

Burns Slayer Bound Over To Superior Court Without Bond By Malone Today

Cornetski Goes To County Jail This Afternoon

Hearing Adjourns Twice By Judge; Accused Unmoved

Henry J. Cornetski, 36, of 16 Union Street, alleged slayer of Patrolman James Burns, was bound over to superior court without bond this morning by Judge William J. Malone when arraigned in city court on a charge of criminal homicide.

Immediately after the hearing, Chief Ernest T. Belden said that Cornetski, a brother-in-law of Officer Burns, who has been held at local headquarters since the shooting Thursday night, will be taken to Hartford County Jail this afternoon, where he will be kept, pending grand jury action.

Indications today pointed to a grand jury indictment on a manslaughter charge. A first degree murder indictment seems extremely unlikely in view of the circumstances surrounding the case.

Cornetski is alleged to have shot Officer Burns, senior ranking patrolman in the department, five times with a 12-gauge shotgun and wounded Patrolman Edward O'Connor. The latter sustained a wounded leg when Cornetski opened fire on him. Officer Burns and five other police officers after they had been sent to the Cornetski home to investigate a disturbance complaint.

Judge Malone's decision this morning followed a hearing, which was fraught with legal and medical technicalities and which was adjourned twice in order to await substantial medical testimony.

The hearing began at 9 a. m. and after a half-hour of testimony Judge Malone called for an adjournment until 11 o'clock to await medical testimony from Dr. C. James Capetto, the judge asserting that he could not find probable cause until some one had testified that Burns' death had been caused by gunshot wounds.

When court reconvened, Dr. Capetto took the stand and began to testify about the nature of the slain officer's wounds. Alluding to wounds in the chest and shoulder, Dr. Capetto said that they were the cause of death as far as he could determine.

At this point, Judge Malone asked Dr. Capetto whether or not he signed a death certificate. The latter answered that the certificate had been signed by Dr. Arthur S. Brackett, local medical examiner, but that he had signed an emergency room slip after pronouncing Officer Burns as dead.

Further questioning by Judge William J. Malone brought answers from the testifying doctor that he graduated from Marquette University medical school in 1940 and that as yet he had not yet passed his state board examinations.

Judge Malone then ruled that Dr. Capetto was not qualified to sign a certificate of death or testify to that effect and asked for more evidence.

Prosecutor Edward J. Quinlan said that Dr. Brackett was not available but that Dr. Herman Winters, who had viewed Officer Burns' body shortly after the shooting could be reached. Judge Malone then asked, "Are you sure that Officer Burns is dead?"

Mr. Quinlan replied in the affirmative and the judge called a 10-minute recess.

Resumption of testimony found Dr. Winters testifying as to the nature of the wounds and asserting that the cause of death was "acute bleeding", resulting from the wounds, apparently inflicted by a shotgun.

Mr. Quinlan next introduced a statement given out yesterday by the accused. At first, Judge Malone declined to admit it as evidence, saying that the possibility that it might have been obtained under duress made it inadmissible. However, he accepted it when Sergeant Thomas McCarthy took the stand and testified that the statement had been issued by Cornetski after the latter had been warned of his constitutional rights.

Packed Gallery

A packed gallery was on hand when court convened this morning. The unusual case has aroused statewide interest because of unusual aspects surrounding it. Many of the crowd on hand at today's first session returned again after the first recess was over.

Immediately after the recess, Judge Malone when interviewed said that he could not find probable cause for binding Cornetski over on the criminal homicide charge until medical testimony was presented to prove that Officer Burns had died of gunshot wounds.

Slain On Duty



PATROLMAN JAMES BURNS

Cornetski Unemotional

Cornetski, a man of slight build and medium height, was completely unemotional as he listened to testimony. At no time, did he evidence more than an ordinary interest in the proceedings.

During testimony, he sat between Sergeants Dewey Carpenter and Thomas McCarthy. His face and eyes, although drawn, were entirely devoid of expression. At all times, he kept his eyes straight ahead either toward the bench and at no time looked toward the spectators, who included several members of his family.

Cornetski's wife was not in the court room this morning.

Culver Testimony

First to take the stand this morning was Harold Culver, of 90 Meadow Street. Culver told the court that he and two other men had been with Cornetski Thursday evening. He said that the accused had had "eight or ten" glasses of beer at a place in Plainville. His testimony further revealed that the four men upon leaving Plainville had stopped at Ma Dee's grill on Main Street in Bristol. He said that Cornetski's wife was at the grill and that Cornetski wanted to see her. He added that Cornetski later was in a "scuffle" with waiters at the grill.

Next to take the stand was Patrolman James Quinlan, who was one of the officers at the scene of the shooting and who was at the hospital when Officer Burns died. Patrolman Quinlan when taking the stand appeared pale and obviously laboring under a strain.

His testimony, most revealing presented by the state, was interrupted several times by Judge Malone as the latter warned Prosecutor Quinlan not to testify for the officer but to confine himself to questions.

Testimony Of Officer Quinlan

Pros.—What duty were you on?

Officer Quinlan—West side patrol car.

