

Scontriano Case Underway

By Peter J. Heller

The first of six alleged violations of gambling laws in the Santa Cruz area went on trial in police court this morning.

Accused of having violated the law prohibiting the possession of slot machines, was William Scontriano, proprietor of the Seafood Grill, 511 Beach street.

Scontriano, who pleaded not guilty to the charge, was represented by Defense Council Stanford G. Smith.

The prosecution was handled mainly by Assistant Attorney General J. Francis O'Shea who came to Santa Cruz yesterday to assist District Attorney June D. Borina at the latter's request.

It was understood that O'Shea would make the opening statement when the court reconvened at 2 o'clock this afternoon, and also would deliver the closing arguments at the end of the trial.

A jury of eight men and four women was chosen this morning, after the prosecution had challenged six and the defense five potential jurors.

The jurors are: Warren A. Thal, Earl Patterson, Ralph S. Crowl, Mrs. Emma D. Verveer, Mrs. Irene R. Tait, Mrs. Mary H. Kinzie, Dennis L. Murphy, Fred Wagner, William G. Bishop-Brand, Mrs. Estelle Peterson, John L. Ottaviano, and William Little.

Only "fireworks" during the impanelling of the jury came when Smith asked a juror whether he was acquainted with Wiley (Buck) Caddel, a former member of Attorney General Fred N. Howser's office who recently resigned under

... and was indicted by a Mendocino county grand jury for alleged connections with a gambling racket there.

O'Shea immediately objected to bringing Caddel's name into this trial, but Judge James J. Scopettone overruled the objection saying that the question was in order as long as it was asked only to determine acquaintance-ship.

A similar scene ensued when the name of Fred N. Howser was brought up.

An indication that O'Shea would carry the burden of the prosecution came shortly after the proceedings got under way. After questioning the first juror, the assistant attorney general turned to the district attorney, indicating that she should question the second juror. After a short whispered conversation, however, he proceeded with the questioning, and continued to do so until court recessed at 12:25 p.m.

In questioning the jurors, Smith gave a good hint as to his course of action. He said that while the jury would hear much about slot machines from the prosecution, they would hear much about amusement machines from him.

He contends that the machine in question was a duly licensed amusement machine, for which the normal license fee is \$25 has been paid to the city.

The complaints against Scontriano and five other operators of amusement machines in this area were signed by Howser Agents William L. White and R. R. McGill on August 11. This action followed a visit of these agents and George (Red) Griffin, another Howser investigator, to Santa Cruz, during which seven machines were confiscated here and in Capitola.

On August 5, the owners of the machines, Henry Frapwell, Sam Miano, Lou Dickson and Wayne Gettys, and C. A. Berry filed suit for replevin against Howser in superior court. They claimed restitution of the machines, or payment of \$400 for each machine, plus \$500 damages per litigation.

These suits are still pending.

The club owners, all of whom have pleaded not guilty, are Scontriano, Andy Balich and Johnny Kozell of the Palomar hotel, W. L. Wilson and F. J. McCloskey of the Repeal bar, Rocky Battaglia of "El Rocco," Victor Bergamini of the Rio club, and C. A. Berry and Russell Lyman of the Capitola Casino.

O'Shea declined comment yesterday as to whether he would move for dismissal of the other cases in the event that Scontriano would be found not guilty. He told the Sentinel-News that such decision could only be made by Attorney General Howser himself.

Agents White and McGill are here and will probably be called as witnesses. Investigator Griffin is absent due to illness.

Mrs. Theodore Roosevelt Dies

New York, Sept. 30 (U.P.)—Mrs. Edith Kermit Carow Roosevelt, widow of President Theodore Roosevelt, died early today at her home, Sagamore Hill, at Oyster Bay, Long Island.

She was 87.