A colorful description of the famous fist fight between Jack Kennedy, slain night club owner, and John Mirabello, invalid Licavoli hoodlum, was given Friday by a former porter in Kennedy's Black Hawk cafe in the first degree murder trial of Joe (Wop) English in common pleas court. English is accused of being one of the men who shot Kennedy to death in Point Place the night of July 7.

The witness who described the fight, which the state contends was the motive for the murder, was Clement Kusch, 22, of 2612 Locust street. Kusch also gave a graphic imitation of the "Bronx cheer" he said precipitated the fight and threw the courtroom into laughter.

Judge Roy Stuart was so pleased with the demonstration that he permitted Kusch to do an encore of the "Bronx cheer" Mirabello gave Kennedy. Then the judge remarked:

"I don't see how we are going to get that into the record."

#### Just How It's Done

A "Bronx cheer" is a peculiar sound made by holding the tongue firmly between the lips, grimacing and exhaling forcefully.

Kusch said that on the night of the fight and subsequent shooting, June 5, 1933, he and Kennedy and Ben King got in Kennedy's flashy and expensive roadster and started for the Perry Motor Sales Co. on Dorr street.

"A few minutes after we left the Black Hawk cafe (St. Clair street near Jackson street) we saw John Mirabello standing in front of the Acme Sales Co. at Monroe and Michigan streets," the witness said.

#### Then That Bronx Cheer

Mirabello was leaning against the building and he gave Kennedy a "Bronx cheer." Kusch continued then to the amusement of the court and spectators, he illustrated by giving the cheer and repeated it.

Kusch said Kennedy apparently ignored the cheer and drove on to his intended destination. On the way back he said, Mirabello still was leaning against the same building.

"Kennedy cruised around a bit and leaned out of his car and swiped him one," Kusch said.

#### English Watches Battle

Kusch said Kennedy then leaped out of his car and engaged in a 15-minute fist fight with Mirabello while "Wop" English, himself a former professional boxer, looked on, apparently amused, but unconcerned with the fate of his brother gangster, Mirabello.

"Somebody—I don't know who it was—whipped out a pistol and began to shoot. When the firing started, King and me jumped into Kennedy's car. Kennedy ran around to the side of it. It sounded then like the shooting was coming from three ways. I don't know who did the shooting, but Kennedy got into the driver's seat and drove away. After we got to the Black Hawk, we looked in the car and found several .38 and .45 caliber slugs," Kusch said.

#### Clarks May Be Called

The mysterious "Clark Brothers," Detroit detectives who played a prominent part in the investigation of the murder here, may be summoned as witnesses in the trial.

Reports to this effect were heard at the courthouse Thursday after the real names of the "Clarks" were revealed for the first time by Detective Captain George Timiney in his testimony as a state witness against English.

English is being tried on a first degree murder charge for the slaying of Kennedy, bootlegger, at Point Place, July 7.

On cross examination by Defense Attorney DeWitt Fisher, Capt. Timiney admitted the real names of the "Clark Brothers" are McDonald and Smith. He said they were special operatives out of the office of the Wayne county prosecutor at Detroit.

#### Seek Identity of "Clarks"

The care with which Mr. Fisher sought details on the "Clarks" identity led to the report that they were to be subpoenaed for questioning. Defense attorneys asked Capt. Timiney if it were not true that the "Clarks" were brought in here to "do the rough stuff" for Lucas county prosecutors.

Monday for the jury of six men and six women, which holds in its hands the fate of Joseph (Wop) English, by four actual witnesses of the cold blooded gangster murder.

The testimony of these witnesses represents the final salvo from the artillery of the prosecution's case against English, who is on trial in Judge Roy R. Stuart's courtroom for first degree murder, as it has been indicated the state will rest after their appearance on the stand.

#### To Tell of Slaying

They will relate how two gunmen swung Miss Audrey Ralls, sweetheart of the young bootlegger and cafe operator, out of the line of fire and viciously pumped 12 bullets into Kennedy's body, abruptly and fatally terminating the couple's romantic stroll through the moonlit streets of the suburb.

They also are expected to identify English as one of the two trigger men who escaped in a maroon colored Ford V-8 sedan after the killing.

The trial will be resumed at 2 P. M. Monday after a long recess occasioned by the fact no court sessions were planned Saturday, necessitating postponement of the customary arraignment of prisoners before Judge Stuart.

#### Defense to Start Tuesday

First witnesses for the defense probably will not be called until Tuesday by Attorneys DeWitt Fisher and A. J. Bianchi, Akron, who have promised to unfold several surprises in the course of presentation of their case.

It is known that the defense will attempt to establish an alibi that English was at 1311 Millburn avenue, purported Licavoli slot machine headquarters, at the time of the shooting and it also has been revealed that Joel Rhinefort and Arnold Bunge, assistant county prosecutors, will be subpoenaed as defense witnesses.

#### Miss Ralls Appears

Delicately coiffed, exotically perfumed and attractively dressed in a green ensemble, red fox neck fur and muff to match, Miss Ralls, beauty contest winner and companion of Kennedy, appeared in the courtroom late Friday just after Judge Stuart had announced recess of the trial until Monday. She was accompanied by her attorney, Dan McCullough.

She explained she had not been subpoenaed as a witness by the state, but merely had gone to the courthouse "to see something and meet someone." It was learned that her mother, Mrs. Claire S. Ralls, 2428 Fulton street, had been a spectator at the afternoon session of the trial.

#### Detectives Testify

The last witnesses summoned Friday were Detectives Gilbert Moseley and Sherman Gandee of the Akron police department, and Paul Weissenberg of the Toledo police identification bureau.

Detectives Moseley and Gandee related how they had been admitted to an Akron apartment by Miss Jennie Lane, attired in pajamas, and subsequently had dragged English, similarly clad, from under a bed in an adjacent room.

Another man, James Burns, also was in the apartment at the time, they said.

#### Coupe Is Seen

Search of the apartment followed observation of a coupe, bearing New York license plates, which Akron police had been notified English was driving, parked in front of the apartment house by Detective Moseley.

Handcuffed and commanded to sit in a chair on the west side of the living room of the apartment, English insisted on sitting in a chair on the opposite side of the room, the detectives testified.

Detective Gandee, however, ordered English to remain standing while he raised the cushion of the chair and discovered a stub-nosed .32 caliber revolver, fully loaded, concealed under it. The officers also told of finding a similar weapon hidden under shirts in a drawer of a dresser in the bedroom in which English was found. English denied ownership of the shirts, they said.

#### Weapons Identified

The weapons, identified by the officers, were introduced in evidence.

Sergt. James Payne, ballistics expert of the Detroit police department, identified one .38 caliber bullet and two bullets of .45 caliber, which were taken from Kennedy's body, as having been fired from a .38 caliber revolver and a .45 automatic pistol which were found in weeds along the Ottawa river road by four boys a few days after the killing.

He also explained how ballistics experts are enabled to compare fatal bullets with test bullets fired from weapons and determine whether the bullets were fired from the same weapon.

Mr. Weissenberg testified he had examined both weapons and was unable to find fingerprints on them.

## FOUR MYSTERY WITNESSES TO GIVE EVIDENCE

### Graphic Word Picture of Kennedy Murder to Be Painted in Trial of Wop English.

A graphic, gruesome word picture of the slaying of Jack Kennedy in Point Place, July 7, will be painted



# FIVE ENGLISH JURORS BANNED

PROSECUTION AND DEFENSE CHALLENGE TWO EACH AS ACTUAL TRIAL NEARS

Five members of the tentative jury seated in the first degree murder trial of Joe (Wop) English last Monday were removed in the morning session of the trial in Judge Roy Stuart's common pleas court Wednesday. English is accused of complicity in the slaying of Jack Kennedy, bootlegger, at Point Place, July 7.

Jesse J. Coe, 3221 St. Bernard drive, was excused by agreement of defense and state attorneys. In dismissing the other four, the state used two and the defense two peremptory challenges. The state excused Clarence F. Day, jeweler, 1001 Oakwood avenue, and Mrs. Vanessa Davidson, 2041 Grant street.

The defense excused Stanley F. Brannan, 1972 N. Erie street, and Mrs. Clara Cripe, 440 W. Bancroft street.

### Motion Overruled.

The defense attempted to have Mrs. Cripe and Mr. Brannan removed for cause, but Judge Stuart overruled the motion in the case of Mrs. Cripe and the defense withdrew its request after questioning her. The defense used its peremptory challenge later.

Fred Herter, 2139 Summit street; George Kiefer, Maumee, O., and Mrs. Ottilie Jacobs, 726 Orchard street, were seated tentatively to replace three of the dismissed jurors.

County prosecutors late Wednesday are expected to present the first of their witnesses.

### Questioning Expected.

It is estimated it will take several hours of tedious questioning to replace the jurors who are removed. When the jury is completed to the satisfaction of the attorneys, a 13th or alternate juror will be selected and the taking of testimony will begin.

Prosecutors, taking advantage of a holiday schedule at the courthouse Tuesday, worked diligently in the preparation of their case. Throughout the day members of Frazier Reams' staff were closeted in the grand jury room in consultation with their witnesses.

The identity of most of the witnesses was shielded in secrecy, prosecutors admitting only that among the first to be called will be Coroner Frank G. Krefl and police officers who worked on the case. City detectives are aiding in rounding up evidence which Mr. Reams believes will be of value in the case.

### Beauty To Be Called.

Audrey Ralls, beauty contest winner, who was with Kennedy when he was shot down from behind by underworld enemies, had not been subpoenaed as a witness up to Tuesday night, but she is expected to be called to testify in the case. She said she could not identify English as one of the men who shot Kennedy.

DeWitt Fisher, chief of defense counsel, worked Tuesday completing the defense alibi on which English bases his hope of acquittal.

Kennedy was killed as a result of an underworld feud. Four men have been indicted for alleged complicity in the slaying. They are English, Jacob (Firetop) Sulkin, who is in the county jail awaiting trial, and John Mirabella and Russell Syracuse, for whom police have been seeking for several weeks.

# ENGLISH MURDER TRIAL IS RESUMED; JURY BEING PICKED

## Witnesses Probably Won't Be Called Today; Attorneys Bicker Over Aliases.

Selection of a jury occupied the attention of defense and prosecution Wednesday in the trial of Serafino Sinatra, better known as Joseph (Wop) English, for the first degree murder of Jack Kennedy.

The trial was resumed Wednesday after a recess through Tuesday, election day. Peremptory challenges were used by the state to excuse Clarence F. Day, 1001 Oakwood avenue; Mrs. Vanessa Davidson, 2041 Grant street; Mrs. Ottilie

Jacobs, 726 Orchard street, and Charles F. Charpie, 6035 323rd street, Point Place.

The defense exercised peremptory challenges to remove Stanley F. Brannan, 1972 Erie street; Mrs. Clara A. Cripe, 440 West Bancroft street; George Keifer, Sr., Monclova township, and Mrs. Margaret Erausquin, 2137 Perth street, who said she is a daughter of former Judge George A. Bassett. Mrs. Cripe left the stand with alacrity, remarking as she passed the press table: "That's a lot of worry off my mind."

Those removed by challenges were replaced by Fred Herter, 2139 Summit street; Mrs. Nora A. Lundy, 1350 Foster avenue; Beach K. Harris, 4529 Belmar avenue; Miss Cloetta Newman, 1717 Wychwood avenue; Mrs. Frances Mueller, 3744 Bowen road, and Clifford F. Landin, 2526 Thoman place.

### Attorneys Bicker

Jesse A. Coe, 3221 St. Bernard drive, was excused on the plea that he had found employment. He was replaced by Carl F. Hill, 3232 Parkwood avenue.

A bickering of attorneys disturbed routine when the defense objected to the mentioning of English's aliases.

It is considered doubtful whether any witnesses will be summoned at the Wednesday session because after the jury finally is seated it will be necessary to draw an alternate juror. Opening statements of counsel then will be made and the jury will be taken to visit the scene of the crime.

In event there is time to examine witnesses, August V. Finch of the county surveyor's office will be the first person summoned to the stand. He will explain a plot of the murder scene and the route taken by the murderers and their accomplices who escaped in two automobiles.

### To Quiz Carsello

Henry Sembach, police photographer, and Coroner Frank G. Krefl will be called next.

During the day, Ralph Carsello, 29, member of the Yonnie Licavoli gang who was captured in Akron a few days ago by an aviator who slugged the gangster when he attempted to invade the pilot's apartment, will be questioned by Prosecutor Frazier Reams or some member of his staff about the Kennedy murder.

Carsello is held as a material witness in the case of Jacob (Firetop) Sulkin, Licavoli contact man who also is under a first degree murder indictment in connection with the slaying.

## TIMINEY TELLS OF LONG HUNT FOR ENGLISH

### Subpena Issued for Ballistics Expert To Testify

## BOY ON STAND

### Tells of Finding Gun; State To Continue Until Monday

Witnesses called by the state will testify in the first degree murder trial of Joe (Wop) English, charged with the slaying of Jack Kennedy in Point Place, July 7, when the trial is resumed at 9 a. m. today in the common pleas court of Judge Roy R. Stuart.

Prosecutor Frazier Reams said yesterday, after court had adjourned for the day, that the state will bring witnesses to supplement testimony given yesterday by Sheriff David M. Krieger, Detective Emmett E. Cairl and Detective Captain George B. Timiney, Coroner Frank G. Krefl, Arnold Finch, of the county surveyor's office, Edward Vanderhorst, 11, of 3212 134th street, and Boyd Murphy, of 2728 124th street.

It is probable, the prosecutor said, that the presentation of evidence by the state will continue Monday.

### Subpenas Issued

Subpenas have been issued for Sgt. James Payne, ballistics expert of the Detroit police department, who examined bullets taken from Kennedy's body and compared them with the revolver and automatic pistol found near the scene of the killing, and for Harry Foor, of 3820 314th street.

Capt. Timiney testified yesterday that he first participated in the investigation of the Kennedy slaying on Aug. 1 when he took witnesses to Mr. Reams' office in the Board of Trade building. Early in September, he said, he went to Akron and arrested Thomas (Yonnie) Licavoli. During his investigation, he testified, he had searched for English, Russell Syracuse, John Mirabella and Ralph Carsello in connection with the murder.