Pros.—Who was with you?

Officer Q.—Officer Chabot?

Pros.—Did you receive a call about 11:30?

Officer Q.—Yes, I should say about 11:31?

Pros.—How did your call reach you?

Officer Q.—Signalled by light flasher.

Pros.—You proceeded to Union street?

Officer Q.—Yes.

Pros.—When you arrived was there another police car there?

Officer Q.—No, there wasn't.

We arrived there first and passed the house as the first house we flashed was number 30. We rolled the police car back and it was then another police car pulled up and that was the police car in which were Burns and O'Connor. They parked in back of our police car. Officer O'Connor was driving. They both got out about the same time we did. Burns started for the house. There were people in windows and someone shouted, 'Lookout, he's got a gun.'

Pros.—Was this addressed to anyone by name?

Officer Q.—No, not the first one, just, 'Look out, he's got a gun. Then Burns spoke and then came, 'Look out, Jimmy, he's got a gun. Burns went back to the cruiser after his flash light and started toward the house again. Someone shouted, 'Look out, Jimmy, he'll shoot.' And then Cornetski came out of the front door with his gun. Cornetski said 'Come and get me.' He shot. After the first shot we scattered. Several shots in quick succession followed.

Pros.—Did you see Burns fall?

Officer Q.—No, I didn't see Burns fall.

Pros.—How many shots were fired?

Officer Q.—I don't know how many shots were fired. But when

Cornetski was through he came off the porch toward the sidewalk and started directing cars to keep moving.

Pros.—What did O'Connor do?

Officer Q.—After the first shot O'Connor and Burns ran next door. O'Connor to the north of the house and the two other policemen to the south of the house. Burns fell south of the house.

Pros.—After Cornetski stopped firing and was directing cars to keep moving what happened?

Officer Q.—Three lads came down Union street toward South street and as they got to Cornetski there was a scuffle but who grabbed Cornetski I don't know. Then fellows got out of cars and gathered around and he was closed in on at the same time.

Pros.—Who grabbed Cornetski?

Officer Q.—I don't know. Everybody just congregated around him.

Judge Malone—Where were you officer?

Officer Q.—North—in front of the house next door. First we wanted to put Burns in his cruiser but O'Connor had the keys. Someone said the ambulance had been called but we put Burns in the other cruiser and took him to the hospital. With him were Chabot, Burns' brother, myself and Patrick Farrell. We stayed in the emergency room.

Winters Testimony

Officer Winters, also one of the officers at the scene of the shooting Thursday night, was next to take the stand.

Pros.—Were you at the scene of this crime?

Witness—Yes.

Pros.—Can you identify this gun?

Winters—Yes, first I saw it in Cornetski's hand then then Fijol took it away and gave it to me.

Judge Malone—I haven't any testimony that anyone is dead. What is the charge?

Pros.—Criminal homicide.

Judge Malone—But I have no evidence that anyone is dead. Officer Quinlan will you take the stand? (Officer Quinlan again took the stand.)

Pros.—You testify that you were with Officer Burns in the emergency room at the hospital. Will you tell us what happened when you arrived at the hospital?

Officer Q.—I carried him in by the feet and the other officer by the arms. We told nurse to hurry and get a doctor. She immediately called Dr. Capetto. He came in and took off Burns' coat and lifted his shirt. He was dead.

Judge Malone—Not admissible testimony.

Pros. Did you see Burns? Do you know what wounds he had? Was he conscious?

Officer Q. No, not on way to hospital.

Judge Malone—I assume that Officer Burns is dead.

The court then adjourned to 11 o'clock to await testimony of Dr. Capetto.

Cornetski attended a dinner at the Plainville Fish and Game club Thursday evening and drank rather heavily. He returned to Bristol and entered a Main street grill where he continued his drinking. A disturbance ensued in the grill and Cornetski was ejected by Patrolman Thomas Winters, one of the seven policemen who later were at the Union street shooting scene. Cornetski was not arrested but was sent home instead.

Sent To Home

Shortly afterward, a call was received at police headquarters that there was a disturbance at 16 Union street and two squad cars were dispatched there by Lieut. John C. McLaughlin. The car containing Burns and O'Connor was the first to arrive and when the two got out of the car, Cornetski opened fire on them with both barrels of a 12-gauge shotgun after coming off the front porch and taking a position behind a small evergreen tree in the yard.

Burns was first shot in the head and as he turned to seek cover received five shells in the back, being felled in the gutter in the rear of his squad car.

Cornetski Overpowered

O'Connor ran down the street and placing himself behind a large tree at the other end of the yard fired three shots from his police revolver at Cornetski. None found its mark. Cornetski turning his attack on O'Connor after dropping his brother-in-law hit the latter in the leg and abdomen.

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DR BRACKETT COMMENTS ON BURNS TRAGEDY

Medical Examiner Arthur S. Brackett had the following comment to make when interviewed this morning regarding the Burns slaying.

"Whiskey and gunpowder do not mix any more than whiskey and gasoline. This calls for more stringent laws and regulations on the sale of hard liquor."