

# Special Deputy Richard J. Mullaney | Kenton County Sheriff's Office



Age: 42½

Served: Several hours

December 31, 1929 to January 1, 1930

## OFFICER

Dick was born June 22, 1887 in Cincinnati, the second of five children born to Joseph Patrick and Elizabeth "Lizzie" (Frommel) Mullaney. Joseph was born in England to Irish immigrants who immigrated to America at the end of the Civil War. Lizzie, the daughter of German immigrants, was born in Ohio.

During 1900, Dick worked as a 15-year-old errand boy. He married Pearl Pebworth and began a family on November 28, 1911 with the birth of a daughter, Thelma Mullaney. Unfortunately, Thelma died on April 14, 1912 from bronchial pneumonia. On August 3, 1912, their first son, Melvin, was born. A year later, another son, Orville, was born with a mental deficiency.

By 1920, Dick and his family of four lived at 401 West Ninth Street in Covington, and he worked as a painter.

Tragedy struck again when, on June 15, 1921, 11-year-old Melvin went swimming in the Licking River and drowned. He was recovered thirty minutes later but resuscitation efforts were to no avail.

On November 6, 1929, Kenton County Deputy Sheriff John M. Besterman won an election for Kenton County Sheriff. He announced his intention to appoint Dick as one of his Deputies when he took office on January 6, 1930.

On November 29, 1929, possibly considering the risk of death, Dick transferred his home and two lots on the southwest corner of 31<sup>st</sup> and Frazier in Covington to his wife, Pearl.

## **MURDERERS**

Elmer "Hootie" Velkley

Velkley was born about 1900. His first arrest known to us was at age 21 when he and three others were charged in Kenton County with Highway Robbery after an attempt to hijack a whiskey truck on Madison Pike near Covington. They then donned apparel and represented themselves as prohibition agents and going to several houses looking for whiskey. They were charged with the theft of the trucks and later, but an additional charge of robbery was disregarded by the prosecuting attorney. A jury acquitted them of the theft.

We assume he spent some time in jail for some offense. But he was arrested again, with four others, in July 1922, for operating a fraudulent Chuck-a-Luck game at 222 West Fourth

Street in Newport. During June 1924 he was indicted for possession of moonshine. He was charged with reckless driving and causing an injury in an auto accident during January 1925. In May 1927, he and two others were charged with Shooting to Kill during another whiskey truck hijack attempt. He was arrested again in February 1928 for operating a still.

The next mention of him in newspapers came when he attended a 1929 New Year's Eve party.

### Elmer Joseph McCabe

McCabe was born September 5, 1885 and entered criminal life early. During January 1900, at 15, a Campbell County Grand Jury recommended that he and three companions be sent to reform school until age 21 for the surreptitious robberies of cash registers.

Unfortunately for McCabe and society, authorities did not heed the recommendation. A year later, he and two boys were sleeping on a railroad track in Maysville when a C&O freight train came upon them, killing one, horribly disfiguring another, and cutting off one of McCabe's legs.

Regardless, March 1, 1903, at age 17, he was arrested for drunk and disorderly after being involved in a bar fight, using his crutch as a weapon. He was given a stiff sentence of 30 days as a "chronic offender." Four days after his 18<sup>th</sup> birthday, he was in court again in September for an unknown charge and fined. During December 1903, he was again charged with Disorderly Conduct. On July 30, 1904, he donned a Newport police badge and visited bars in Cincinnati, getting free drinks on the pretense of searching for Patrolman Hauk's killer – and was arrested. He was then back in a Newport court for yet another bar fight and was given a suspended sentence with the promise to leave the

city.

McCabe moved up to homicide at 20 years old, in 1905, when he broke into a home and shot and killed Cy Sproats. While he was still alive, Sproats refused to name McCabe as his assailant.

During October 1908, he and another physically disabled man were charged with assault and battery, both of whom used their crutches to beat a man. He may have been sentenced to jail because he was not heard from again until December 28, 1914 when he disrupted his grandfather's funeral at the Church of the Immaculate Conception.

He appears to have been out of action again until February 1921 when he was arrested for receiving stolen goods.

On March 9, 1921, during an attempted hijacking of a bootleg whiskey truck on a bridge over the Licking River, McCabe was shot five times. He was charged by Kentucky State troopers for conspiracy to violate federal prohibition laws and convicted in the hijacking. He was sentenced to one year in jail. The judge later spotted him sitting in a lawn chair outside the Newport jail and ordered him removed to the Alexandria jail – from which he tried to escape in July – and again in September.