### Defense Attorney Objects

Capt. Timiney testified he had hunted English at the home of his mother-in-law at 2100 Elm street, at the Acme Sales Co., 105 Michigan street, at the Romanoff & Kaplan Cigar store in the 400 block of Superior street and in the Baltimore restaurant. In addition, he

said, he had visited Bucyrus, Akron, Canton and Cleveland in the search for English.

In reply to a question put by Attorney Fisher, Capt. Timiney said the "Clark brothers" who figured in the investigation of the case were two men named McDonald and Smith and were special agents employed by the office of Prosecutor Harry Toy, of Wayne county, Mich.

Detective Emmett Cairl identified the guns.

Sheriff Krieger also identified the guns and told of reaching the murder scene about 9:45 p. m. on July 7.

Coroner Krefl was the first witness called by the state. He described the condition of Kennedy's body when he saw it about 9:45 p. m. at 140th street and Edgewater drive. He identified bullets taken from the body.

The Vanderhorst boy, who is a sixth grade pupil in St. John's school, told of finding one of the guns admitted in evidence. With two companions, he said, he was playing at the foot of 119th street at Ottawa River road with Bernard and Albert Hester and found a .38 calibre revolver on July 10, three days after the murder.

Murphy identified a .45 calibre automatic pistol as one he found July 12 along the Ottawa River road at the foot of 117th street.

Among the spectators were Rose English, wife of the defendant, and his aunt, Mrs. Margaret Scinta, of Buffalo, N. Y.

English sat between his attorneys during the proceedings, frowning slightly and looking intently at the witnesses.

## COURT TOLD OF KENNEDY STREET FIGHT

### Brawl Follows Insult, Murder Witness Says; Describes Shooting After Battle.

## SLAIN MAN'S CAR HIT BY BULLETS

### English Threatened by Beer Baron During Encounter, Kusch Reveals.

The raucous, ribald and vulgar, although very expressive, Bronx cheer attained the dignity of a courtroom demonstration at the first degree murder trial of Joseph (Wop) English in the common pleas court of Judge Roy R. Stuart Friday.

The demonstrator was Clement Kusch, 23, of 2612 Locust street, former porter for Jackie Kennedy, young beer baron who was shot to death in Point Place July 7 and for whose murder English is on trial.

Kusch was telling about a fist fight between Kennedy and John Mirabella in front of the Acme Sales Co., 103 Michigan street, June 5. On that date he and a man he called Benny King, whose right name is Kowalski, rode in the rumble seat of Kennedy's automobile.

Kennedy drove them to the Perry Motor Sales Co. in Dorset street. As they passed Michigan and Monroe streets, Mirabella, standing on the sidewalk, greeted Kennedy with a lusty Bronx cheer, the witness said.

### Tells of Fight

This aroused the ire of Kennedy, Kusch related, so on the way back Kennedy stopped his car in front of the Acme Sales Co. and had some words with Mirabella, finally reaching over the door and striking him. Prosecutor Frazier Reams asked the witness what a Bronx cheer was.

Kusch proceeded to demonstrate by contorting his lips, protruding the tongue slightly and exhaling vigorously through the mouth. The sound resulting therefrom, framed by a face wrinkled into a grotesque mask, expressed the utmost in contempt.

DeWitt Fisher, defense attorney, did not catch the first demonstration and asked for an encore.

Judge Stuart thought the witness had expressed his meaning clearly, but was puzzled as to how a Bronx cheer could be placed in the trial record. His observation drew a ripple of laughter from the trial fans.

### Bullets Hit Car

Retracing to the encounter with Mirabella, Kusch said that Kennedy left his machine and engaged in a fist fight with the man who cheered him in the Bronx fashion. This lasted about 15 minutes and Kennedy emerged the victor.

English was present at the time and toward the end of the fight exchanged sharp words with Kennedy. As Kennedy re-entered his machine, there was a burst of gun fire. Kusch ducked. Bullets rattled against the car but no one was hurt.

On their return to the Black Hawk cafe, which Kennedy operated at 513 1/2 St. Clair street, Kusch said, they examined the car. Two .45 calibre bullets were found in it, one in the left headlight and another in the left side by the door. A .38 calibre bullet was found in the upholstery and there were bullet holes in the top.

### Examination Tedious

The firing sounded as though it came from three directions, the witness said. The witness said that the only one in an official capacity to whom he talked about the fight was Arnold Bunge, assistant prosecutor, and that he had been summoned to testify Friday morning.

The cross examination of Kusch by Attorney Fisher was tedious and Judge Stuart informed him that there was some limit to the scope he could cover. Mr. Fisher explained that he sought to test the credibility of what is probably the first man in history to demonstrate far famed Bronx cheer in a first degree murder trial.

### Says English Threatened

Ben Kowalski, 551 Mettler street, employe of the street department, who was with Kennedy at the time of the Mirabella fight, substantiated the testimony of Kusch. His demonstration of the Bronx cheer, which he defined as the raspberry, was far more elegant and refined than that given by Kusch.

The witness said that Kennedy left his machine before striking Mirabella. He also quoted Kennedy as having said to English, "Mind your own business or you'll get some of the same." English and Mirabella spoke together in Italian, he said.

Sergeant James Payne, ballistics expert of the Detroit police department, identified two guns used in the Kennedy murder as weapons upon which he had made tests. He explained how such tests were made.

The state's case against English will ascend to a dramatic peak late Friday or Monday when witnesses of the slaying are called.

These witnesses are expected to single out English as one of the trigger men who pumped 12 bullets—any one of which would have been fatal—into the body of their victim as he strolled beside his sweetheart, Miss Audrey Ralls, through the moonlit streets.

The identities of the witnesses, who were reported to have identified photographs of English, when they appeared before the county grand jury which indicted the defendant, have been guarded carefully by the prosecutor's office.

It is likely they will be summoned to the courthouse by telephone instead of in the customary manner of issuing subpoenas to retain the secret of their identities until they are ready to take the stand.

### Sheriff Testifies

Sheriff David Krieger and Detective Emmett Cairl late Thursday testified about casing both weapons, with .45 caliber bullets and a .38 caliber bullet taken from the body of Kennedy, and empty .45 caliber shells found at the scene of the crime, to Detroit for Sergeant Payne to test.

Unabashed by the crowd which filled the courtroom, the solemn mein of the six men and six women jurors and the austere professional manner of opposing counsel facing him, 11-year-old Edward Vanderhorst, 3212 134th street, old calmly in a high-pitched boyish treble of the accidental finding of the .38 caliber revolver by himself and two playmates July 11, four days after the slaying.

### Gun Found in Weeds

"Bernard and Albert Hester and I were walking through the weeds between the Ottawa river road and the river near the foot of 119th street," he related, "and we saw the gun sticking up out of the weeds."

He testified that Albert had picked it up only to have Bernard, who is 16, take the weapon away from him for safe-keeping. Bernard, he said, pointed the weapon out over the water, fired it once then broke it open revealing four empty and two loaded shells.

He said he was able to identify the weapon handed him in the courtroom by an initial "B" for Bernard, which, he said, was scratched above the "horse" on the revolver. In addition, he said, he could identify it by the fact the numbers had been punched out because Bernard had pointed this fact out to him when the revolver was found.

### Identification Is Unshaken

Cross-examination by Mr. Fisher, failed to shake the boy's positive identification of the weapon.

Bernard Hester, who lives at 3146 135th street, next took the stand and also told of the discovery of the gun. He was followed by

Boyd Murphy, 2728 124th street, who told of discovering a .45 calibre pistol along the river near 117th street, while accompanied by Charles Haas and Lawrence Mitendorf. He said he had picked up the weapon by the barrel and had carefully covered the butt with a handkerchief before taking it to his home from where he notified Jailer Jay Gilday of the sheriff's staff, of his discovery.

### Pistol Also Identified

Young Murphy also identified a .45 calibre pistol handed him by the prosecution, as the weapon he had found.

He admitted on cross examination that he did not offer his eye witness story to any of the officers at the scene or to anyone for some time. The reason for this, Craig said, was that he "did not want to get mixed up in it."

Craig said he described the gunman to his mother when he returned home that night as being a short man with a thin face.

#### Saw Picture in Paper.

He said he did not know English at the time and that he did not know the man who he said was English until he saw his picture in the paper several days later.

The witness admitted he failed to pick English from a lineup of prisoners at the Safety building, explaining again as his reason that he "did not want to get mixed up in the affair."

He said it was some time later that he told Prosecuting Attorney Frazier Reams and the "Clarke brothers," special detectives, in Mr. Reams' private office in the Board of Trade building that it was English who did the killing.

Craig said he could not describe the clothing English wore on the night of the shooting, except that he had on a soft straw hat.

#### English Adjusted Hat.

He admitted on cross examination that he got only a "fleeting glance of the face of the gunman whom he identified as English as he stepped from the auto. He said he did not see the face again until he saw English in the lineup at the Safety building where he failed to identify him.

"English adjusted his hat, as he stepped from the auto, and I saw his face then," Craig said. "I also saw him here in the courthouse last week."

The witness said he has been staying at the Lorraine hotel for the last several days with Patrolman McCarthy and Schwaite. He said he

has been visited at the hotel by Detective Timiney and Detective Chris Brennan.

He said McCarthy, the Clark brothers and Brennan had changed his original intention not to testify against English.

"They told me how English has been acting and what he had done and I figured it would be best to testify," Craig said.

Craig said he could not tell the color of the auto used by the gunmen or license numbers which it bore.

An attempt by defense attorneys to obtain information on conversations between Craig and prosecuting attorneys, started a legal argument, which caused Judge Stuart to excuse the jury ahead of time Monday. Prosecutors contend this conversation is of a privileged nature and may not be inquired into. The judge will rule on the point Tuesday morning.

The ruling assumes importance because Assistant Prosecutors Bunge and Joel Rhinefort are to be called as defense witnesses.

A crowd which packed the courtroom to the doors attended the Monday session. Included in the gathering were a number of society girls, a large number of attorneys and the usual court fans.

## SECOND EYE WITNESS



Robert Schwaite, Point Place youth, the state's second star witness in the English murder trial Tuesday. He named Joe (Wop) English as one of the slayers of Jack Kennedy, bootlegger.

# SECOND WITNESS NAMES ENGLISH AS KENNEDY SLAYER

## Events Before and After Killing Are Described in Great Detail by Robert Schwaite.

### COMPANION'S STORY IS CORROBORATED

### Youth Says Gunman Was One of Two Trigger Men in Point Place Crime.

For the second time within two days an accusing finger was leveled at Joseph (Wop) English Tuesday to point him out as one of two assassins who shot Jackie Kennedy to death in Point Place July 7.

The witness who made the second dramatic identification of the prisoner in the common pleas courtroom of Judge Roy R. Stuart, where English is on trial on the charge of first degree murder, was Robert Schwaite, 20, of 3015 135th street, Point Place.

English was first identified in the courtroom as the slayer Monday afternoon by Harry Craig, 25, of 221 East Delaware avenue, who was with Schwaite at the time of the killing. After Craig's cross-examination was completed Tuesday, DeWitt Fisher, defense attorney, asked the court to hold him in custody for further testimony. The prosecution said that the witness would be available.

#### Describes Killing in Detail

Schwaite identified English as one of the two trigger men in the Kennedy slaying. He described the murder in even greater detail than his predecessor on the witness stand. The witness testified that he lived at the 135th street address with his mother and four sisters. They moved there four months ago from their previous residence in 215th street.

Schwaite said he has known Craig about eight months, and he testified that on the night of July 7 he met Craig a little after 9 o'clock near Erd's fish market on Edgewater drive between 138th and 140th streets, next door to the Driftwood inn. He had ridden there with his aunt, he said, and joined

Craig who was sitting on the running board of his car.

#### Couple Walks By

"We sat there and talked and a few minutes later Jack Kennedy and Miss Ralls walked by on the opposite side of Edgewater drive toward 140th street," the witness said. "They were laughing and talking and walking arm in arm."

"Did you see anyone else about that time?" Arnold Bunge, assistant prosecutor, asked.

"Yes. A car in which three men were riding stopped right across the street from us. Two of the men got out of the car. One of them adjusted his hat and then both started walking down toward 140th street, following Kennedy and Miss Ralls. The car drove slowly behind them and we followed in the rear of the car."

"They walked right up to Kennedy and Miss Ralls. One of them pushed the girl to one side and shot at Kennedy and then the other man started shooting."

#### Points Out English

"Do you see either of the men in the courtroom?"

The witness pointed out English as the man who had pushed Miss Ralls to one side and shot at Kennedy.

"Can you tell how English was dressed that night?"

"Yes. He wore dark trousers, a light shirt, a black sleeveless sweater and a soft straw hat."

Questioned about what occurred after the shooting, Schwaite testified that one man started to run down 140th street. The second man, he said, ran a short way down Edgewater drive, then went back to the intersection and called to the man who had started down 140th street. This man also returned to the intersection and both jumped into the right side of the automobile, which had pulled up across Edgewater drive headed toward Ottawa river, he said.

The driver then backed up, turned his car into Edgewater drive toward Toledo and drove away, Schwaite testified

#### Girl Covers Eyes

While the two gunmen were pumping lead into Kennedy, Schwaite testified, Miss Ralls held her hands over her eyes.

On cross-examination the witness said he had never told Craig how English was dressed. The only ones he told about this, he said, were his mother, Prosecutor Reams and the two investigators known as the Clark brothers. During the investigation he was in the prosecutor's office four times and in Mr. Reams' office at the Board of Trade building twice. The prosecutor, he testified, got him a job with the state highway department digging ditches for which he received \$15.75 a week.

He first visited the Board of Trade building, Schwaite related, about two weeks after the killing and identified a picture of English. The witness denied that he would have refused to testify unless given a job.

#### Witness Given Job

On one of his visits, he related, Mr. Reams asked him if he was working and on being informed to the contrary, said he would see what could be done about a job. Schwaite started to work Aug. 21, five days after his second trip to Mr. Reams' office.

The witness said he recognized a picture of English in a newspaper two or three days after the shooting and told his mother about it. Schwaite denied having discussed the case with newspapermen and was shown a newspaper picture of himself with Don McClary and William Hood, all of whom were described as witnesses to the murder. Publication of the photograph was not authorized by him, he said.

