

TAMPA MORNING TRIBUNE

TAMPA, FLORIDA

THE TAMPA MORNING TRIBUNE, WEDNESDAY, JUNE 2, 1909

CHIRAMENTE CASE IN HANDS OF JURY

Argument is Completed at Late Hour Last Night

Feature of Case Yesterday is Testimony of Defendant – Mistaken Identity Stunt Called Off

After holding a strenuous all day session and then a night session besides, the famous case of Orniferio Chiramente, charged with the murder of B. LaBella on February 2, 1909, went to the jury late last night. Judge Wall made an extended charge, in which he carefully reviewed all matters relating to the case and pointed out all questions to be decided. After waiting on the jury over half an hour Judge Wall decided to adjourn until 9 o'clock this morning, when the jury will report, if a verdict is reached at that time. The jury reported when adjournment was taken last night that there was not prospect of its coming to an agreement within a reasonable time. A mistrial is regarded as a remote possibility.

Arguments in the case were long and animated in the extreme and were listened to by an attentive audience which filled the courtroom to its capacity. However, the new rules of the court were enforced and no one was allowed to come inside the railing cut attorneys and court officials. Chiramente sat, tense with anxiety, by his side seated his wife, two small children and aged mother, forming an interesting study.

Defendant of Stand

The feature of the day was the placing of the defendant, Orniferio Chiramente, on the stand in his own behalf. Chiramente was on the stand practically the entire morning and told his story in detail. He stated that he was suffering from a violent toothache on the day of February 2 and that he spent nearly the entire afternoon in the salon in West Tampa at which several witnesses stated they saw him, and was there at the hour when the two Americans alleged they saw him driving away from the scene of the murder.

The defense desired to submit testimony showing that the countrymen might have been mistaken about seeing Chiramente, and to the effect that it is a very common occurrence for one man to be mistaken for another. To this end, the defendant's attorneys summoned Col. Robert McNamee and Col. W.R. Fuller, who were prepared to state that they had been mistaken, owing to a slight resemblance, on a number of occasions for Col. M. B. Macfarlane, one of the attorneys for the defendant. State's Attorney Phillips made a very strenuous objection to this procedure and Judge Wall decided against allowing such testimony to be introduced.

State's Case Not Proven

In his address to the jury yesterday afternoon, Col. M. C. Macfarlane declared that the state had ridiculously failed in its case and that it had failed to provide the first essential of Chiramente's guilt – the fact that LaBella had been murdered at all. He declared that not a single witness on the stand, and there had been a number who knew LaBella in life, had sworn that the man murdered was LaBella and the dead body found by the river had never been so identified by anyone.

The mere fact that letters addressed to B. LaBella, Mr. Macfarlane insisted, did not prove anything, as many a time letters belonging to one man have been found in the pocket of another, and many times an innocent man has gone to the gallows on some such flimsy proof. Mr. Macfarlane declared that, for ought anybody knew, LaBella might then walking peace the streets of the foreign quarter of New York. He held the state's case up to ridicule in every light possible, and injected so much sarcasm that he kept the jurors smiling nearly all the time.

Phillip's Strong Speech

State's Attorney Phillips made one of the strongest opening addresses ever heard in this city, summing up the case of the state in the most convincing manner possible. He impressed the jury with the gravity of the crime and the circumstantial evidence which had been linked together forming an almost incontrovertible chain pointing to the guilt of Chiramente. State's Attorney Phillips also made a powerful closing address at the session, in which he used in bringing the story of the crime more closely home to the jury. Col. Robert W. Davis, for the defense, made his usual eloquent appeal to the jury to do justice and give the defendant the benefit of the many reasonable doubts which, he declared, exist in this case.