

# TAMPA MORNING TRIBUNE

TAMPA, FLORIDA

THE TAMPA MORNING TRIBUNE – SATURDAY, JULY 10, 1909

## FICARROTTA CASE READY FOR TRIAL

TAXING OF TESTIMONY WILL BEGIN THIS MORNING

*Judge Wall Overrules Motion to Quash Indictment, Sustaining Demurrer of State's Attorney*

The case of Castenge Ficarrotta, charged with the murder of G. Ficarrotta will proceed to trial at 9 o'clock this morning, Judge Wall having sustained the demurrer of State's Attorney Phillips to the motion made by attorneys for the defense to quash the indictment on technical grounds, and a jury having been secured yesterday afternoon. The case is expected to prove one of the most interesting ever aired in circuit court, the killing of Ficarrotta being one of the most brutal ever recorded in this county, and the court room probably will be crowded with Americans and foreigners alike to watch the proceedings.

The jury which will try the case is as follows: G.W. Martin, W.E. Gebhart, J.A. Boyett, E.C. Durant, W.K. Jones, W.O. Hagan, R.B. Hackney, J.R. Bryan, J.H. Dishong, O.E. Archer, D.R. Morgan and B.L. McMullen. The work of securing the jury took the entire afternoon, court adjourning at 5:30 o'clock immediately after the jury was secured, and the indictment read to them. Great pains were taken in making a selection of jurors, both the state and the defense making a careful questioning of each one. Questions regarding circumstantial evidence, capital punishment and reasonable doubt figured largely. Several were disqualified because of having read newspaper accounts and having formed opinions there from.

### Sustains Demurrer

The amended motion to quash the indictment against Ficarrotta was presented to Judge Wall immediately upon the opening of court yesterday morning. The reasons were the same as stated by the Tribune – that the grand jury, in violation to their oaths, had consulted with M.B. Macfarlane, an attorney in the case, who had not been sworn in to assist in the prosecution and during the absence of State's Attorney Phillips, who was perfectly able to be present in person, that the indictment had been found against the recommendation of State's Attorney Phillips, who advised them that the evidence against Ficarrotta was not sufficient to convict: that the indictment was only signed by twelve members of the grand jury.

After considerable argument Judge Wall sustained the demurrer of State's Attorney Phillips, ruling that the members of the grand jury were acting on their own responsibility and were therefore not in any way influenced by either of the attorneys. Court adjourned until 2 o'clock, the work of getting a jury was then begun. Despite his announcement several days ago that he would not represent Ficarrotta, Colonel Robert McNamee is again actively engaged for the defendant, more satisfactory business arrangements having been made.