#### Describes English

Schwaite said that he described English to the prosecutor as being not very tall, full in the face and bald. The baldness, he said, was noticed when English adjusted his hat before the attack on Kennedy. The witness demonstrated how English lifted his hat and pulled it down over one side of his face.

Schwaite testified that the only officers to whom he had talked were Patrolman McCarthy and Detectives Chris Brennan and George Timiney. He described the automobile in which English had been riding as a Ford V-8 of maroon color. The witness said he did not see the license plates. He was unable to place the time when he first told Craig that he knew the killer was English. It was not until after he saw English's picture in a newspaper, he testified.

Mr. Fisher then took the center of the courtroom and, acting the part of Kennedy, asked Schwaite to demonstrate the manner in which English approached the murder victim.

#### Re-Enacts Shooting

"He (English) pulled a gun from his pocket, shoved Audrey Ralls, turned and shot Kennedy in the side. It was all done fast," Schwaite said.

As he said this he was going through the motions of the killer. The witness said that when he saw the slayers' automobile stop and the two men leave it he suspected what was going to happen. Questioned as to the grounds for his suspicions, the witness said he had read about attempts to "bump off Jackie."

He mentioned specifically the night of the Michigan street fight Kennedy had with John Mirabella and the shooting of Louise Bell while she was in an automobile with Kennedy. The witness said that on the morning of the day he first identified the picture of English the defendant had been released from the county jail.

#### To Call Alibi Witnesses

As court opened Tuesday Attorney Fisher revealed the names of alibi witnesses he will present. They are Lowell Bolander, 2020 Delancey street; Jule Parrish, 529 Magnolia street; Fred Burnett, 1443 Superior street; Richard Jackson, 539 1/2 Ash street, and Morris and Arthur Shapiro, 1322 Moore street. They will testify that English was at the State Service Co., 1311 Milburn avenue, at the time of the murder.

Mr. Fisher said he still intends to call Joel Rhinefort and Mr. Bunge, assistant prosecutors, as

witnesses, but was undecided as to whether English will testify.

Attorney Fisher resumed his cross-examination of Craig Tuesday and again asked him why he had not identified English in a police lineup.

"You were afraid to, weren't you?" the attorney said.

"I was not exactly afraid to identify him, but I had seen him work."

#### Believes in Enforcement

The witness was asked if he believed in the enforcement of criminal laws in connection with the support of children and the witness said that he did.

Mr. Fisher then brought out the fact that the witness had been married about five years ago but had not lived with his wife for two years. Craig admitted also that he had been arrested for non-support, but asserted that the case had been settled out of court and that he had not been in court in connection with it.

Mr. Fisher then asked the witness if he had been arrested in juvenile court in 1939, but Judge Stuart sustained an objection for the question.

"I don't see how this is material," Assistant Prosecutor Bunge said. "A lot of people are arrested who are innocent."

#### Spent Night in Hotel

The witness was then asked if he had discussed the case with Schwaite, his companion at the murder scene, and Craig said he had, but denied telling Schwaite anything about his testimony. He revealed that he and Schwaite had spent Monday night in the Lorraine hotel with Patrolman McCarthy and went to the courthouse Tuesday morning with Patrolman McCarthy and Captain Timiney.

Mr. Craig smiled slightly as he told of eating breakfast with Officer McCarthy and Mr. Fisher interrupted him, saying, "Let the record show that the witness is smiling. This man's life is just a big joke to you, isn't it?"

The witness squirmed in his chair and replied, "Well, he done it."

"Yes. You'll get your job and you are the big hero, aren't you?" Mr. Fisher said.

"I wouldn't say I'm a hero." Craig denied he had ever told anyone that he had heard the shots which killed Kennedy but did not see the shooting.

#### Tells of Seeing Pictures

Craig told of seeing about 30 pictures at the Board of Trade building after the shooting. He could not recall the date but said that the Clark brothers were there at the time. The pictures were so arranged, he continued, that he could only see the faces and could not see either the names or numbers. "Nobody directed me to pick out any one. I did that myself," he asserted.

He said also that he wrote his name on the back of the picture he selected. Then he told of seeing a woman and a young girl on 140th street after he and his companion had run to where Kennedy's body lay. The woman to whom he referred is Mrs. John Porter, and the girl is her daughter.

#### Crowd Gets Thrill

The dramatic identification of English by Craig, Monday, provided the thrill anticipated by a large crowd of murder trial fans which ranged from underworld characters to society maidens and overflowed the courtroom.

In addition to identifying English as one of the gunmen Craig also asserted he was the man who calmly swung Miss Ralls, sweetheart of the victim, out of the line of fire before the two gangsters pumped twin streams of leaden death into the body of the bootlegger and night club operator.

Not a muscle of English's face twitched when the young witness pointed him out at the request of the prosecuting attorney nor did he avert his steady gaze from his accuser's face. English was perhaps the most composed person in the courtroom as far as outward appearance was concerned.

#### Raps for Order

Frank Shelling, court bailiff, rapped for order as the murmur of undertone conversation spread through the audience and the spectators jostled one another and craned their necks the better to see how the defendant was taking it.

On direct examination by Bunge, Craig testified that he was sitting on the running board of his automobile which was parked in front of Erd's fish market, just off the pavement of Edgewater drive between 138th and 140th streets, at 8:45 the night of the shooting.

He was joined there about 9 P. M. by Schwaite, he said, and while the two were chatting they noticed Kennedy and Miss Ralls walking along the opposite side of Edgewater drive toward 140th street, arm in arm. This was about 9:10 or 9:15, he declared.

When they were about a half block down the street, Craig said, he noticed an automobile pull to a halt directly across the street from

his machine. It was no more than 15 feet away, he testified.

"Then what happened?" Mr. Bunge queried.

#### Two Get Out of Auto

"Two fellows got out of the car and a third man, the driver, handed them something and I saw one of the men put what he had received in his hip pocket. I never had seen them before, but I could see them clearly because the light from the street light nearby shone up to where the automobile was parked."

"The men then walked rapidly after Kennedy and Miss Ralls and the automobile drove along slowly behind them along the same side of the street," Craig said.

"Do you see either of the men in the courtroom?"

"Yes—that man there (indicating English) sitting between the other two men at that table."

"What happened then?"

#### Two Followed Auto

"Bob and I followed behind the car and we were about 170 feet from Edgewater drive and 140th street when the two men caught up with Kennedy and Miss Ralls there."

"They walked right up behind the couple and started shooting after throwing Miss Ralls to one side," Craig testified.

"Which one of them threw the girl to one side?"

"English."

"What did you do then?"

"We stood still. The driver of the car tried to make a turn at 140th street, but couldn't make it and had to back up. The men then ran for the car and got in the right side. The automobile headed toward town and we had to jump a fence in front of Mr. Deeds' house to get out of its way because it headed right toward us."

#### Ran to Scene of Slaying

"We ran to where Kennedy lay. Miss Ralls was there and some men ran over from across the street. His body still was quivering. I stayed there about three hours during which the sheriff and Coroner Krett came out and the police photographer took some photographs."

The witness also testified that Kennedy's body spun like a chicken with its head chopped off as the shots struck him. At least 10 shots were fired by both men, he said.

Attorney Fisher, objected to the manner in which Craig alluded to the effect of the shots on Kennedy, but Judge Stuart ruled the answer was a form of description and should stand in the record.

#### Objection Is Overruled

Mr. Fisher's objection to the identification by the witness of a photograph of Kennedy's body taken by the police photographer, also was overruled.

After completion of direct examination Craig was subjected to a blast of questions by Mr. Fisher who sought to show that the only reason Craig had identified English was because he had been promised a job by Prosecutor Reams.

Craig said he had been employed as a terminal engineer for the Ann Arbor railroad until Oct. 21 and was not employed now.

"Isn't it true that you have been promised a county job immediately after this trial is over and that Schwaite is working now for the county?" shouted Mr. Fisher.

#### Nothing Said About Job

"No one ever said anything to me about a job. Schwaite is working for the county and has been for about three months," Craig responded.

"When did you tell the prosecutor you could identify English?"

"About three weeks after the murder—they sent for me."

"Where did they take you?"

"To an office in the Board of Trade building."

"Who questioned you there?" Mr. Fisher asked. "Is that where you met the Clark brothers?"

"They were there and Mr. Reams and Mr. Rhinefort were there, too," Craig replied.

"Hadden't you told anyone else about it before?"

#### Mother Is Told of Shooting

The witness said he had told his mother about the shooting about 12:30 the night the murder occurred. He testified he had awakened her and told her the details of the shooting and that one of the men, whom he later learned was English, was a small man with a thin face and wore a soft, straw hat.

"When did you learn that man was English?" he was asked.

"When I saw his picture in the paper a day or two later."

Questioned at length about his actions before arriving at Point Place July 7, Craig asserted he had left home about 7 P. M. and had driven to the home of a friend in Marquette boulevard. He said he left there about 8 P. M. and had driven to the suburb to meet Schwaite. He knew it was about 9 P. M. when he saw Kennedy and Miss Ralls because it got dark at that time and it had become dark while he was sitting on the running board of his car, he said.

# STATE HOLDS ENGLISH ACES TILL MONDAY

Prosecution Builds to Climax in Murder Trial After Week-End Recess

By CARL ADAMSHICK

The state will move to a climax Monday afternoon in its case against Sarafino Sinatra, alias Joe (Wop) English, on trial in common pleas court for the murder of Jack Kennedy, bootlegger, in Point Place, July 7.

With all of its preliminary testimony in the case presented prosecutors will call their last four witnesses Monday afternoon. Eyewitnesses to the murder undoubtedly will be included in this group.

According to reports which were current in the courthouse one or several of the eye-witnesses who, the state contends will identify English as one of the trigger men in the Kennedy killing, was ready to testify Friday afternoon.

**State Plays Safe.**

The state, it is reported, hesitated to present this testimony because of the long week-end recess which was to ensue and the danger that the interruption would mitigate the effectiveness of the important evidence.

At the time of adjournment, the state had proved:

That English was present at Michigan and Monroe streets June 5, when Kennedy and John Mirabella engaged in a fist fight, followed by shooting in which no one was injured.

That the two guns found near Ottawa river in Point Place several days after the killing were the weapons used in the shooting.

**English Under Bed.**

That English was hiding under a bed in an apartment at Akron, O., when he was arrested to be brought here for trial, and that two pistols were found in the apartment.

The defense on cross-examination has succeeded in having the state's witnesses admit they could not identify English as having done any of the shooting after the Kennedy-Mirabella fight and that English did not resist arrest or conceal his identity when arrested at Akron.

Audrey Ralls, pretty girl friend of Kennedy, who was with him on the night he was killed, created a mild sensation by appearing as a spectator at the Friday afternoon session at the trial.

**Miss Ralls Arrives.**

Arriving at the courthouse shortly before 4 p. m. just as Judge Roy Stuart declared an early adjournment because the state had no more witnesses ready, Miss Ralls evidenced obvious disappointment at her failure to hear any of the testimony.

Miss Ralls was tastily garbed in a green suit with a white blouse. She wore a brown fox fur around her neck and carried a muff to match. Accompanying her was her attorney, Dan McCullough.

"I haven't been called to testify, but I suppose I will be put on the stand, especially if the state is running out of witnesses," Miss Ralls said, with a laugh.

She said she would not be unwilling to testify, but she denied that she could identify English as one of the men who killed Kennedy. Defense attorneys said they may subpoena her if the state does not.

**Akron Detectives Testify.**

Two Akron detectives, Gilbert Moseley and Sherman Grandee, occupied the witness stand the greater part of the afternoon. They testified that they arrested English at the Nela apartment in Akron Sept. 23, after one of them had seen an auto with license numbers issued to English, parked in front of the place.

Moseley said it was he who pulled English from under the bed. English, he said, was in pajamas. Other occupants of the apartment at the time of the arrest, Moseley said, were a woman named Jennie Lane and a man whose name was James Burns. Miss Lane also was clad in pajamas, Moseley said. He did not testify as to the garb worn by Burns.

**Tells of Finding Guns.**

One of the two pistols found in the apartment was concealed under a cushion in a chair and the other was under some shirts in a dresser drawer in the room where English was, Moseley testified. The guns were produced in court and identified.

Moseley, an English told him he was a clothing salesman and that he was a visitor in the apartment. Clothing samples were found in English's car in front of the building, Moseley said.

On direct examination Moseley said English was moving toward the chair in which the pistol was concealed when Grandee stopped him and searched the chair, finding the gun. On cross-examination, he said English did not resist arrest, did not reach for the gun; that there was a back door in the apartment and that several minutes elapsed between the time he knocked at the apartment door and the time of his admission.

**Ballistic Expert on Stand.**

Earlier in the afternoon Sergt. James Payne, Detroit ballistic expert, testified he had proven by tests that two guns found in Point Place after the shooting were the weapons from which bullets taken from Kennedy's body and bullets found at the scene of the murder had been fired.

Payne said he had no way of identifying the guns as ever having belonged to English. On cross-examination by Defense Attorney A. J. Bianchi of Akron, Payne said he knew that finger prints on glass would be discernible for several months after they are made. He said he could not say how long finger prints would remain on a gun.

Paul Wiesenberger, Toledo police fingerprint expert, testified there were no finger prints on the guns found at Point Place when they were submitted to him for examination. He told Mr. Bianchi he did not know whether a coating of rust on a weapon left in the open would have a tendency to preserve prints which might be on it.

## SLEUTHS TELL OF TRAPPING 'WOP' ENGLISH

Akron Detectives Discovered Him Under Bed

### GUNS OFFERED

Audrey Ralls Appears at Trial but Not To Testify

The arrest of Joseph (Wop) English in Akron Sept. 23, when he was pulled from beneath a bed where he was hiding, was described yesterday in the court of Judge Roy R. Stuart, where English is on trial for first degree murder in the killing of Jack Kennedy in Point Place, July 7.

The testimony, given by Detectives Gilbert Moseley and Sherman Grandee of the Akron police department, was succeeded by that of Paul Wiesenberger, fingerprint expert of the Toledo police department, who said he made an examination of the .38 caliber revolver and .45 automatic pistol found along the Ottawa River road a few days after the murder.

**Defense to Call Witnesses**

The trial will be resumed Monday at 2 p. m. when the state will present additional witnesses, probably half a dozen, whose identity is being kept secret by Prosecutor Frazier Reams.

