

STATE OF MINNESOTA
County of St. Louis

IN DISTRICT COURT
11th Judicial District

STATE OF MINNESOTA Plaintiff,
vs.
LOUIS DONDINO Defendant.

Sentence and proceedings had at
time of sentence

The above entitled matter came on before the court on Friday, February 4th,
1921, at the Court House in the City of Duluth, Honorable Bert Fesler, Judge.

A p p e a r a n c e s :

For the State, Mason M. Forbes, Assistant County Atty.
For the Defendant, Jesse L. Cohen

L o u i s D o n d i n o

The above named defendant, is brought before the court, and duly sworn.

THE COURT: I am now about to ask you several questions as directed by the statute,
which you do not have to answer, but if you do answer them you will be
expected to answer them truthfully.

- Q. Where were you born? A. Saba, Michigan.
Q. Do you know what county it is in? A. No, I do not.
Q. When were you born? A. 1882.
Q. Month and day? A. The 17th of January.

- Q. So you were thirty-eight years last month? A. Yes, Your Honor,--thirty-nine last month.
- Q. Yes. How long did you live at Saba? A. I left there,- my folks left there when I was two years old.
- Q. Where did they go? A. To Duluth.
- Q. Been here ever since? A. Off and on, yes sir.
- Q. What was your father's name? A. William Dondino
- Q. Is he living? A. Yes, Your Honor.
- Q. Where does he live? A. At Bennett, Wisconsin.
- Q. Your mother living? A. Yes, Your Honor.
- Q. What is her name? A. Sarah.
- Q. She lives with your father, of course? A. Yes sir.
- Q. Have you any brother and sisters? A. I have four brothers and one sister.
- Q. Where do you come in in the family? A. I am next to the oldest.
- Q. where does the sister come in? A. She is the oldest.
- Q. How long did your father live in Duluth after he came here from Saba? A. Let's see,--I was thirteen or fourteen years old when he left here and moved to Bennett.
- Q. Did you go there then? A. Yes sir.
- Q. How long did you stay with them? A. I stayed there with them until I was about twenty-three years, that is off and on.
- Q. And then came back to Duluth? A. Yes sir.
- Q. Are you're a married man? A. No sir.
- Q. Have you ever bee married? A. Yes; my wife is dead.
- Q. When did she die? A. She died in 1913.
- Q. Any children? A. One boy.
- Q. Where is he? A. He is with my folks at Bennett.
- Q. How old is he? A. Thirteen.

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- Q. You went to school here in Duluth? A. Yes.
- Q. How far along did you get? A. To the 4th grade.
- Q. Did you quit on your own account? A. No; we moved to Bennett.
- Q. Did you go to school down there? A. Yes, on summer I think it was.
- Q. What has your father been doing since he has been at Bennett? A. He was farming up until about six years ago, six or seven years.
- Q. You said you were with them off and on after you moved to Bennett until you came back to Duluth. Where were you-- A. I came back to Duluth and worked here one summer,- one winter, came up in the fall. I always made my home with my folks, went back there when I didn't have any work.
- Q. Have you ever learned a trade? A. No; just running trucks is all.
- Q. What different jobs have you worked at? A. Driving team and on construction work.
- Q. Drove teams and handled trucks since they took the place of teams? A. Yes sir.
- Q. For the past two, three, four or five years what has been your business? A. Up to the 18th of December, I bought this truck I have got now, and before that I run a truck for Rocky Day at West Duluth. That is the first truck I drove.
- Q. General trucking? A. Yes sir; draying and transferring work.
- Q. How long had you worked for him at the time you bought your truck? A. About a year I think it was.

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- Q. Before that what did you do? A. I was driving for the Security Van & Storage Company.
- Q. How long? A. About two years, I guess it was. Not quite two years.
- Q. And before that? A. Then I worked for Pepper & Fulton in construction work.
- Q. What was your business? A. I was doing most anything; wherever there was a man needed; sometimes on the pile driver.
- Q. Where were you living at the time you were arrested? A. West Duluth.
- Q. At what place? A. 302 North Central. 302 and 304.
- Q. Is that a hotel? A. No; I was just rooming there. I had a room there with Mr. Barnes. My boy and I was kind of batching. In the Woodward building.
- Q. Then your boy went back to your folks after you were arrested on this charge? A. No, he was down there,-- he went down there after the school closed; he always spent vacations with my folks.
- Q. How long had you and your boy been batching it there in the Woodward building? A. About two years.
- Q. Have you ever been arrested before this time? A. Never been arrested before.

THE COURT: Mr. Cohen?

Mr. COHEN: I have nothing to say, Your Honor, except I just want to call the court's attention to the fact that Mr. Dondino has been in the county jail now for eight months. I haven't anything else to say.

THE COURT: Mr. County Attorney?

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Mr. FORBES: The facts, of course, sufficiently appear from the testimony which will accompany the commitment, but I do think it is unfair to call the court's attention to the fact that this verdict was returned on the 10th of September, 1920, and that the defendant has been in the county jail since that time, now nearly five months. This, of course, is not due to any fault of mine or the court, but is entirely due to the wishes of Mr. Dondino and his friends, and his counsel. But I would like to recommend, and I hope the court will endorse the recommendation, when the matter comes before the Board of Parole that they take into consideration in handling the Dondino case, in whatever institution he shall be sent by the court, - to take into consideration these months of service in the county jail. This man never had a criminal record and has been a good living, decent citizen in this community until he got into trouble this time.

By the Court:

Q. Have you anything more to say, Mr. Dondino? A. I am awfully sorry, Your Honor, that I got into this trouble. I never was in trouble before.

S e n t e n c e :

It is the judgment and sentence of the court that you, Louis Dondino, as punishment for the crime of Riot, of which you have been duly convicted, be taken by the sheriff of this county to the Minne-

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sota State Prison at Stillwater in this state, and there confined, at hard labor, subject to the laws of this state.

Dated February 4th, 1921.

THE COURT: The thing about this matter that impresses the court, and that impresses others and doubtless has impressed you before now, is that the driving of the truck and the doing of the things that the evidence shows were done by you in the early hours of that afternoon and evening of the riot, happened in such a way and for such a length of time that if you had been using your head you must have known what the effect of that sort of thing was. It no doubt even seems to you now, in view of what has occurred, what occurred that evening, that anyone ought to have known that the result of doing the things that were done right here on the principal street of the city was liable,-- of course I don't suppose anyone supposed it was going the way it did,- but it was liable to cause a very serious breach of the peace. I agree with what the County Attorney has said with reference to the time that has been spent by this defendant in the jail and, if the time should come when the Board of Parole or Pardon Board should consider this defendant's case as one for action by them, that the length of time he has spent in the county jail be taken into

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consideration in forming their judgment as to what shall be done.

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