During July 1923, he was involved in another shootout, from which he survived unscathed.

In July 1925, he was again charged with conspiracy to violate federal prohibition laws, then defaulted on his bond, and was re-arrested and held without bond.

Apparently, he went to prison, as nothing was heard from him in newspapers until New Year's Day 1930.

## INCIDENT

Dick Mullaney and T. J. Mayer, of Independence, were deputized as Special Deputies on December 31, 1929, apparently by the outgoing Sheriff Harry Klosterman. They were tasked with keeping order during a New Year's Eve party at the Villa Venice Inn (formerly Lakeside Inn) on Madison Pike in Sandfordtown, a short distance from Covington. It was operated by Carrie Finnell Grow, a former burlesque star, on Madison Pike in Sandfordtown, a short distance from Covington.

By 3:30 a.m. of the new year, there were still about twenty revelers in the establishment. According to Mrs. Grow, several men, later identified as including Elmer McCabe, Elmer Velkley, and Joseph Herbst, entered the roadhouse, and forced Deputy Mullaney into a back room. Apparently, Herbst left the room. Then, a fight ensued.

Special Deputy Mayer later asserted he went into the back room, engaged in the fight, and was forced to strike one man with a blackjack. He was subsequently kicked in the groin and was put out of action. He left the room and the roadhouse in order to recover. He then heard a shot.

It is doubtful that any of those remaining in the room gave a truthful accounting, but what is apparent was that McCabe knocked Deputy Mullaney to the ground with a blackjack and then either he or Velkley shot him in the groin.

At the sound of the gunshot or gunshots, many of the revelers and potential witnesses all ran out. In the panic, some rifled the cash register, taking \$84.00, and stole a thousand-dollar mink coat from the check room.

Roadhouse employees found Deputy Mullaney shot in the groin. They endeavored to obtain medical assistance for him. Only a few

people were left when Covington and Kenton County authorities arrived.

William E. Driver, of Davis Cab Company, drove up while officers were there. He had a handgun, which he stowed in his cab when he saw the police. During preliminary questioning, he reported that he had been in the roadhouse earlier with "Shorty" Callahan and "Dago" Charlie. He told officers that he had an argument with a patron and left. He said that as he was leaving, he heard two shots. The reason he returned, he alleged, was to pick up Dago Charlie. Driver was held by police as a material witness.

Based on Driver hearing two shots and finding a blood trail, police also sought another wounded man.

## **DEATH**

Deputy Mullaney died twenty minutes after the shooting before medical help arrived. The shot went into his leg, severing the femoral artery and he bled out. Coroner Donnelly found the bullet had ranged upward.

He was survived by his wife, Pearl (Pebworth) Mullaney; son, Orville Mullaney; and mother, Lizzie Mullaney.

His funeral was held from his residence at 2 p.m. on Saturday, January 4, 1930. He was buried in Range A, Lot 10, Southeast Quarter of Linden Grove Cemetery in Covington. There is no grave marker.

## **INVESTIGATION**

Kenton County Coroner Harry F. Donnelly and Deputy Sheriff

Easterman investigated at the scene. One of the few men remaining at the scene reported that Mullaney attempted to question the patrons, one of the men wielding a blackjack knocked him down with such force that the blackjack was broken in two. While Deputy Mullaney was lying on the ground, the man being questioned pulled a handgun and shot him, as evidenced by the upward trajectory of the bullet. Both men then covered the patrons with guns while looting the cash register and cloak room. The two men were later identified as Velkley and McCabe.

On January 1, 1930, Covington Police received an anonymous call stating that a Frank Paddy was the second man shot at the roadhouse. There was no further mention of Paddy, assuming that was his real name.

On January 2, 1930, Coroner Donnelly held an inquest. After the inquest, Driver was charged with accessory to the murder and released on a \$500 bond. He admitted bringing McCabe, Velkley, and Herbst to the roadhouse and that he had returned to pick them up.

C.L. "Shorty" Callahan, of 3348 Burnett Avenue, and Charles "Dago" Arrigo, 737 Armory, both in Cincinnati, voluntarily responded to Kenton County Sheriff's Office and submitted to questioning by Sheriff Harry G. Klosterman. It was determined that they left in another taxicab before the fight.

