

'DOUBLE'S' ARREST CLEARS MUSICIAN

3 Identified Innocent Man as Perpetrator of 2 Hold-Ups at His Trial in Queens

A night club musician, identified last week in court as the man who staged two hold-ups in the Jackson Heights, Queens, branch office of the Prudential Insurance Company of America, was cleared yesterday by the confession of a man to whom he bears a striking resemblance.

In what his attorney had described as "a tragic case of mistaken identity," Christopher E. Balestrero, 43 years old, of 41-20 Seventy-third Street, Jackson Heights, went to trial in Queens County Court last week, charged with robbing the insurance office of \$271 on July 9 and Dec. 18 last year.

Though he steadfastly denied his guilt and promised to produce twenty-three witnesses in his defense, Balestrero was identified from the witness stand by three office workers. The case was declared a mistrial April 23, when a juror arose to ask County Judge William B. Groat whether "we have to listen to all this."

'Double' Arrested Wednesday

Balestrero's "double" was arrested in an attempted hold-up Wednesday night. He is Charles James Daniell, 38, of 89-04 Thirty-fourth Avenue, Jackson Heights. Under questioning he admitted approximately forty robberies including the two at the Prudential office.

Daniell was arraigned in Queens Felony Court, Ridgewood, before Magistrate Corning G. McKennee on a charge of attempted robbery and was held in \$25,000 bail for hearing Wednesday.

Balestrero was at work playing the bass violin at the Stork Club when Daniell was caught. A telephone call from his attorney, former State Senator Frank D. O'Connor, brought him to the Elmhurst police station where he faced the man with whose alleged crime he was charged.

"Why did you do this to my wife?" Balestrero asked Daniell. Mrs. Balestrero has spent the last nine weeks in an upstate sanitarium after a nervous collapse.

Went for Insurance Loan

Balestrero explained that he, his wife and their two sons, Robert, 12, and Gregory, 5, own Prudential life insurance policies. On Jan. 13 his wife had asked him to go to the company's offices and negotiate a loan on her policy and it was during this visit that an office worker said she recognized him as the bandit. Balestrero was arrested at his home the following afternoon.

Daniell was arrested when he allegedly attempted to rob a delicatessen store at 42-20 Thirty-fourth Avenue, Astoria, Queens, owned by Mr. and Mrs. Josef Mank. Mrs. Mank was alone in the store when she noticed Daniell acting suspiciously outside. She called the police. A moment later Daniell entered and, after pretending to make a purchase, demanded the money in the cash register.

When detectives arrived Mr. Mank was about to disarm Daniell of a toy gun concealed in his coat pocket. He had been summoned from the store's cellar when his wife stamped on the floor repeatedly.

District Attorney T. Vincent Quinn of Queens said yesterday that it would take several days before steps could be taken to void the indictment charging Balestrero with second-degree robbery, second-degree-grand larceny and second-degree assault. The musician could have faced thirty years in prison.