

TAMPA MORNING TRIBUNE

TAMPA, FLORIDA

THE TAMPA MORNING TRIBUNE – JUNE 30, 1909

FICARROTTA HELD WITHOUT BAIL FOR TRIAL ON JULY 6

AT END OF HEARING DEFENDANT BURSTS INTO PASSIONATE SOBS
BEFORE RETURNING TO PRISON

RE IS DISCHARGED FROM CUSTODY

GRASPS HANDS OF FRIENDS AS LEAVES COURT ROOM

Further Sensational Disclosures are Made, but Ficarrotta Does Not Take Witness Stand

Two days of testimony taking in the habeas corpus hearing of Castenge Ficarrotta and Andrew Re, charged with the murder of G. Ficarrotta, came to an end yesterday when Judge Wall announced that he would hold Ficarrotta without bail for trial in circuit court July 6 and ordered the release of Re from custody. Andrew Re as he stepped across the courtroom a free man hastened to grasp the hands of his friends and exchange hand clasps with Judge Wall and Sheriff Jackson. To the former he said "I thank you." Tears were streaming down his face as he left the room.

"And I am not allowed any bail of any kind" asked Ficarrotta in apparent surprise when the judge's order was explained to him by his attorneys. A short consultation was held in which it was explained to Ficarrotta that everything possible had been done for him and that he would have to stand trial for his life next Tuesday. With strong determination, Ficarrotta controlled his feelings admirably but later in Sheriff Jackson's office the hard lines in his face relaxed and he gave vent to passionate sobbing which lasted for some time. Officers in their rough way attempted to comfort the unfortunate man; telling him that there was still strong hope for him.

Made Long Arguments

It was after 5 o'clock when Judge Wall came to his decision in the case after attorneys had been arguing the question of bail for the two defendants during almost the entire afternoon. Col. M.B. Macfarlane for the prosecution opened immediately after the taking of testimony had been concluded pointing out the salient features of the case in his own inimitable manner. He was followed by Judge H.C. Gordon for the defense who made a strong plea for the two men and declared that the evidence against both of them is of the most flimsy nature.

Declaring that every circumstance in the case is woven together as strands in a cable and that they point straight to Ficarrotta as the guilty man, State's Attorney Phillips spoke at some length. He reviewed the testimony fully and declared it entirely too strong against Ficarrotta to admit of bail, but declared that the evidence against Re is of such a nature as to merit bail in his instance.

McNamee Hits from Shoulder

In closing for the defense, Col. Robert McNamee attacked every feature of the state's case from every conceivable standpoint and fired broadside after broadside into the circumstantial points on which the stand depends. One after another he took up the various incidents related by witnesses and held them to the

strongest possible investigation, showing that they by no means form an incontrovertible chain pointing to the guilt of Ficarrota. Col. McNamee declared that there is no proof against Re whatsoever.

Particular attention was given by Col. McNamee to the gun circumstance, which was made much of by the state. He declared that, according to the testimony of Will Spencer, there have been two guns of the same pattern in the city as was declared sold to Re and later found at the scene of the shooting. Col. McNamee declared that according to Spencer's testimony, the twin gun had been sold to another party, who had left the city some time ago. He called attention to the fact that the gun found at the scene of the shooting was positively identified by Spencer as the gun he sold to the other party several years ago. He declared that the other gun found at the scene of the killing did not coincide with that alleged to be carried by Ficarrota and that when the latter's house was searched his gun was found hanging on the wall, not having been discharged for some time.

Spencer on Stand

Will C. Spencer was recalled to the stand as the first witness yesterday, and he told of selling one of the twin guns to a Cuban or Spaniard several years ago and that the man had since left the city. He positively identified one of the guns found at the scene of the murder and alleged to have been sold to Re as the twin gun which he had sold to the other party. He declared that he was able to swear positively to this from the fact that he had been called upon to place a new screw in the gun shortly after its purchase. Capt. Barnwell and I.S. Craft, of the Tampa Hardware Company testified that one of the twin guns had been in Spencer's stock when they took charge of his place and other members of the firm told of selling the gun to Re. They were unable to identify the gun found at the murder as the one sold to Re.

Louis Perez, a neighbor to C. Ficarrota, declared that Ficarrota's wife had offered him money to swear that he had seen the defendant seated on his front porch at the time of the murder. This Perez refused to do, declaring that he had not seen Ficarrota anywhere at the time. Mrs. G. Ficarrota, widow of the murdered man, testified that Castenge had frequently called on G. Ficarrota and attempted to get him into conversation on the front porch, frequently glancing uneasily toward the palmetto clump across the street as if expecting shots to be fired from it. Miss Alphonso Ficarrota related a conversation which Castenge had with her father in which he declared himself discouraged at his misfortunes, that he was thinking of committing suicide and that, for a small sum of money, he would be willing to kill any man. George Bell declared that he had taken the keys found in the palmetto clump and attempted to enter other doors in West Tampa, but that out of thirty-seven doors tried, the keys would unlock only three besides those at the house of Castenge Ficarrota.

Statement by Spencer

Regarding his connection with the case, Will C. Spencer has requested that a signed statement be published setting him in a clear light. The statement is as follows:

"I hate very much to appear in public print, but since certain near detectives and personal enemies have put me in a false position before the public in regard to the Ficarrota case, I deem it my duty to make a clean and straightforward statement of all the facts in the case, and let the people judge."

"In the beginning I wish to state, at the time G. Ficarrota was murdered, I was not connected with the sheriff's office, and was in no way an officer. Being a close friend to G. Ficarrota and for the aid he gave me in catching Chiramente, the murderer of B. LaBella, I felt it my duty as a citizen to help catch the murderers."

"I went to West Tampa and called on Mayor Rey and informed him that I had heard on the streets that Mr. Macfarlane would spend a thousand dollars to catch the murderers of Ficarrota. I further informed the mayor that if he would appoint me a special police, I would take hold of the case and catch the guilty parties. I further stated that I was in debt to Mr. Macfarlane something over two hundred dollars, and that if I was successful, I would not want the thousand dollars, but would be satisfied if Mr. Macfarlane would receipt me in full for my indebtedness to him."

“The mayor referred me to Mr. Macfarlane. I then went to Mr. Macfarlane’s office, but did not see him. I next saw Jose Fernandez and made virtually the same statement to him. He said that he would take the matter up with Mr. Macfarlane. I told him that he would have to quick or the parties might escape.”

“I also spoke to Mr. Benjamin in regard to this matter and he referred me to Mr. Macfarlane. I next saw James Henderson and he asked me what I knew about the case, I informed him that I had just seen the guns at the sheriff’s office and was satisfied that I sold one of the guns that did the killing and as soon as I looked at my book I could tell who I sold it to. I further stated that I was confident that with my knowledge of the foreign element and the case being so close to that of LaBella that I could pick the guilty parties out in forty-eight hours. I also stated to Mr. Henderson that I had heard of Mr. Macfarlane’s offer and if I was employed on the case I could save him money and at the same time pay him my indebtedness.”

“I am informed that Mr. Henderson stated on the stand that I knew who I sold the gun to and would tell Mr. Macfarlane would pay me two hundred dollars. I do not know whether he made the statement or not but if he did he swore falsely. In the entire matter I acted open and above board and do not say boastingly but with my long experience with the foreign element and my past success as an officer I would have made better headway than the officers assigned to the case. If they had spent more time working out clues instead of trying to get me in the hole they would have made better headway.”

“With the foregoing statement, I hope that the public will understand my position in the matter and they can readily see that my enemies are at the bottom of the whole affair.”

“Very respectfully, (Signed) Will C. Spencer”