

FOUND GUILTY IN MURDER

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Youth, 20, Is Convicted Despite Effort of Slayer to Clear Him

Although a man already convicted of the crime sought to exonerate him, a jury that deliberated fourteen and a half hours found John Valletutti, 20 years old, of 2163 Coney Island Avenue, Brooklyn, guilty of first degree murder with a recommendation of clemency in Kings County Court yesterday.

He had been on trial since Monday on an indictment charging that he was one of two men who took part in the robbery of a bar and grill at 5011 Avenue L, Brooklyn, on Oct. 11, 1945, and killed a soldier, Leo Conlon, who resisted them.

IGNORING JURY, COURT GIVES DEATH SENTENCE

A recommendation of mercy made by a jury in Kings County Court was disregarded yesterday by Judge Louis Goldstein as he sentenced John Valletutti, 20 years old, to die in the electric chair during the week of July 27. He was convicted June 7 of taking part in the hold-up of a bar and grill in which a disabled paratrooper, home on leave, was shot fatally.

In explanation of his action, described by court attaches as unprecedented in the history of the Brooklyn court, Judge Goldstein said it was his "considered opinion that the jury was misled to a great extent by sympathy." Holding that he had "always been a firm believer in accepting recommendations of juries," Judge Goldstein argued that "in this case to accept such a recommendation would be dereliction of duty on my part, a miscarriage of justice and unconscionable."

The irony of the situation was revealed later by Assistant District Attorney James McGough. He said that while the jury was deliberating in the case he had offered Valletutti a plea of guilty to a charge of second-degree manslaughter, which carries a maximum sentence of fifteen years. Mr. McGough said the defendant declined, insisting he was innocent.

Valletutti was convicted of the charge that he and William Cronholm, 18, now serving a life sentence in Auburn Prison as an accomplice in the case, on Oct. 11, 1945, attempted to hold-up a bar and grill at 5011 Avenue L, Brooklyn. During a scuffle, Pfc. Leo Conlon, 30, of 4616 Avenue L, the father of four children, was killed by Cronholm.

Cronholm was tried last September and received a life sentence by Judge Nathan R. Sobel on the jury's recommendation of mercy following a verdict of guilty of first-degree murder.

YOUTH SENTENCED TO DIE IN THE CHAIR

Judge Goldstein Disregards Mercy Recommendation for Slayer of Girl, 15

A jury's recommendation of mercy in behalf of Samuel Tito Williams, 19 years old, was disregarded yesterday by Judge Louis Goldstein in Kings County Court as he sentenced the youth to die in the electric chair during the week of April 4.

Williams, who was convicted last Jan. 22 of the first-degree murder of 15-year-old Selma Graff during an attempted robbery in her home, 143 East Ninety-sixth Street, Brooklyn, on April 20, collapsed at the court's decision. He had to be carried from the courtroom to the detention cell on the seventh floor. Later he was taken to the Brooklyn City Prison to await removal to the death house in Sing Sing.

Judge Goldstein said that he based his stand on a report submitted by the Probation Department of the court. Its findings, he said, described the defendant as a "menace" to society, a "psychopathic liar whose personality is permeated with psychosexual habits of thought and conduct."

"I am fully convinced that if this jury had had before it the facts contained in the probation report, the recommendation would never have been made," Judge Goldstein said. "It would stultify my conscience to adopt the recommendation under such circumstances. It is not without hesitation that I have reached this conclusion, but having reached it, I am convinced of its absolute justice and inevitability."

Judge Goldstein explained that Williams' first encounter with the law was at the age of 11 when he appeared in Children's Court in Queens on a charge that he and an adult forcibly entered a building and stole property valued at \$500. He was on probation as a wayward minor when the murder was committed and was being sought for a series of house robberies at the time of his arrest.

A similar position was taken by Judge Goldstein last June when, in sentencing John Valletutti, 20, he refused to accept the jury's recommendation of life imprisonment and sentenced the defendant to the electric chair. An automatic appeal to the Court of Appeals is still pending. Valletutti was convicted of taking part in a bar-room hold-up in which a disabled paratrooper, home on leave, was shot fatally. In explanation of his action in this case, Judge Goldstein said that it was his "considered opinion that the jury was misled to a great extent by sympathy."

MURDER CONVICTIONS REVERSED ON APPEAL

Special to THE NEW YORK TIMES.

ALBANY, March 11—The Court of Appeals reversed today the first-degree murder convictions of John Valletutti in Kings County and Abe Ringe in Queens County and ordered new trials.

In a four-to-three ruling in the Valletutti case, Judge Charles S. Desmond said that Valletutti, convicted of participating in the shooting of a paratrooper in a tavern hold-up, had made a confession of doubtful reliability.

He said the only evidence of guilt offered at the trial was a formal confession signed, according to the defense, after the youth had been assaulted brutally by the police.

Judge Desmond added that the defendant had received wounds "obviously suffered while in custody and reasonably ascribable to the alleged assaults," and to this "undisputed fact" were to be added other "undisputed facts," namely:

"That the defendant stoutly avowed his innocence when under protection of reformatory officials; that he was held incommunicado by the police for twenty hours before he said he was guilty; that his arraignment was illegally delayed; that he was 19 years old; that he was forbidden to communicate with parents, friends or counsel; that there is, outside this confession, no scintilla of proof of his guilt, and that the killer took the stand to say that this man was not his confederate."

The death sentence was imposed on Valletutti by Kings County Judge Louis Goldstein, although the jury had recommended mercy. William L. Cronholm, convicted as the actual killer, was sentenced to life imprisonment by another judge.

A new trial was ordered for Ringe, who was sentenced to death for the slaying of Norma Kolter while attempting rape, on the ground the trial judge failed to deliver a correct charge on the elements of felony murder and the subject of intoxication. Five of the seven judges concurred in the decision.

DEATH HOUSE INMATE FREE AFTER 9 MONTHS

After spending more than two years in prison, nine months of that time as an inmate in Sing Sing's death house, 21-year-old John Valletutti walked out yesterday from the Brooklyn City Prison a free man.

Valletutti's release came soon after Judge Louis Goldstein in Kings County dismissed a first-degree murder indictment against him. The court acted on the motion of Assistant District Attorney James A. McGough.

The youth was convicted June 7, 1947, of participating in the hold-up of a Brooklyn bar and grill in which a disabled paratrooper, home on leave, was shot fatally. It was charged that Valletutti and William Cronholm, 20, now serving a life sentence in Auburn Prison, on Oct. 11, 1945, attempted to hold up a tavern at 5011 Avenue L. Pfc. Leo Conlon, 30, the father of four children, was killed during a scuffle.

During Valletutti's trial, Cronholm admitted doing the shooting and swore that the defendant took no part in the hold-up. An alleged confession introduced by the prosecution was obtained, according to the defense, by police brutality.

Last May, Mr. McGough, acting for the District Attorney's office made an application to have the indictment dismissed on the ground that the prosecutor had no additional evidence to present at a new trial. At that time Judge Goldstein denied the application and ordered a retrial. Yesterday, however, he granted the reapplication.