Attorney A. J. Bianchi, of Akron, associated with Attorney DeWitt Fisher as defense counsel, said the defense expects to call witnesses starting Tuesday. No subpoenas have been issued yet for defense witnesses.

**Tells of Arrest**

Audrey Ralls, beauty contest winner, who was walking with Kennedy at Edgewater drive and 140th street when he was attacked and slain, appeared at the courthouse yesterday after the trial had adjourned for the afternoon. Dan McCullough, her attorney, accompanied her and explained she had not been subpoenaed. Her mother, Mrs. Clara S. Ralls, was a spectator at the trial during the afternoon.

Relating the story of the Akron arrest, Detective Moseley testified he went to police headquarters there after having recognized English's eight-cylinder machine bearing New York license plates as he drove to the Nela apartments in Akron on the morning of Sept. 23. With Detective Grandee, he said, he returned to apartment 14 where a girl named Jennie Lane, who was dressed in pajamas, told them she was alone in the apartment. The officers, however, were not satisfied with her story and searched a bedroom. Detective Moseley said, where they found English, also clothed in pajamas, hiding under

English told them, the officer testified, that he was a clothing salesman from Buffalo. He denied owning shirts or two guns found in the apartment.

**Guns Identified**

Earlier in the day Sergt. James Payne, ballistics expert of the Detroit police department, identified the revolver and pistol as the guns from which bullets found in Kennedy's body was fired.

Mr. Wiesenberger said he had been unable to find fingerprints on the guns brought to him for examination after the murder.

The shooting affray of June 5, to which Prosecutor Reams referred in his opening statement Wednesday, was described to the jury by Clement Kusch, 22, of 2812 Locust street, former porter for Kennedy.

On that date, he testified, he and Ben Kowalski, whom he called Benny King, were riding with Kennedy and passed Michigan and Monroe streets where John Mirabella greeted Kennedy with an insulting remark.

**Fight Described**

Kusch continued his story by saying Kennedy left the car and participated in a fist fight which lasted about 15 minutes.

English was present at the time, he said, and exchanged sharp words with Kennedy. After the latter re-entered the car, the witness said, there was a hail of bullets which found their mark in the left headlight and left side door.

Kowalski corroborated Kusch's testimony. Later, when recalled for cross-examination, Kowalski admitted he had served 18 months in the federal prison at Chillicothe for counterfeiting, having been sentenced in 1928.

English's wife, Mrs. Rose Harbriht English, was a spectator at the trial again yesterday. During the proceedings English sat between his attorneys.

## STATE CALLS FOUR IN ENGLISH CASE

Secret Witnesses Will Appear at Trial Today

Four secret witnesses, whose identity has been guarded closely by Prosecutor Frazier Reams, will be placed on the stand in Judge Roy R. Stuart's common pleas court when the first degree murder trial of Joe (Wop) English on a charge of slaying Jack Kennedy, July 7, is resumed at 2 p. m. today.

The witnesses are believed actually to have seen the slaying of Kennedy at 140th street and Edgewater drive, Point Place, when two gunmen, after pushing his companion, Audrey Ralls, aside, pumped bullets into Kennedy and then escaped in a maroon-colored sedan.

Attorney DeWitt Fisher and Attorney A. J. Bianchi, of Akron, defense counsel, will base their case on an attempt to establish an alibi for English.

## WILL RESUME ENGLISH TRIAL HERE TODAY

The first degree murder trial of Joseph (Wop) English will be resumed at 2 P. M. Monday before a jury of six men and six women in Judge Roy R. Stuart's courtroom with the testimony of four actual witnesses of the murder of Jack Kennedy the night of July 7 in Point Place.

The state will rest its case following the appearance of the quartet of Point Place residents whose identities have been guarded by the prosecutor's office.

Defense Attorneys DeWitt Fisher and A. J. Bianchi of Akron, will open their case late Tuesday and will attempt to establish the alibi that English was at 1311 Milburn avenue at the time the murder was committed.

Thus far the state has not connected English with the slaying, but has shown through testimony of preliminary witnesses that a revenge motive existed for the murder of Kennedy as a result of a severe beating he gave John Mirabella in a street fight at which English was a spectator June 5. At that time Kennedy and two companions escaped in his car amid a rain of bullets.

## ENGLISH'S ALIBI STATE'S TARGET

Prosecution May Produce Eye-witnesses Today in Kennedy Killing Case

The state expects to fire its heavy guns Monday afternoon when the first degree murder trial of Joe "Wop" English, charged with slaying Jack Kennedy, youthful bootlegger, in Point Place, July 7, is resumed in Judge Roy R. Stuart's common pleas court.

Prosecutor Reams has indicated eyewitnesses of the gangster killing will be among the state's last four to be called Monday afternoon.

English, Licavoll gangster, is one of four men indicted for the killing. Kennedy was slain as he walked near his summer cottage with Miss Audrey Ralls, beauty contest winner. She was pushed aside by two gunmen who stepped out of a small auto and riddled Kennedy with bullets.

The defense contends English was in Toledo at the time of the killing. He previously had said he was in Detroit when the slaying occurred.

The case probably will go to the jury Wednesday.

## ENGLISH IDENTIFIED AS KENNEDY KILLER BY SECOND YOUTH

19-Year-Old Witness Tells Story Similar To Chum's at Trial of Toledo Gunman; Points To 'Wop' as Slayer

By CARL ADAMSHICK

A second eyewitness Tuesday identified Joe (Wop) English as one of the killers of Jack Kennedy, Toledo night club owner and bootlegger, at Point Place the night of July 7.

The witness, Robert Schwaite, 19, of 3018 135th street, pointed out the defendant in Judge Roy Stuart's common pleas court, where English is on trial for first degree murder in the slaying.

Schwaite went to the witness stand after defense attorneys had completed a vigorous cross-examination of Harry Craig, 23, of 231 E. Delaware avenue, the first eyewitness to identify English as one of the men who participated in the shooting.

**Tells Similar Story.**

Schwaite told substantially the same story that Craig had told in his testimony. He said that his aunt had brought him to 138th street and Edgewater drive on the night of the killing. There, he said, he met Craig and the two sat on the running board of Craig's car conversing.

While they were sitting there, the witness related, Kennedy and his girl friend, Miss Audrey Ralls, walked by arm in arm, toward 140th street.

"A short time later," he said, "a small car pulled up in front of us. There were three men in it. Two of them got out. One adjusted his hat and walked around in front of the car and started toward 140th street, following Kennedy and Miss Ralls.

"His companion did the same thing. The car followed the two men and Craig and I followed the car. The men caught up with Kennedy at 140th street. One of them pushed the girl aside and shot Kennedy and the other started shooting."

**Points To English.**

"Do you see either of the gunmen in the courtroom?" the witness was asked.

Without looking at English, Schwaite pointed in his direction and said:

"He's over there sitting between those two attorneys."

"Was he wearing glasses that night?" the witness was asked.

"No," he replied.

English was wearing rimless glasses in court Tuesday.

**Describes Clothing.**

Told to describe the clothing English wore that night, Schwaite said: "He had on dark pants, a light shirt, a black sleeveless sweater and a soft straw hat."

English showed no sign of emotion when he was pointed out by the youth. He stared intently at the witness, who kept looking at the

Testimony of Craig, naming English as one of the slayers of Kennedy, was subjected to a vigorous attack Tuesday on the ground that the identification was induced by a promise of reward.

Defense attorneys claim they can prove that Craig and Schwaite have been given promises of jobs and other considerations if "English" goes to the electric chair.

An open charge to this effect was made in the courtroom Monday afternoon when Craig was being cross-examined by Attorney Fisher.

"Isn't it true that you will get a job with the county if English goes to the chair?" Mr. Fisher asked the witness.

"Maybe I will and maybe not," Craig replied. Schwaite, he said, already has a job with the county.

When pressed for a reason why he might be expecting a possible job from the county, Craig said: "Well, I saw in the paper that 7000 men would be given work right away."

Craig's positive identification of English as one of the killers was the most damaging testimony the state has obtained in the trial which enters its seventh day Tuesday.

He told how he and Schwaite were sitting on the running board of Craig's auto at 138th street and Edgewater drive, on the evening of July 7, when the Kennedy murder occurred.

**English Pointed Out.**

"Is either of the gunmen in the courtroom?" the witness was asked.

"Yes, he's over there seated between those two attorneys," the witness said pointing at English.

English never moved a muscle and his face showed no sign of disturbance.

The witness pointed to English again when he was asked which of the gunmen it was who pushed Miss Ralls aside before the shooting.

After the shooting Craig said the driver of the gunmen's auto tried to turn around in the narrow street. He had to back up to do it, Craig said, and while he did so the gunmen jumped into the car.

**Boys Almost Run Over.**

"Schwaite and I were in the path of the retreating auto. The driver almost ran over us and I had to jump a fence to get out of his path," Craig said.

After the shooting, Craig testified, he and Schwaite remained at the scene for the greater part of three hours. He said he left the scene for a short time to go to the home of

Courthouse after English had been returned to the jail, declared the accusation of the condemned prisoner that efforts had been made to plant a gun in his cell was absurd and absolutely false.

"As I remember it, Kaminaki was brought to the prosecutor's office twice between the time sentence was imposed on him and the day he was taken to the penitentiary and on both occasions he was brought over here to see his mother who was refused admittance to the jail to see her son," Mr. Rhinefort said.

"At no time did I discuss the English case or any phase of it with Kaminaki."

## ENGLISH WILL DIE IN CHAIR APRIL 20

Sentence Is Pronounced by Judge Stuart; Plea Is Made

Joe (Wop) English was sentenced yesterday by Judge Roy R. Stuart to electrocution in the Ohio penitentiary, April 20, for the first degree murder of Jack Kennedy, night club proprietor, in Point Place, July 7.

The sentence followed the decision of Judge Stuart, announced Tuesday, in which the motion of English for a new trial was overruled.

English is to be taken to the penitentiary by Sheriff Dave Krieger, probably today. He will be placed in "death row," occupied now by only one other prisoner, Albert Bruno, awaiting electrocution Jan. 11 for the slaying of John J. McLaughlin, Park Lane hotel clerk.

Before passing sentence Judge Stuart asked English whether he had anything to say. The condemned man, with perfect self-possession, replied he had. He then proceeded to extol the judge, and to condemn Prosecutor Frazier Reams and Captain of Detectives George Timiney for having "framed" him.

## ENGLISH GOES TO PEN SOON

Sheriff Will Take "Wop" To Death House Friday or Saturday

Joe (Wop) English will be taken to the Ohio penitentiary to await execution either Friday or Saturday. Sheriff David Krieger indicated after the death sentence was pronounced on English by Judge Roy Stuart in common pleas court Wednesday.

English was sentenced to die April 20 for the murder of Jack Kennedy, bootlegger, last July 7 in Point Place. The killer, who fainted when a jury found him guilty, proved loquacious and defiant when he heard the sentence Wednesday. He accused Prosecutor Frazier Reams and Detective George Timiney of framing him and expressed his high regard for Judge Stuart, Sheriff Krieger and the county jail.

The case will be carried to the court of appeals in an attempt to obtain a reversal of the guilty verdict, DeWitt Fisher, English's attorney, has indicated.

## "Wop" English Misses Opportunity To Be An Alibi Witness

Joe (Wop) English, under death sentence for the murder of Jack Kennedy in Point Place last July, missed a chance to be an alibi witness for a Canton, O., gentleman Thursday afternoon.

A. C. L. Barthelme, assistant prosecutor of Stark county, and Thomas Bretherton, assistant county prosecutor here, visited English in his cell in county jail to check the story of one Roy Marino, convicted of a Canton bank robbery recently, that English could prove his innocence.

All English knew, according to Mr. Bretherton, was that he was sitting in a car in Canton last summer with two gentlemen whose names he did not know and one had said to the other that something should be done for Marino because he had nothing to do with the crime.

## ENGLISH QUIZZED ON ROBBERY CASE

Canton Attorney Seeks Evidence To Help Convicted Man

Joe (Wop) English, sentenced to die April 20 for the murder of Jack Kennedy, conferred in his county jail cell here yesterday with A. C. L. Barthelme, Canton, assistant prosecutor of Stark county, in an attempt to mitigate the penitentiary sentence for robbery now being served by Roy Marino, Canton hoodlum.

Barthelme received permission to interview English from Prosecutor Frazier Reams. The Stark county attorney explained that Marino, now serving a sentence of from one to 20 years in the Ohio penitentiary on conviction of a charge of robbing a suburban branch of a Canton bank, claimed that English possesses information which would clear him.

English told Barthelme and Assistant Prosecutor Thomas Bretherton, they report, that he overheard a conversation between two hoodlums whose last names he did not know in Canton, recently. The pair discussed the bank robbery, English asserted. He quoted them as saying, "We made a bum beat anyhow. Got only \$7,500. Let's give Marino part."

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## MAY POSTPONE SULKIN TRIAL

Prosecutors and Defense Attorneys Agree On Advancing Date One Month

Postponement for at least a month of the trial of Jacob (Firetop) Sulkin on charges of first degree murder in the killing of Jack Kennedy July 7 in Point Place was to be asked of Common Pleas Judge Scott Stahl Friday by Prosecutor Frazier Reams and Sulkin's attorneys, John W. Hackett and Harry Levy.

Announcement that the postponement would be sought followed a private conference of the prosecutor and defense attorneys late Thursday.

All Concerned Silent  
All three refused to give any reason for seeking the delay except that "it will be more convenient for both sides." Neither would any of the three say which side had suggested that the delay be requested.

Sulkin's trial is scheduled to begin Jan. 15. A special venire has already been drawn to furnish a jury for the case. Sulkin has been under indictment for the crime nearly five months. Most of that time he has spent in the county jail. He was released on \$10,000 bond last week by Judge Roy Stuart.

English Awaits Removal  
Meanwhile, Joe (Wop) English, convicted of the same crime and sentenced to death awaited transportation from county jail to the Ohio penitentiary.

Whether he might be taken to Columbus Friday depended largely on whether the county clerk's office completed preparation of the cost bill in the case, sheriff's office attaches said.

