

# TAMPA MORNING TRIBUNE

TAMPA, FLORIDA

THE TAMPA MORNING TRIBUNE – THURSDAY, JUNE 3, 1909

## LIFE SENTENCE IF LOT OF MURDERER

JURY CONVICTS WITH RECOMMENDATION TO MERCY

*When Jury Brought in Incomplete Verdict, Attorneys for Defense Insist on Additional Charge*

Unless an appeal is made or a new trial granted, Orniferio Chiramente, who has been on trial for the murder of B. LaBella, will have to spend the remainder of his life in a prison cell provided the state pardoning board does not intervene. Attorneys for the defense have not yet decided whether they will ask for a new trial or not, but if it is decided to do so the usual four days will be allowed them to file a bill of exceptions. It is not thought, however, that any effort will be made in behalf of Chiramente, as the case made against him by the state was extremely strong and was declared by members of the bar to be one of the most complete and convincing cases of circumstantial evidence which has ever come to light in this or any other state, each link in the chain fitting into the other perfectly.

A verdict of guilty was rendered by the jury as soon as Judge Wall opened court yesterday morning, that decision having been arrived at some time previous. The verdict which was first brought in read: "We, the jury, find the defendant guilty as charged." As this was incomplete, the court had to instruct them to return to the jury room and amend the verdict so as to state the degree of guilt of which they desired to find him guilty. Col. Robert W. Davis for the defense, seeing how the case was coming out, seized this psychological moment to request the court to give the jury an additional special charge to the effect that if a majority of their number saw fit, the jury could recommend the defendant to the mercy of the court. Judge Wall consented to give this charge, and a few moments later the jury returned with a verdict of murder in the first degree, but recommending mercy.

### Must Be For Life

This gives the court no option but to sentence the defendant for life, the law required that this shall be done when a recommendation for mercy is made. Chiramente was not sentenced yesterday, but probably will be sentenced the latter part of the week. The negro, Will Barton, who was recently convicted of murder in the second degree in connection with the killing of another negro in a restaurant in St. Petersburg, has not been sentenced, as motion for a new trial has been filed. Taft, who pleaded guilty to murder in the first degree in the killing of his wife at Plant City, will not be sentenced until after his confederates, Annie Joyner and S.P. Stewart are retried, date for the rehearing probably being set some day this week.

The fact that the jury in the Chiramente case made a recommendation for mercy caused intense surprise in nearly every quarter, as the general opinion has been that Chiramente is guilty and that his crime was atrocious and inexcusable. Probably the only reason why such a recommendation was made is the fact that the evidence in the case was entirely circumstantial and that the accomplice of Chiramente has never been arrested. Aside from the Chiramente case, it is known that Judge Wall is personally averse to sentencing a man to death on circumstantial evidence, as many cases have been known where executed defendants have afterwards been found to have been not guilty. It is alleged that three men on the Chiramente jury were for acquittal, but this fact cannot be verified and is declared untrue by State's Attorney Phillips, but at any rate the jury spent the entire night in discussion before deciding on a verdict.

### Court Room Crowded

When the verdict was announced yesterday morning, the court room was crowded nearly all the spectators being Italians, many of whom have been present every day throughout the course of the trial. Great interest has been manifested in the case by Chiramente's countrymen, most of the better class of which seem to believe that he is guilty and ought to be punished. In making his final argument to the jury Tuesday night, State's Attorney Phillips declared that the community needs an example set which will warn other criminals from repeating Chiramente's crime and strike terror into the hearts of the outlaws who seem to have been operating successfully in this city for some time.

When the verdict was rendered the defendant showed no signs of emotion