

TUCCILLO ARRAIGNED IN PERJURY INDICTMENT

Innocent Plea Entered;
No Extra Bail Ordered
Pending Other Trial

By HAROLD H. CASSIDY

Ralph Tuccillo, who a few hours before had surrendered for arrest on a perjury indictment, alleging false statements in his application for a Willowbrook State School job, was freed without bail in his counsel's custody yesterday by County Judge Thomas J. Walsh, before whom Tuccillo was arraigned and pleaded innocent.

The respite will be only temporary, Judge Walsh ordered, until after determination of an assault charge pending in Magistrate's Court. This has been set down for hearing Tuesday and after that time, District Attorney Sidney O. Simonson told the judge, he will ask for bail on the perjury indictment.

Tuccillo is presently held in \$2,500 bail on the assault count.

Tuccillo, whose home is at 298 Bay street, Tompkinsville, gave his age yesterday as 47. It had appeared on prior police records as 48.

Indictment Sealed

The indictment, handed down in County Court late Thursday afternoon, was sealed at the time, as Tuccillo was not yet under arrest on that charge. It was revealed when his attorney, Louis Baron, surrendered his client at 8:30 A.M. yesterday at the district attorney's office.

Baron appeared for Tuccillo when the defendant, having been booked at the St. George precinct and photographed and fingerprinted at Manhattan Police Headquarters, was returned for arraignment. Because of repair work being done in the County Courtroom, the arraignment was held in the Supreme Courtroom, on the same floor of the County Courthouse.

The accused man, neatly dressed in a pin-striped gray suit but wearing no hat in spite of the inclement weather, faced the court on a two-count indictment.

The more serious count, alleging a felony perjury charge, that he made false statements under oath when he applied Jan. 30 of this year for an attendant's job at the state school. The other count, a misdemeanor, charges that the alleged false statements violated the State Civil Service Law.

Was Matteawan Patient

Tuccillo is charged, among other things, with giving a false name, John J. Martini, in his employment application. It is alleged also that in his application he concealed a past criminal record and the fact that he had been an inmate of Matteawan State Hospital.

Baron was notified, after the grand jury acted, that Tuccillo had been indicted. He arranged then with the district attorney to surrender the man yesterday morning at the prosecutor's office.

Both were there at the time set and Tuccillo was formally placed under arrest by Detectives Robert P. Nelson and George M. Ackerman of the district attorney's squad. The booking, photographing and

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fingerprinting followed, and it was not until 12:30 P.M. that the case was ready for arraignment before Judge Walsh.

Baron stated that the defendant pleaded innocent. In view of the fact that Tuccillo already was under \$2,500 bail from Magistrate's Court, Baron asked that Tuccillo be released in his attorney's custody.

D.A. Asks Time Limit

District Attorney Simonson said he would consent to the request, but he asked that it be limited until next Tuesday, the day the assault charge is set for hearing in Magistrate's Court. This would permit him, Simonson explained, to ask, after the Magistrate's Court disposition, for bail on the perjury indictment.

Judge Walsh approved the defense request. Instead of setting next Tuesday as a definite date, he said he would make the release effective until "after the determination of the assault case," in case that might be delayed.

Following the arraignment, Tuccillo sat in the courtroom while formalities were disposed of and then left with his counsel.

Three false statements in Tuccillo's job application are alleged in the indictment.

One of these charges the false name.

Arrested 10 Times

According to another, Tuccillo denied having any arrests up until that date although, the indictment says, he had been arrested ten times, had been indicted six times, and convicted twice. On one conviction he served time in prison on a robbery charge.

The indictment charges as a third false statement, Tuccillo's claim that he never had been in a mental institution. He was an inmate of Matteawan State Hospital from May 15, 1951 to Nov. 15, 1951, after having been adjudged insane while awaiting trial on a criminal charge. He was discharged from the hospital as cured.

The indictment came only a little more than a week after the district attorney questioned officials and employes of Willowbrook State School to learn how Tuccillo came to be employed without discovery of his true identity and past record. Simonson would not comment yesterday upon his investigation but he has not yet stated that it is closed.

All this came about when Tuccillo, then working under the name of Martini, was arrested Aug. 20 and charged with striking two boys in the school with a broom handle. That is the charge pending in Magistrate's Court.