## ENGLISH QUIZZED ABOUT ROBBERY

Statement May Be of Help to Man Convicted of Bank Holdup

Joseph (Wop) English, who soon is to be taken to death row in Ohio penitentiary, was questioned concerning his knowledge of the hold-up of a bank near Canton, O., in June, by A. C. L. Barthelme, assistant prosecutor of Stark county, Thursday.

Mr. Barthelme said he came here to check reports that English had knowledge of the robbery which would free Roy Marino, now sentenced to from one to 20 years in Ohio penitentiary. Marino is said to have stated that English could exonerate him.

Mr. Barthelme visited English in his cell, accompanied by Thomas S. Bretherton, assistant county prosecutor. Mr. Bretherton said English told of having been seated in an automobile last summer with a man named "Pee Wee" and another man, the driver of the car.

English said, according to Mr. Bretherton, that he overheard "Pee Wee" say to the driver of the car, "We ought to do something for Marino. We made a little haul anyhow. It was only \$7,500." English said he had inferred from other remarks that Marino was not involved, Mr. Bretherton said. English did not know the names of the men, he said.

## WOP ENGLISH ENTERS PRISON

Secrecy Cloaks Removal From Toledo to Ohio Pen.

Joseph (Wop) English, sentenced to die in the electric chair April 20 for the shooting of Jack Kennedy in Point Place, July 7, 1933, was delivered to Ohio penitentiary Friday afternoon. Due to the secrecy desired by officials, newspapers agreed not to announce his removal until he had reached the prison.

Handcuffed to Chief Jailer Jay Gilday and Deputy William Bierwirth, he made the trip by motor, with Sheriff Dave Krieger driving. The party reached the prison at 3 P. M.

The trip was uneventful. When the officers started on their return trip English asked them to bid goodby to all his friends, declared that he held a grudge against no one and said that in case he is granted a new trial he hopes that Judge Roy R. Stuart again presides.

English is in death row at the prison. There is only one other occupant in that part of the prison, Albert Bruno of Toledo, sentenced to die Jan. 11 for his part in the shooting of John J. McLaughlin, Park Lane hotel clerk, last March. English's attorneys, DeWitt Fisher, and A. J. Bianchi, Akron, will take the case to the court of appeals which Friday upheld the verdict against Bruno. The latter's attorneys now will appeal to the state supreme court.

## ENGLISH IS TAKEN TO PENITENTIARY

Trip to Prison Made by Auto; Slayer Placed in Death Row

Joe (Wop) English, convicted murderer of Jack Kennedy, was taken to the Ohio penitentiary by automobile yesterday in custody of Sheriff Dave Krieger, Chief Jailer Jay Gilday and Deputy Sheriff William Bierwirth.

English was sentenced by Judge Roy R. Stuart to be electrocuted April 20. He remained calm throughout the trip, according to Sheriff Krieger, who called the jail from the prison.

English is lodged in death row, the only other occupant of which is Albert Bruno, sentenced to be electrocuted Jan. 11 for the murder of John J. McLaughlin here.

The English case will be taken to the court of appeals by Defense Attorneys DeWitt Fisher and A. J. Bianchi, Akron. The Bruno case is to be appealed to the state supreme court.

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## NEW KENNEDY INQUIRY ASKED

Wop English's Attorney Drafts Demand to Grand Jury.

A new investigation of the gangster killing of Jack Kennedy, Toledo bootlegger, committed at Point Place July 7, will be asked of the present grand jury by Attorney DeWitt Fisher, counsel.

Joseph (Wop) English, The Blade learned today. English, convicted recently of the murder, was sentenced to die in the electric chair April 20 by Judge Roy R. Stuart, who overruled his motion for a new trial after a battle of affidavits was held following a sensational trial.

Mr. Fisher said that he intends to confer with A. J. Bianchi, of Akron, his co-counsel in the English case, Saturday, at Columbus about this development.

To Ask New Inquiry

The attorney said that he will ask the jury to make a new investigation concerning all details surrounding the killing. He is satisfied that if all the evidence in the possession of Prosecutor Frazier Reams and other evidence which the defense has obtained is present-

ed to the jury the jurors will no bill the indictment against English.

"English is innocent of that murder," Mr. Fisher said. He will ask the jury to hear the testimony of witnesses which was produced in the form of affidavits after the trial, he said.

Mr. Fisher said that he has been given a complete picture of the killing and knows that the slayers of Kennedy did not return to Toledo as was indicated, but drove immediately over the state line into Michigan after the murder.

Appeal Planned

Other details which clear up disputed points have come to his attention within the last 15 days, the attorney said. He is completing the petition-in-error which he intends to file in the court of appeals before Feb. 2.

English is in death row at the Ohio penitentiary in Columbus confident that the court of appeals will grant him a new trial. Albert Bruno, convicted of the slaying of John J. McLaughlin, clerk of the Park Lane apartments, is his only companion.

## New Murder Probe No Aid to English

Any action that might be taken by the Lucas county grand jury in a new investigation of the killing of Jack Kennedy would not be of any value to Joseph (Wop) English, Joel Rhinefort, assistant county prosecutor, said today. English is awaiting execution for the Kennedy murder.

Mr. Rhinefort said that Attorney DeWitt Fisher, counsel for English, has the right to ask either the prosecutor or the foreman of the grand jury to reopen the Kennedy inquiry.

The new jury, however, could not act on the indictment returned against English by the previous grand jury. The prosecutor alone has the authority to recommend to the court the quashing of an indictment, Mr. Rhinefort said.

## English to Ask for Outside Court

Indication that a request will be made for an outside court of appeals to hear the petition-in-error of Joe (Wop) English was given today.

English now is in death row at the Ohio penitentiary awaiting execution as the result of his conviction in common pleas court here of the murder of Jackie Kennedy, young bootlegger, in Point Place July 7, 1933.

# ENGLISH, TO DIE APRIL 20, GIVES COURT SPEECH

JAN 3 1934

**Kennedy Slayer, Calmly Vehement, Sorry for Judge; Chair "Okay Wid Me"**

Joe (Wop) English was sentenced to die April 20, in the electric chair for the murder of Jack Kennedy, bootlegger, at Point Place the night of July 7, at the height of a dramatic scene in Judge Roy Stuart's common pleas court Wednesday.

English, who had collapsed in a dead faint when the jury brought in a verdict of guilty against him recently, stepped into a role of bravado to receive the death sentence.

He entered the courtroom handcuffed to Deputy Sheriff Leo Fagan and surrounded by a squad of deputies. English smiled as Deputy Fagan unlocked the handcuff to allow him to stand while being sentenced.

### English Makes a Speech.

He advanced a few feet toward Judge Stuart's bench, adjusted his form-fitting gray top coat, moved his head nervously and waited for the judge to speak.

"Have you anything to say before the sentence of the court is pronounced on you?" Judge Stuart asked.

"Yes," said English.

Then, in a ringing voice, which could be heard in every part of the courtroom, he said defiantly:

"I am as innocent of this charge as you are. I was framed by the prosecutor and George Timiney, (captain of detectives and special investigator for Prosecutor Reams) from the beginning of this case.

### Prize for the Court.

"I know what kind of a judge you are. You're the squarest, whitest judge that ever sat on a bench. I don't want you have the stain of sentencing me on your record.

"I'd rather have the prosecutor or George Timiney get up there and sentence me.

"Let them sentence me," English shouted. "Why should you do it?"

"Here's my friend," he said, pointing to Attorney DeWitt Fisher. "He fought for me. We ain't got no money. We ain't got a cent. The state has plenty.

Apparently at a loss for further words, English hesitated and then lapsed into silence.

### But Justice Grinds On.

"You appreciate," Judge Stuart said, "that it is an unpleasant duty for any one in my position to pass sentence on a fellow citizen. Of course, the question of the evidence against you is up to the jury. The sentence of the court is, therefore, that you be put to death by the warden of the Ohio penitentiary April 20, 1934, according to law."

English heard the death sentence in comparative calm. When the judge had finished, he again raised his voice.

"One other thing I'd like to say they've got a fine jail and one of the best sheriffs in the country here, but they made things miserable for me. They did everything they could. They told people I was a terrible murderer, and they tried to keep me from having clothes and things like that.

### "Dave's Been a Man."

"Why, I wouldn't leave that jail if the door was open—not on Dave, because he's been a man to me." (He referred to Sheriff Dave Krieger.)

English hesitated again.

"Well," Judge Stuart said in a sympathetic tone, your counsel probably will use whatever legal remedies are available. Perhaps another court will see the case differently than this court, and that will be, perhaps, your good fortune."

### Hints Framed Break Plot.

Again English threw back his head and continued his harangue, his voice shaking with emotion.

"Why, your honor, a certain prisoner was brought right in this prosecutor's office and told to put a gun in my cell and he come back and said: 'English, I can't do it!'"

Seeing a smile on the face of Arnold Bunge, assistant prosecutor, English turned on him venomously. "You don't need to smile," he shouted, "you know you did it. You framed me."

Then turning once more toward his attorney, the doomed man continued:

"As long as this man is living, as long as he's got a drop of blood in his veins, he's going to fight for me. I ain't got no money. He knows I ain't got no money. I ain't got a nickel. The sheriff gave me \$10

### Rather a Cell That Night.

Becoming somewhat confused in his own vehemence, English reverted again to the murder.

"What have I got against Jack Kennedy?" he shouted. "I've known him for 10 years. I've et with him. I've slept with him. Why would I want to kill him? I wasn't in any beer selling game. If I knew at the time that Jack Kennedy was going to get killed I'da tried to stop it. And if I couldn't stop it, I'da said: 'Boys gimme a chance,' and I'da gone to the jail and spit in the chief of police's face so that I could get kept in the jail all night.

### "Duty an' He Hates It."

"Why, what's my record they're always talking about? It's just English picked up on this corner on suspicion or English picked up some place else on suspicion. I never killed anybody in my life. Four convictions I got. One for bootlegging, one for sleeping in a stolen car, one for robbery. Fourteen years ago I was in the penitentiary. That's all the record I got.

"There's Judge Stuart—I've known him for years and he's doing his duty an' he hates to do it. That's all, your honor."

### "Sorry." "Okay Wid Me."

"Sorry, Joe," Judge Stuart said as English sat down.

"Okay wid me," English replied. He was handcuffed again and led by deputies thru the tunnel from the courthouse back to the jail.

A comparatively small group of spectators was in the courtroom during the sentence, which had not been announced until a few minutes before English was taken to the courthouse.

Judge Stuart's decision to sentence English Wednesday followed a conference with Sheriff Krieger, and came a half hour after the judge had announced he would not sentence him until he had conferred with Prosecutor Reams, who is expected to return from a vacation late Wednesday or Thursday.

### Knew of Vacciano.

English appeared for sentence with the knowledge that Frank Vacciano, who, for a time was his companion in the county jail, died

in the electric chair Friday night for the murder of John J. McLaughlin, Park Lane hotel night clerk.

Vacciano was the first man sentenced from Lucas county to death for several years.

The fact that English took the jury's verdict so hard, brought predictions that he might collapse again when the death sentence was pronounced.

### Rise and Shine.

Attaches at the jail say English has spent no idle moments while he has been the sole occupant of a large cell block in the jail—that he has arisen early every morning to begin polishing his cell and its crude furnishings and that he has kept on polishing until bedtime.

He explains his activity by saying:

"I must have something to do; I gotta be busy."

# English Dies April 20;

In one of the most intensely dramatic courtroom scenes in months, Joe (Wop) English, convicted as one of two trigger men who murdered Jackie Kennedy July 7 in Point Place, was sentenced this morning to die in the electric chair at the Ohio penitentiary April 20,

by Common Pleas Judge Roy R. Stuart.

More than 100 spectators who crowded into the courtroom heard English deliver a lengthy, dramatic statement to the court before sentence was passed in which he denounced Prosecutor Frazier Reams and Captain of Detectives George Timiney, who, he said, "framed" the case against him. English asked that Prosecutor Reams and Captain Timiney be ordered to pass the death sentence on him.

Working himself into a frenzy, English, his eyes flashing, shouted repeated assertions of his innocence to the court, punctuating his remarks with vigorous gestures.

### Judge Sits Calmly

Judge Stuart sat calmly through the tirade and registered sympathy for the man he was about to sentence.

At the defense trial table sat Attorney DeWitt Fisher, chief counsel for English. Arnold Bunge and Thomas Bretherton, assistant county prosecutors, sat at the state's trial table.

At the close of English's statement, which he completed with his hands outstretched in appeal, Judge Stuart informed the defendant there was no possibility of his avoiding the duty of sentencing

Continued on Page Four, 2nd Col.

# ENGLISH HEARS DOOM IN COURT

JAN 3 1934



Joseph (Wop) English, who must die for the slaying of Jack Kennedy, beer dealer, is shown here in the center shortly after he was sentenced by Judge Roy Stuart in common pleas court today. The condemned man is seated between Leo Fagan, deputy sheriff, on the left, and Attorney DeWitt Fisher, his counsel.

# English to Die April 20; Denounces Reams, Timiney

**Doomed Slayer, in Dramatic Plea, Shouts "Frameup" and Asks That Prosecutor and Detective Be Forced to Pass Death Sentence on Him.**

Continued From First Page

English to death because the jury which had convicted him had made this action mandatory.

English, sartorially immaculate in a dark, freshly pressed suit, a light gray topcoat and felt hat to match, was brought through the tunnel to the courthouse on his final visit by Deputies Leo Fagan, William Bierwirth and Jailer Jay Gilday.

### Nervous and Excited

He was nervous and excited as he took his seat at the trial table and looked anxiously around the room before inquiring for Attorney Fisher.

Mr. Fisher, who had been conferring with Judge Stuart, entered the courtroom and conferred for several minutes with his client.

Judge Stuart then took the bench, the buzz of conversation in the courtroom subsided and the court said, "Stand up, Joe."

Deputy Fagan unsnapped the handcuffs from English's wrists and the Wop stood up, smoothing the front of his coat with shaking hands.

"The provisions of the law require me at this time to inform the defendant formally of the verdict of the jury which was guilty of first degree murder without a recommendation of mercy and which requires the imposition of the death sentence," Judge Stuart said.

### Takes Center of Stage

"Is there anything you want to say, Joe, before the sentence of the court is pronounced?"

"Yes," responded English, smiling at the bench.