Also on January 2, 1930, Deputy Sheriffs Harry Klaene and Clay Schilds received a tip regarding a suspect in Newport. They responded with Newport Detective David Murphy and found and arrested Elmer Velkley and placed a charge of Murder on him. Mrs. Grow identified him as one of the three men involved, the man who wielded the blackjack. He was detained in the Kenton County Jail without bond.

On January 3, 1930, acting on information received the day

before, Deputy Sheriffs Klaene and Schilds responded to and found Joseph Herbst, 311 East Seventh Street, Newport at Seventh and York Streets. He admitted being with Velkley at the roadhouse. He was alleged to have participated in the fight. They charged him as an accessory and he was released on bond that evening.

By January 4<sup>th</sup>, it became widely rumored and reported in the newspapers that the fatal shot was fired by "a widely known member of the Newport underworld." The underworld figure had a table reserved for the affair. They did not name him, but the man was Elmer McCabe.

The new story was that McCabe accidentally tripped into Mrs. Grow. He apologized and she did not give it a second thought, but it attracted the attention of the two special deputies. They ordered the man to be seated. This precipitated a row. The deputies pulled their blackjacks, and a shot was fired. During the confusion of the resulting stampede of customers, the robberies took place.

The mink coat was found on January 4, 1930, under a boardwalk at 2355 Montana, at Wunder Avenue.

## **JUSTICE**

Velkley and Herbst were arraigned in front of Kenton County Judge John B. Read on January 4, 1930. Velkley's bond was set at \$10,000 (about \$117,000 in today's dollars) and Herbst's at \$2000. Both were released on bond and a preliminary hearing was scheduled for Wednesday, January 8th. Driver brought the three to the roadhouse and was being held for carrying a concealed firearm.



Newport City Solicitor Blaine McLaughlin notified Kenton County Prosecutor Richard T. Hoene on January 7, 1930 that his client, Elmer McCabe, would turn himself in on the 8<sup>th</sup>. It was his intention to waive examination and go directly before the grand jury. He turned himself in to Judge Reed in court and was released on another \$10,000 bond. The charges against Herbst were dismissed. Charges of accessory to murder against Driver were dismissed, but he was still under indictment for carrying a concealed firearm.

A trial was scheduled for McCabe and Velkley on June 24, 1930. By then, both were denying having fired a weapon. The witnesses failed to show and Kenton County Judge Leslie T. Applegate continued the case to the next day.

On the 25<sup>th</sup>, Kenton County Prosecutor Richard T. Von Hoene, in his opening argument, asked the jury for a finding of guilty with a sentence of death. Newport City Solicitor Blaine McLaughlin and attorney, Stephen L. Blakely defended McCabe and Velkley.

After a quick trial, with the only apparent prosecution witness being Joseph Herbst, the jury acquitted the two.

No motive for the killing was ever publicized, nor can we guess at one. No one was ever punished for it.

## **EPILOGUE**

Nine months after the trial, McCabe was shot and killed by Albert "Red" Masterson in another roadhouse, the Duck Inn, on Licking Pike, two miles south of Newport.

Elmer Velkley was arrested in August 1933 for burglary of a

café. He was arrested again in September 1937 for possession of Heroin and being part of a drug ring operating out of Michigan, along with Red Masterson. Both were sentenced to five years in federal prison. He was again charged with violation of federal liquor laws in October 1943 as part of a “gigantic illicit whiskey ring.” These charges were dismissed in April 1944.

Pearl spent most of the rest of her life alone. Her remaining child suffered from mental illness and was admitted to the Central State Hospital for the rest of their lives. She died of a heart attack in 1961, 31 years after her husband. Orville died in 1968

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If you know of any information, artifacts, archives, or images regarding this officer or incident, please contact the Greater Cincinnati Police Museum at [Memorial@Police-Museum.org](mailto:Memorial@Police-Museum.org).

*© This line of duty death was rediscovered by Cincinnati Homicide Detective Edward W. Zieverink III (retired), Greater Cincinnati Police Museum Curator. He and Cincinnati Police Lieutenant Stephen R. Kramer (retired), Greater Cincinnati Police Historical Society President, researched the incident and on October 7, 2022 created this narrative. All rights are reserved to them and the Greater Cincinnati Police Museum.*