

2 GUILTY OF SLAYING DETECTIVE MICCIO

**Jury's First-Degree Murder
Verdict Ignores Plea That
Police Bullet Killed Him**

COURT CLARIFIES ISSUES

**Brancato Says Guilt Exists if
Second Shot Hastened Fatal
Effect of First One**

Two men who engaged in a pistol duel with a detective and a patrolman were convicted of first degree murder last night in Kings County Court for the slaying of the detective. They are Joseph Palmer, 29 years old, of 1725 Lexington Avenue, Manhattan, and Vincent Sollami, 25, of 617 East 158th Street, the Bronx.

The men were accused of shooting Detective Joseph Miccio, who had been questioning them in a Brooklyn street on Dec. 7, 1942. As the two offered some papers to the detective they grabbed him and he wrestled with them. When Patrolman Peter Droner came upon the scene with drawn pistol, the men used the detective as a shield. During a running chase the detective was shot twice.

At the trial, the defense attorneys, Leo Healy and Edward J. Reilly, raised the issue as to whether the detective had been killed by his fellow policeman, since there were .38 and .45-caliber bullets in the detective's body. A posterior chest wound was alleged to have come from a .45-caliber bullet fired by Palmer, while an anterior chest wound was caused by a .38-caliber bullet.

Assistant District Attorney Julius Helfand asked the jury not to compromise on the verdict. He

said the evidence justified only one decision—"guilty in the first degree."

Mr. Healy told the jury no proof had been given that Sollami knew Palmer had a pistol or what Palmer was going to do with it.

In addressing the jury, Judge Peter J. Brancato said:

"I charge you that if Detective Miccio's death was caused solely and exclusively as a result of this anterior chest wound—to put it in other words, if the posterior, or shoulder wound, did not hasten and accelerate Miccio's death or contribute to its cause—then you must acquit both defendants.

"The defendants, however, can-

not take refuge behind the alleged contention that Miccio had but a short while to live when Palmer shot him. That is, that death at that time was imminent as a result of the anterior chest wound, and that he would have therefore died anyhow; the possible, or even probable imminence of death resulting from the anterior chest wound does not constitute a defense for those later inflicting the posterior chest wound if this latter injury accelerated and hastened death or contributed to its cause."

The defendants were remanded to the Brooklyn City Prison for sentence later.