He stepped to a point in the cen-

ter of the courtroom between the two trial tables and became a dramatic center of attention as he began his impassioned declaration of his innocence.

"Judge, I am as innocent of this crime as you are," English declared. "I was framed by the prosecutor and George Timiney from the beginning of this case to the end. 'Knowing you like I do as the whitest, squarest judge on that bench, I hate to have you sentence me and have that stain on your hands the rest of your life. I'd rather have Prosecutor Reams and George Timiney sentence me—they nailed me to the cross.'"

"Let them sentence me to the chair—you shouldn't do it."

**Says Lawyer Is Only Friend**

Pointing to his lawyer, Mr. Fisher, who sat near him, English said: "Here is my friend, the only pal I've got. He worked night and day for me and lost plenty of sleep. We have no money but the state has plenty and spent a great deal to convict me. If there is any way that you can avoid sentencing me and let Reams and Timiney sentence me, I wish you would do it."

Judge Stuart informed English that it was not a pleasant duty for anyone occupying his position to pass the death penalty on a fellow-citizen.

"The question as to whether there was sufficient evidence to convict you rested with the jury and not with me," Judge Stuart said.

"I will say to you, however, that in my opinion the case was fairly submitted to the jury on my part. However, there is no discretion in the law which permits the judge to pass his duties on to someone else."

### Service Maintained

Director Schoonmaker, in announcing the return of several employees of the engineering department to their positions after they had been paid off Saturday, said that this is done to furnish ample engineering service in co-operation with CWA projects.

Director Peters late Tuesday announced that Miss Cecil Debit, who has worked for many years in the purchasing department and who served as acting commissioner of purchases under Mayor Thacher, has been named to the commissionership. The position pays \$3,600 a year.

Several men have been placed at work making an inventory of all city property in every division, Service Director George Schoonmaker said. He said that Mayor Klotz has asked for a complete inventory of the city's property in an effort to prevent future loss and to determine for what property he is responsible.

"It is therefore the sentence of this court that you will die in the electric chair on April 20, 1934, in the Ohio penitentiary."

"No doubt your lawyers will carry your case to a higher court and if some other court views this case differently than I do, it will be to your advantage."

When Judge Stuart passed the death sentence English betrayed no emotion. Then, as if acting on an impulse, the doomed man began a dramatic plea.

"After I was put into the county jail, the strongest jail in the country, they made things miserable for me," he said. "They stopped me from getting visitors, food and clothing. They said that someone was going to come and free me from the jail."

"I would not leave that jail if the door was open. I wouldn't do a trick like that to Sheriff Dave Krieger, who is one of the finest men in this city. So I called for Krieger and said, 'Lock me up by myself, but give the rest of the prisoners privileges.'"

"Then a prisoner was taken to the prosecutor's office and told to put a gun in my cell. He came to me and said, 'English, I can't do it. It's not in me.'"

**Says He's Broke**

said: "You don't need to laugh. You're not too perfect. You're going to be the sorriest man in the world for this. You know what went on and you know why I was framed, so Reams can go to Columbus. I ain't got a nickel. I'm broke."

"Last night the sheriff gave me \$10 for my wife. You know how I was convicted. You know the conversation in the Board of Trade building. What did I have against Jack Kennedy? Did I ever sell beer with him? I knew Kennedy a long while and I ate with him, ran around with him and even slept with him."

"If I had known Jack Kennedy was going to be killed and who was going to kill him, I would have stopped them. Certainly I wouldn't have gone out there in Point Place, where I am known, and killed Kennedy."

"I at least would have worn a white handkerchief over my face. If I had known Kennedy was going to be killed, I would have broken into the police station because I knew that I would have been the first one to be picked up. I would have spat in the face of the chief of police to get locked up."

**Taken Back to Jail**

"I had nothing against Jack Kennedy. Don't forget you've got kids of your own. That's all."

Judge Stuart then said, "I'm sorry, Joe."

English replied, "That's okay with me."

Deputy Fagan then put the handcuffs on English, who said goodbye to reporters, court attaches and his lawyer, Mr. Fisher, and was led back through the tunnel to the jail.

After the sentence, Assistant Prosecutor Bunge said that English's accusation about a prisoner being requested to put a gun in his cell was the first he had heard about it. He said he knew nothing about any gun deal.

The law requires that at least 100 days pass between the date of sentence and day of execution.

**Wife Brings Coffee**

As English returned to the jail he called immediately for Deputy Jay Gilday.

While the deputy was listening to English's protestations of innocence, Mrs. English arrived in the outer office to leave a thermos bottle of coffee and a bag of breakfast rolls.

English does not relish the jail's brew of coffee, and early during his imprisonment he made an arrangement to receive coffee of his wife's cooking daily. Mrs. English was not informed that the death sentence had been pronounced.

Deputy Gilday said English again proclaimed his innocence in the Kennedy slaying and expressed confidence that he will be freed five minutes after the new trial which he is sure the appeals court will grant him.

**Charges Plot to Plant Gun**

"What do they want me to do?" the deputy quoted English as saying. "Dig up Kennedy's body and make him say that I didn't do it?"

The deputy said English again charged that the prosecutor's office had attempted to plant a gun in his cell to discredit him.

English reported, Deputy Gilday said, that James Kaminski, sentenced to life in the Shanty restaurant murder of Charles Mering, had been called to the prosecutor's office and asked to hide a gun in English's cell. Kaminski refused to do so though he believed that refusal would injure his chances for parole, English told Deputy Gilday.

# NAMES LICAVOLI GANG IN KILLING

## Tells Judge That He Knows Who Murdered Kennedy; Carried From Court by Guards.

Collapsing into a trembling heap after hearing the verdict which will send him to death in the electric chair, Joseph (Wop) English, 34, admitted Saturday that he knew who killed Jackie Kennedy in Point Place July 7, and denied that he was the slayer.

English's admission, made to Common Pleas Judge Stuart, traced the crime indirectly to the Thomas (Yonnie) Licavoli gang. "They told me about it the next day," the prisoner said.

The verdict finding English guilty of first degree murder without recommendation of mercy was reached at 9:55 A. M. The case had been given to the jury at 5:24 P. M. Friday.

Following his collapse in the courtroom, English was taken to a couch in the judge's private chambers. He called Judge Stuart to him and declared that he was an innocent man but that he knew who the killers were.

"I could go into the prosecutor's office and in five minutes be cleared of this," English said. "But I'm not a rat."

if I'd tell they would rip my tongue open, cut my head off and put me in a frying pan. But I'm no rat. I wouldn't be a rat. They told me about it the next day."

### Advised to Stop Talking

In his testimony in the trial English said that on the day following the murder he was in Detroit with Yonnie Licavoli and members of his gang attending the funeral of Licavoli's father-in-law.

After English began to talk about the killing, Judge Stuart said: "You had better stop talking, Joe. Wait until you see your counsel."

The prisoner then closed his lips and did no more talking while he remained in the judge's office.

The jury reached its verdict after deliberating an hour Saturday morning. A knock on the jury room door heralded the decision and there was some delay while principals in the case were notified. A. J. Bianchi, attorney for the defense, was among the first to arrive. DeWitt Fisher, also attorney for the defense, was not present.

### Courtroom Crowded

Prosecutor Frazier Reams and his assistant, Arnold Bunge, were called to the courtroom and the prisoner was taken in from the jail, guarded by Deputy Sheriffs Fred Pautz, Clarence Fall and Harry Seitz.

The courtroom was packed to the walls and there was a throbbing tensity in the atmosphere as the verdict was handed to the clerk, who in turn gave it to Judge Stuart.

Everyone listened breathlessly as the court read the verdict which found English guilty of murder in the first degree without a recommendation of mercy, which means that the prisoner must die in the electric chair to pay for the gangster murder of Kennedy.

English was seated on a chair at

the counsel table. On hearing his doom, the blood receded from his face, which became deathly white. He lost consciousness and his head dropped forward, nearly to his knees.

Deputy Sheriff Pautz reached forward and grabbed him. He was assisted by Deputy Fall and the two men held English erect in the chair while handcuffs were fastened to his wrist.

### Jurors in Tears

As soon as she understood the verdict which spelled doom for English, his aunt, Mrs. Margaret Scinta, Buffalo, N. Y., began to scream in a piercing voice.

She shouted, moaned and screamed. Detective Captain George Timiney, nemesis of the Licavoli gang, approached her and tried to get her out of the courtroom.

"Oh, please, let me alone," the woman murmured.

Rose Harbrite English, wife of the killer, took the verdict without much show of emotion, although there were tears in her eyes.

The screams of Mrs. Scinta had a depressing effect upon members of the jury, especially Mrs. Lyda Croll, who sobbed with a handkerchief held to her face. All of the six women jurors were in tears as they left the jury box.

### Carried From Court

English was half-carried into the office of Judge Stuart where he fainted and revived, only to faint again. He was placed on a couch unconscious and the deputies had difficulty in loosening the handcuffs from his wrist. The prisoner

remained on the couch while he made his admission that he knew the killers to Judge Stuart.

As soon as the courtroom crowd began to disperse, English was helped to his feet. As the officers took him to the jail, through the tunnel, the neckband of his shirt was open and his tie was awry. His overcoat was thrown over his shoulders like a cape and he walked unsteadily. The death-like pallor remained on his face.

English was preceded by a guard, gun in hand, as he entered the corridor leading to the jail office. Barred doors clanged behind him as he was led toward the cell blocks. He turned his head only once to ask that his aunt be sent to him immediately. He paced back and forth nervously.

Waiting in the jail corridor with a woman companion prior to English's arrival was a sobbing elderly woman who jailers said was English's aunt.

### Crowd Held Back

After English was led from the courtroom, bailiffs and deputies held back the crowd, forcing the spectators to pass out in single file. The jurors retired to their room and remained until the courtroom was cleared.

Beach K. Harris, 4529 Belmar avenue, foreman of the jury, announced that the jurors had agreed not to reveal what took place during their deliberations or how many ballots were taken before the verdict was reached. They will not even tell their relatives, he said.

Defense Counsel Bianchi said that there is no question but that he will seek to have the verdict set aside and if this is not successful, he will appeal the case.

"In all my experience I never have seen at any time so little evidence on which a jury finding could be based as in this case," Mr. Bianchi said.

### To Guard Witnesses

"The verdict speaks for itself," Prosecutor Reams said. "Of course the prosecutors' office warfare on gangs and gang activities will be continued."

Judge Stuart did not comment on the outcome of the case, but thanked the jurors and apologized to them for the lack of accommodations at the courthouse Friday night before he dismissed them.

Harry Craig and Robert Schwaite, star witnesses for the prosecution who identified English as one of two gunmen who mowed down Kennedy, were in the grand jury room at the courthouse when the verdict was returned.

Mr. Reams said that it would be unnecessary to provide further police protection for them. During the trial the two were guarded by Patrolman John McCarthy.

A date for the sentencing of English was not set, but under the law his attorneys have three days in which to file a motion for a new trial.

Spectators in the courtroom were affected visibly by the verdict. Among them were friends of English and friends of attorneys who participated in the case. Faces were blanched. The screams of Mrs. Scinta grated on the nerves of the auditors and a climax to the excitement was reached when deputies who took English into the judge's chambers slammed the door behind him with a loud bang.

### Begin Consideration Friday

Members of the jury began their consideration of the case at 5:24 P. M. Friday after attorneys completed their final arguments and Judge Stuart gave his charge to the jurors. The courtroom was

cleared and the panel deliberated there rather than in the cramped quarters of the jury room.

Saturday morning members of the jury were taken to breakfast at 8 A. M. and returned shortly before 9 A. M. to resume their deliberations. Fifty-five minutes later the foreman rapped on the door and announced that a verdict had been reached.

The jurors retired for the night at 10:45 P. M. Friday after four hours and 20 minutes of deliberation, during which they took two ballots and asked instructions by Judge Stuart once.

A report obtained from an authoritative source by the BLADE indicated that a preponderance of the votes cast on each ballot were for conviction of the defendant without a recommendation of mercy which would make the death penalty mandatory.

It also was indicated that there were at least two jurors Friday night who opposed their fellows in favoring the death penalty. One of the jurors is believed to have voted for a conviction with a recommendation of mercy and another for acquittal.

The jury was taken to dinner at Charley's and Billy's restaurant in Adams street across from the courthouse in custody of Bailiff Frank Shelling at 6:40 P. M. and resumed deliberating at 7:45 P. M.

### Information Asked

At 9 P. M. Mr. Harris, foreman of the jury, sent a note to Judge Stuart asking whether the automobile from which Craig and Schwaite testified English and another man alighted before shooting Kennedy to death, was a coupe or a sedan.

Judge Stuart summoned Prosecutor Reams and Mr. Bunge, assistant county prosecutor, and Defense Attorneys Fisher and Bianchi to his chambers, where both attorneys examined the transcript of the testimony to learn whether this information had been brought out in the trial.

Judge Stuart then ordered the jury to be seated in its box and formally informed Mr. Harris that there had been no testimony which established the model, or body-type, of the automobile in question. The only description of the automobile which appeared in the transcript was that it was maroon colored.

### Evidence Not Included

Mr. Harris then asked Judge Stuart if there had been any testimony that English had been the driver of the car and opposing counsel agreed no such evidence had been introduced.

The transcript of the case revealed there had been testimony by Craig and Schwaite that two men, one of them English, alighted from the automobile, one on each side of the machine, the driver remaining at the wheel.

The jury resumed deliberation at 9:25 P. M. and at 10 P. M. Judge Stuart again seated the panel and asked whether the members were of the opinion an agreement might be reached with a little more time. Each of the jurors responded in the affirmative and Judge Stuart announced he would give the jury an additional half hour in which to deliberate before arranging quarters for the night.

### Agreement Thought Near

When seated in the jury box for the third time by Judge Stuart at 10:45 P. M. Mr. Harris asserted the members of the jury felt they could reach an agreement, but that all were tired and were of the opinion they would rather retire to think over some of the details of the case and resume deliberations Saturday morning. All expressed belief an agreement on a verdict was in the offing.

Mrs. English, the defendant's wife, and his aunt, Mrs. Scinta, Buffalo, who had remained at the courthouse throughout the jury's deliberation, went to Mrs. English's home at 2110 Elm street, after Judge Stuart ordered the jury to retire for the night.

Peter Bain, courthouse superintendent, then prepared cots for the jurors, who were quartered in the grand jury room and in the courtroom of Judge John M. McCabe. The retirement of the panel was momentarily delayed when it was learned the quarters assigned to the women members of the panel were not equipped with window shades. The shades were provided.

In his charge to the jury, which required 40 minutes, Judge Stuart defined the presumption of innocence and reasonable doubt; outlined the necessary elements the jury must determine preliminary to finding the defendant guilty and instructed the jury that a person who aids, abets or procures another to commit a crime is equally as guilty as the principal party.

### Flight Discussed

He also informed the jurors it was for them to determine if English's disappearance from the city after he was released from jail July 22 constituted flight and if it was predicated on a consciousness of guilt.

The fight in Michigan street in which Kennedy was involved June 5 was to be considered by the jury only as to whether it established a motive for the crime.

The jury, Judge Stuart said, is the sole judge of the credibility of witnesses and must decide which of their testimony to believe by applying the proper tests.

Three forms were provided the jury upon which to return its verdict. One provided for a verdict of guilty as charged in the indictment, for which the death sentence is mandatory; the second for guilty with a recommendation of mercy, which means life imprisonment without hope of parole, and the third, for acquittal.

### Death Asked by Reams

In his closing argument Prosecutor Reams asked the jury to find the defendant guilty and requested the jury to make the death penalty mandatory.

He was preceded in closing argument by Attorney Fisher whose summation was interrupted after a short recess by Judge Stuart who informally polled the women members of the panel to determine whether anyone had talked to them about the case. The women were not called by name, but each was asked individually if such an incident had occurred. All responded in the negative.

The action was prompted by a report Miss Audrey Ralls, sweetheart of the victim, and his companion the night of the murder, had been seen in the women's rest room used by the jurors.

Prosecutor Reams termed the case one of society against organized crime. He said that the skill and completeness of the perpetration of the crime and the wantonness in which Kennedy was killed, take it out of the usual first degree murder class. The jury, he said, must decide in the cold light of reason.

"There is no possible doubt that this man is guilty as charged," the prosecutor said.

The alibi presented by the defense is the kind that one would expect of the type of spineless person bold enough with a gun in his hands but who hides first under a bed, then behind the skirts of a woman, and finally behind an alibi, Mr. Reams said.

Mr. Fisher, opening the second defense argument with a reference to his own Quaker family background, and linking English's name with those of Presidents Harding, Roosevelt and Wilson, whom he said he also has known, declared that he was not ashamed of his association with English.

Mr. Fisher spoke of his difficulties in speaking with Point Place residents, remarking that it appeared as if they had been warned not to talk.

Mr. Fisher told the jurors how English, described by the state as a vicious man, wiped the blood off the face of John Mirabella after he had been beaten by Kennedy in a street battle June 5, and he charged that Craig and Schwaite, the state's star witnesses refused to look at English in the courtroom when they identified him as the slayer.

The death penalty was asked by Arnold Bunge and Joel Rhinehart, assistant prosecutors, while A. J. Bianchi, Akron attorney, and Attorney Fisher made the arguments for English.

### Resumes Argument

Mr. Bianchi, resuming his argument with the opening of the afternoon session Friday, said that the state had a duty to inform the jury that there were two cars involved in the killing instead of one.

Mr. Bianchi asked why Miss Ralls, Kennedy's closest associate, who has been at the trial every day, had not taken the stand.

He said that the state brought in as a rebuttal witness "Sherlock Holmes" Timiney, who searched all over the country, and then didn't find English. Mr. Bianchi charged that the evidence presented was of the most vicious nature, having for its purpose the creation of prejudice against his client.

Sheriff David Krieger was praised by the attorney for giving straightforward testimony. The sheriff, Mr. Bianchi said, would not perjure himself to send a man to jail.

Mr. Bianchi criticized testimony offered by Kusch and Kowalski, prosecution witnesses, and challenged the jury to find one bit of evidence that English had fired any shots on the night of June 5, during a street fight with Kennedy.

"No, they don't give you any evidence of any shots being fired by English," Mr. Bianchi said, "but they do give you plenty of inference and plenty of speculation."

### Guns Not Traced

Mr. Bianchi also called attention to the fact that the state had not attempted to trace to whom the guns were sold which were identified by Sergeant James Payne, Detroit police ballistics expert, as the murder weapons.

"If they had," he said, "the testimony might have shown that the guns were not sold to this defendant."

In reference to the prosecution testimony of Craig and Schwaite, Mr. Bianchi said, I will tell you the story of the theory of auto-suggestion.

"Sometime when you are at home, you ladies, mention to your husband when he arises in the morning that he does not look well, and ask him if he feels well. Then have his son and your daughter do the same thing. By the time all three of you have told him that he doesn't look well, he may decide that he is sick after all, go back to bed and send for a doctor."

"To a certain extent their stories are true, but I leave this to your judgment. When they were questioned by the Clark brothers, they had constantly pounded into them: 'You've seen this picture before, haven't you?' And what would be the natural supposition as to their state of mind after this constant repetition? Sheriff Krieger has told you that these boys stated positively that they could not pick English out of a police line up as the men who murdered Kennedy. The boys themselves said that they were afraid to then but on a later occasion they were not afraid."

### Says Trickery Used

Mr. Bianchi told the jury he firmly believed that the identification of English was based on trickery when obtained by the Clark brothers. He called attention to the photograph of another man who resembled English on which a piece of paper bearing English's name had been pasted, which was identified by the two alibi witnesses.

"I sincerely hope," he said, "that it was the Clark brothers and not anyone else who conducted the questioning at which this trick was perpetrated."

Mr. Bianchi pointed out that the two alibi witnesses were clean, upright, young men who had nothing to gain or lose, no matter in which way the case was decided, and declared that they were shy, bashful young boys who did not want to see an innocent man implicated in a crime.

## Here Are Names of Jury Members

The jury which convicted Wop English Saturday of the murder of Jack Kennedy, was made up of the following:

Beach K. Harris, 4529 Belmar avenue, who was chosen foreman; Mrs. Lyda L. Croll, 1110 Woodward avenue; Robert Bourdo, Bono, O.; Mrs. Nora A. Lundy, 1350 Foster avenue; Carl F. Hill, 3382 Parkwood avenue; Mrs. Frances Mueller, 3744 Bowen road; Anthony Morlock, 1213 Page street; Miss Cloetta Newman, 1717 Wychwood street; Mrs. Frances Collins, 3325 Glenwood avenue; Fred Herter, 2139 Summit street; Harold Radaker, 1639 Wayne street, and Mrs. Ella Fryer, East Baywood street. The 13th juror was Miss Eunice V. Thompson, 2434 Lawrence avenue.

## English Verdict Shocks Carsello

Ralph Carsello, 29, another member of the Licavoli gang who is held in the Safety building in connection with the Jack Kennedy murder, was shocked when he heard that Wop English had been convicted.

Carsello was taken from his cell on the fifth floor of the building into the turnkey's office where Detective Edward Meeker tossed an extra announcing the verdict on a table in front of him.

"What do you think about it?" Carsello was asked.

The prisoner's face blanched, he bit his lips, hung his head and walked back to his cell without saying a word.

Carsello was captured in Akron Nov. 7 and returned here on a capias holding him as a material witness in the case of Jacob (Fire-top) Sullin, under a first degree murder indictment in the Kennedy case. He is also held for the U. S. marshal as the result of his conviction in federal court with Licavoli and other members of his gang on a charge of conspiracy to violate the prohibition laws.

## Attorney Declares English Innocent

Dewitt Fisher, co-counsel who aided in the defense of Joe (Wop) English, said after the verdict was announced: "I tried to do what was right—that boy is as innocent as I am."

# KILLING MARKED BOOZE RIVALRY

NOV 18 1933  
Brushes Between Kennedy and Licavoli Gang Are Reviewed.

The murder of Jackie Kennedy, 24, climaxed a long and violent rivalry which was the outgrowth of competition in the illicit booze business. Kennedy, personally attractive, ventured to operate as an independent and for a long period the favorite gossip of those who watched events of the underworld had to do with gang reprisals against Kennedy.

Minor brushes between Kennedy and members of the Thomas (Yonnie) Licavoli gang led to a tragic anti-climax Nov. 30, 1932, when gangster bullets aimed at Kennedy killed his sweetheart, Louise Bell, as the two were in an automobile at Superior and Jackson streets.

## Feud Revealed

Kennedy escaped unhurt, but the incident served to bring into full light the feud between Kennedy and the Licavoli combine.

The publicity of the Bell killing was a business windfall for Kennedy. A night club which he opened enjoyed a considerable vogue, and in Toledo's gay set the fashion for a time became to cultivate an acquaintanceship with Kennedy.

Kennedy escaped death a second time several months after the Louise Bell killing when shots struck his automobile after a fist fight with John Mirabella, Licavoli henchman, in Michigan street near Monroe street.

Soon after Kennedy had formed a romantic connection with Audrey Ralls, Toledo beauty contest winner, he was shot down near his cottage in Point Place while strolling with Miss Ralls in the moonlight.

## English Enters Case

The killers, pouncing from the shadows, pinioned Miss Ralls and calmly shot Kennedy down. They escaped in a maroon colored sedan.

English, whose real name is Serafino Sinatra, was brought into the case as a material witness soon after the killing, with Mirabella and Ralph Carsello, all known as Licavoli men. Taking advantage of an arrangement with the authorities, the trio left town. English and Carsello were recaptured in Akron. Marabella is still at large.

English was born in Buffalo, N. Y., May 13, 1899, lived there 13 years, and then went to Cleveland where he spent four years. He came to Toledo in 1913.

## Gunman, Wife



JOE (WOP) ENGLISH



MRS. JOE ENGLISH

Serafino Sinatra, alias Joe (Wop) English, whose short life has been one of crime and brushes with the law, is shown here with Mrs. English. The husband was convicted of first degree murder Saturday and will die in the electric chair.

Discusses June 5 Fight  
Judge Stewart mentioned the shooting affray of June 5, during which the state alleged English participated in an attack on Kennedy at Monroe and Michigan streets, and told the jurors they were to discuss it only in its relationship to establishing a motive for the Kennedy murder.

The judge's charge consumed half an hour and followed a 20-minute recess taken after Prosecutor Frazier Reams had completed a 45-minute argument to the jury. Demanding the death penalty, Mr. Reams said there was no doubt English was guilty of the Kennedy slaying. He said the case was one of society against organized crime and the skill and completeness of the manner in which the killing was perpetrated, and the wantonness with which Kennedy was killed remove it from the usual first degree murder class.

"There is no possible doubt this man is guilty as charged," Mr. Reams asserted.

The prosecutor characterized as a weak dodge the alibi defense English had presented.

## Not Easy to Testify

Mr. Reams referred to the state's star witnesses, Harry Craig and Robert Schwaltz, who identified English in court as one of the men who got out of the death car and stalked Kennedy to 140th street and Edgewater drive and then poured bullets into him.

"It was not easy for them to testify," Mr. Reams said. "They meant just what they said when they declared they had not identified English earlier because they did not want to get mixed up in it."

While Attorney DeWitt Fisher was making his closing plea to the jury, Judge Stuart interrupted the argument to poll informally the women jurors as to whether they had talked to anyone about the case during the afternoon recess. Each woman juror replied she had not discussed the case with anyone.

## Miss Ralls in Courthouse

Judge Stuart's action was prompted by a report that Audrey Ralls, Kennedy's companion on the night of the murder and who was with him when he was slain, had been seen in the rest room used by the women jurors.

Arnold Bunge and Joel Rhinefort, assistant prosecutors, also asked the death penalty in arguments to the jury.

Attorney A. J. Bianchi, of Akron, associated with Mr. Fisher as defense counsel, charged in an argument to the jury that the state had introduced evidence to prejudice the jurors against English.

Mr. Bunge told the jury the state had proved beyond doubt that English killed Kennedy deliberately and with premeditated malice.

## AUDREY DENIES PUBLICITY WISH

Expresses Satisfaction Over Jury Verdict Against English.

Audrey Ralls, Toledo beauty whose romance with Jack Kennedy was broken by Kennedy's death in Point Place July 7 at the hands of gang assassins, expressed satisfaction Saturday with the jury verdict which imposed the death sentence on Joe (Wop) English for Kennedy's murder.

Miss Ralls called reporters to her home at 2428 Fulton street to answer implications made by English's attorneys during the trial. Miss Ralls was not in court when the verdict was returned, although she had attended several trial sessions in which her name had been mentioned.

## Was With Kennedy

Miss Ralls was walking with Kennedy in the moonlight when gangster bullets ended his career as a liquor vendor and night club operator.

Miss Ralls expressed bitterness at the statement by defense counsel that she had gloated over the publicity that had come to her during the murder investigation. The truth, she said, is that she did not care for the publicity.

Miss Ralls said she had been ready to testify, but that the defense declined to use her as a witness, while Prosecutor Frazier Reams and his assistants were satisfied that she had no information which would help the prosecution.

## Reveals New Angle

Miss Ralls, in the meeting with the reporters, revealed a hitherto unknown circumstance which preceded the murder. On the afternoon of July 7, while she was in Kennedy's cottage, Miss Ralls said, Kenneth (Punkins) Francis—popularly supposed to be Kennedy's

bodyguard but said by Miss Ralls to be only a close friend who had no other place to stay than in Kennedy's home—ran excitedly into Kennedy's cottage.

"I just saw him down there with his kid," Miss Ralls quoted Francis as saying. It developed that Francis had seen Mrs. Thomas (Yonnie) Licavoli and her infant daughter driving near the Bay View park golf course.

Miss Ralls denounced the defense inference that Kennedy may have been sent to his death by a tip from a person in his household. She said that the walk which ended with Kennedy's death was suggested by herself on the spur of the moment after she had suffered an attack of "jitters."

Miss Ralls also denied having attempted to speak with women jurors.

# 'WOP' COLLAPSES AS JURY RETURNS VERDICT OF DEATH

Fear of Torture by Own Associates Shouted by Gangster; Wife Screams Wildly as Court Is Thrown Into Turmoil

Joe (Wop) English, condemned to die in the electric chair for the killing of Jack Kennedy, indicated he was willing to tell what he knows about racketeers in Toledo when he sent for Prosecutor Frazier Reams at noon Saturday.

Prosecutor Reams called English's attorneys and when they refused to come to the jail to attend the conference, went to English's cell with Sheriff Krieger. English, following his conviction two hours earlier, had declared he could be a free man if he "dared tell what he knew."

Joe (Wop) English must die in the electric chair for the slaying of Jack Kennedy, youthful bootlegger and night club operator, July 7, in Point Place.

The slayer collapsed and fell from his chair to the floor in the courtroom when he heard his fate Saturday morning. When he regained consciousness a few minutes later, he revealed his fear of gangsters with whom he associated.

English, former pugilist, was lifted from the floor by deputies and carried in Judge Roy R. Stuart's office as the jury of six men and six women that convicted him filed from the jury box.

## English Screams for Judge Stuart.

After he had been placed on a couch and fanned, English deadly pale and quivering, lifted his head and screamed: "Judge Stuart! Get me Judge Stuart!" The judge stepped toward the couch and English, circled

## More To Come, Reams Says

Only a brief statement following the English verdict was issued by Frazier Reams, Toledo's gang-busting prosecuting attorney.

"The war against gang killers," Prosecutor Reams said, "and gangsters of all types will go on without any interruption as long as I am in office."

Asked if he referred specifically to the Licavoli gang, Mr. Reams said:

"Licavoli has had enough prominence. We are going to get all the gangsters—no matter who they follow. There are some others, you know."

Detective Captain George Timiney of the Toledo police department, who has been on detached service as a special investigator for the prosecutor, made the statement:

"This isn't the end by a long shot. There's a lot more to be done."

by deputy sheriff raised up and leaned toward him.

"Judge Stuart," he screamed, "I could walk into that prosecutor's office and be a free man in two minutes. They told me all about it the next day, but I wouldn't dare say a word. They'd slit my tongue—gouge out my eyes and slit out my in'ards and throw 'em to the dogs!"

Judge Stuart calmed the prisoner:

"If I were in your place, I wouldn't talk any more now. I would keep my mouth shut and see my attorneys."

## Courtroom Scene Is Dramatic.

While this drama was being enacted in the judge's office, the scene in the courtroom proper was equally dramatic.

Mrs. English, wife of the gangster, screamed. One woman member of the jury was weeping and English's attorneys were attempting to poll the jury on the verdict.

The case was given to the jury for deliberation at 3:25 p. m. Friday after a sensational trial that lasted more than a week. Thruout the trial the room was packed with spectators and hundreds of persons who sought to hear the testimony were turned away.

The jury deliberated far into the night Friday, then after telling Judge Stuart they probably would reach a verdict if given more time, were provided cots on which they slept in the courthouse.

After breakfast Saturday they appeared eager to resume their deliberations. They were allowed to deliberate in Judge Stuart's courtroom instead of being locked in the stuffy jury room.

## Judge Orders Jury Assembled.

They deliberated a little more than an hour then tapped on the courtroom door and announced they had reached a verdict, thru the foreman, Beach Harris.

# PANEL INDICATES DECISION IS NEAR IN KENNEDY CASE

Return to Courtroom Twice for Instructions on Testimony

After deliberating four hours and 20 minutes, the jury weighing the fate of Joe (Wop) English, charged with the murder of Jack Kennedy in Point Place July 7, retired for the night at 10:45 o'clock last night without having reached a verdict.

Previous to its retirement for the night, the jury twice had asked the court for instructions.

The first inquiry came at 9 o'clock when the foreman, Beach K. Harris, 4529 Belmar avenue, asked the court if the auto used by Kennedy's slayers was a sedan or a coupe. The transcript in possession of the jury referred to the machine as a "maroon colored" machine but did not designate its type, the foreman said.

## Attorneys Called

A delay in the continuation of deliberation was caused when Judge Roy Stuart ordered the defense attorneys called in before the jury was answered.

When called in at 10:45 p. m. the jury volunteered the information they thought they could reach a verdict but said they were so tired that they wanted to rest for the night.

Mr. Harris, the foreman, announced at 6:40 p. m. when the jury went out for dinner, that no agreement had been reached. The jury returned to resume their de-

A controversy between the prosecution and defense attorneys followed when it developed that the slayers' car was neither called a sedan nor a coupe in the testimony during the trial.

## Given Three Forms

When the jury members retired at 5:20 p. m. they were given three forms and instructed to return their verdict on one of them.

One provided for a verdict of guilty without recommendation of mercy—which would make a death sentence mandatory.

The second provided for a guilty verdict with a recommendation of mercy—which would mean life imprisonment without hope of parole.

The third form provided for acquittal—which would mean freedom for English.

In his charge to the jury, composed of six men and six women, Judge Roy R. Stuart told them it was for them to decide if English's disappearance from Toledo after he was released July 22 was a flight, and, if so, whether or not it was caused by consciousness of guilt.

# Licavoli Mobster Seeks To Rub Out His Life Term

Joe (Wop) English, Gunman For Old Gang,  
Becomes Eligible For Commutation Feb. 1

Joseph (Wop) English, gunman for the Yonnie Licavoli gang in the early 30s, becomes eligible Feb. 1 for consideration of commutation of his life sentence by the Ohio Pardon and Parole Board, Lucas County authorities reported today. He is imprisoned in Ohio Penitentiary.

English is the first of the Licavoli gang leaders to go before the state pardon and parole board.

The gunman was convicted on Nov. 17, 1933, by a jury in Lucas County Common Pleas Court of participation in the gangland slayings of Abe Lubitsky and Norman Blatt in 1931, and the death of Louise Bell, killed in 1932 in an abortive effort to kill her sweetheart, Jackie Kennedy.

## Rival In Bootleg Racket

Kennedy, who was Licavoli's chief rival for control of the bootleg business in Toledo, was slain in Point Place the next year.

The jury refused to recommend mercy, and English, whose real name is Serafino Sinatra, was sentenced to die in the electric chair. The late Gov. George White, however, commuted the sentence to life imprisonment a few hours before the governor's term expired.

Harry Friberg, county prosecutor, said his office would have no recommendations to make as the board has full information on the crimes for which English was convicted.

## Still Serve Life Terms

Licavoli himself, Jacob (Firetop) Sulkin, John Rai and Ralph Carsello later were convicted of participating in the same slaying, and all are still serving life sentences.

Other members of the gang who either served or are serving sentences for extortion are Harry Leonard, Sebastian Lupica, Anthony Basase, Ernest LaSalle, James Licavoli, and Leo (Lips) Mocerl. Still at large are Russell Syracuse and John Mirabella.

Sulkin's case is due to come before the pardon and parole board in about a year.

## THACHER'S SIDE

To the Editor: I have noticed an article in your column signed "Give Us Justice." Ordinarily I would not waste time or pay attention to anyone who writes for



# 'Wop' English Denied Right To Parole Hearing

Slayer Is First Of Licavoli Mob  
Eligible To Seek Commutation

Gov. Frank J. Lausche has decided not to commute to second-degree murder the life sentence for first-degree murder being served in the Ohio Penitentiary by Joseph (Wop) English, The Blade learned today. The action denies the convict the right of a parole hearing.

Under Ohio's 20-year law, life terms for first-degree murder must be commuted to second degree before the convict becomes eligible for a parole hearing.

English, gunman for the Yonnie Licavoli gang in the 1930s, is the first of the mob to become eligible for the commutation hearing. The Ohio Pardon and Parole Commission interviewed English at the penitentiary last month. The board's recommendation to the Governor is not made public.

## Must Serve 20 Years

Under the 20-year law, convicts serving life terms for first-degree murder are eligible for

the commutation hearing after serving 20 years. The Governor is free to accept or reject the commission's recommendation.

English, whose real name is Serafina Sinatra, was convicted Nov. 17, 1933, by a jury in Common Pleas Court here of participation in the gangland slayings of Abe Lubitsky and Norman Blatt in 1931 and the death of Louise Bell, killed in 1932 in an abortive effort to kill her sweetheart, Jackie Kennedy.

Kennedy, who was Licavoli's chief rival for control of the bootleg business in Toledo, was slain in Point Place the next year.

English was sentenced to die in the electric chair, but his sentence was commuted to life imprisonment by the late Gov. George White a few hours before his term expired.

## Eligible In 5 Years

English will be eligible for another appearance before the Ohio Parole And Pardon Commission for commutation consideration in five years, and at 5-year intervals after that. At the Ohio Penitentiary, English works in the greenhouse and on the lawn.

Licavoli, Jacob (Firetop) Sulkin, John Rai and Ralph Carsello are serving life sentences for the same slayings. Licavoli will be eligible for a commutation hearing next December, Sulkin in May, 1955, and Rai and Carsello in March, 1956.

Six other members of the gang either served or are serving sentences for extortion, and two others are still at large.

Commutation denials normally are not announced by state officials.

# The Toledo Times

SECOND SECTION

COMPLETE SPORTS

WEDNESDAY, APRIL 16, 1969

APR 16 1969

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## Licavoli Gangster John Rai Refused Commutation Of Murder Sentence

### Governor Acts After Board Denies Parole For Yonnie

COLUMBUS (AP) — Governor Rhodes refused Tuesday to commute a life sentence for murder for John Rai, a henchman of one-time Toledo gangster Thomas (Yonnie) Licavoli.

Rai and Serafino Sinatra, both Licavoli gang members, are serving life terms on murder counts in the four slayings that sent Licavoli to prison in 1934.

Rai, 62, was sentenced in 1934 along with the others.

### Rhodes Explains Action

Mr. Rhodes letter, to acting parole board chairman Joe Palmer, stated:

"Notwithstanding the inmate's good institutional record, which would ordinarily form a proper ground for clemency, I am unable to accept the board's recommendation for commutation of his sentence to a lesser offense. **APR 16 1969**

"To commute his sentence at this time would damage public acceptance of the principle of commutation and parole which is important to proper administration of our penal system."

Rai is originally from Buffalo, N.Y., and has indicated previously that, if released, he would go to Buffalo, where he has relatives.

The parole board earlier in the day rejected parole consid-

eration for Licavoli, 65, who is currently hospitalized by a heart attack. Parole officials said that action would have the effect of keeping Licavoli in prison for up to five more years.

Licavoli's hospital confinement had apparently delayed executive action concerning Rai and Sinatra.

### Decision Delayed

Mr. Rhodes acted in January to commute Licavoli's sentence to second-degree murder, thus making him eligible for parole consideration. However, the parole board delayed action pending further consideration and Tuesday's rejection of parole resulted.

George Denton, chief of the Ohio Adult Parole Authority, said 10 days ago that recommendations for Rai and Sinatra had been sent to Mr. Rhodes.

However, John McElroy, chief aid to Mr. Rhodes, said he has received nothing yet on Sinatra.

## Rhodes Refuses To Commute Term Sentence Stands For Ex-Gangster

COLUMBUS (AP) — Governor Rhodes Friday refused to commute the sentence of former gangster Serafino Sinatra.

Sinatra has served 35 years in prison for his part in four gangland slayings in Toledo in the 1930s. **BIR#5584**

Mr. Rhodes wrote the Ohio Penitentiary that he was unable to accept its recommendation that Sinatra's sentence be commuted.

Earlier in the week, Mr. Rhodes had refused to commute the sentence of John Rai, also a member of the "Thomas Yonnie Licavoli" gang of Toledo.

Licavoli is serving a life term in the Ohio Penitentiary. Mr. Rhodes reduced Licavoli's sentence two months ago, but the Adult Parole Board refused to parole him.

# Parole Given Former Licavoli Gang Members

DEC 13 1972  
Rai, Sinatra, Carsello Are Last Three  
In Prison For Role In 4 Toledo Slayings

The last three members of the Prohibition-era Licavoli gang still imprisoned for their roles in four gangland-style Toledo slayings were granted parole Tuesday by the state parole board.

None of the three is to return to Toledo to live when they are freed from prison within two months after 38 years in prison.

John Rai, 66, and Serafino Sinatra, alias Joe English, 73, will live with and be supported by their families in Buffalo, N.Y., following their Feb. 8 release. Ralph Carsello, 67, who will be freed Jan. 11, plans to live in Cleveland with a brother.

There will be no restriction on visits to Toledo by any of the three, but Rai and Sinatra would have to receive permission of their parole officers before leaving New York state, according to Les Snyder, placement coordinator for the adult parole authority.

If Rai, Sinatra, or Carsello want to move to Toledo permanently, approval of the parole authority would be needed, and is not likely, Mr. Snyder said.

## No Plans To Work

He added that none of the three has any plans to work.

When Thomas (Yonnie) Licavoli, the gang leader, was granted parole a year ago after 37 years in prison, Toledo was placed off limits to him under his parole restrictions. He is living in the Columbus suburb of Gahanna, and operates a gift, stamp, and antique shop in another Columbus suburb.

The only special conditions placed on the release of Rai and Carsello were that they remain on parole for life so that "the public can be assured they will be closely supervised for the rest of their lives."

There is no such restriction on the parole of Sinatra, the oldest of the three, meaning that he could be removed from supervision after five years. Sinatra, who is now in the Chillicothe Correctional Institution, was described as a "model inmate"

who has had honor status for 15 years.

All three of the inmates are said to be in reasonably good health.

Can't Be Paroled

DEC 13 1972  
The way was opened for the paroles last month when Governor Gilligan commuted their 1934 first-degree murder convictions to second-degree. Persons under convictions for first-degree murder cannot be paroled under Ohio law.

BLADE  
The paroles for Rai, Sinatra, and Carsello complete the release from confinement of the five members of the Licavoli gang who were convicted in separate trials of conspiracy in the four Lucas County murders.

The first to be released was Jacob (Firetop) Sulkin, who was freed the day after his 75th birthday. He returned to Toledo, where he lived until his death last July.

Licavoli was granted parole Dec. 7, 1971, three years after former Gov. James A. Rhodes had commuted his first-degree murder conviction to second-degree. Mr. Rhodes refused to commute the sentences of Rai, Carsello, and Sinatra.

The five were convicted of conspiracy in the 1931 slayings of gamblers Abe Lubitsky and Norman Blatt at Franklin and West Woodruff avenues; the 1932 slaying of Louise Bell at Jackson and Superior streets, and the 1933 machine-gun killing of rival speakeasy owner, Jack Kennedy, who had been the actual target when Miss Bell was killed.

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