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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DIVISION OF THE WESTERN
DISTRICT OF MISSOURI

United States of America,

Plaintiff

-vs-

No. 11784

Joseph Piscitta, Russell Piscitta, James Piscitta, George Tippet, Hubert Brown, Udell Harris,
Eugene Petko, Emery Petko, Wesley Cole and Theodore Wilson,

Defendants.

INDICTMENT

The grand jurors of the United States of America, duly and legally chosen, selected, summoned and drawn from the body of the Western District of Missouri, and duly and legally empanelled, sworn and charged to inquire of and concerning crimes and offenses against the United States of America in the Western District of Missouri, upon their oaths present and charge that Joseph Piscitta, Russell Piscitta, James Piscitta, George Tippet, Hubert Brown, Udell Harris, Eugene Petko, Emery Petko, Wesley Cole and Theodore Wilson, all of said above-mentioned persons being hereinafter referred to as the defendants, and whose true names other than as are herein set forth are to this grand jury unknown, and numerous and divers other persons, whose names re to this grand jury unknown, and cannot, therefore, be set forth specifically, at a point near 91st Street and Prospect Avenue, in or near Kansas City, in Jackson County, Missouri, in the Western Division of the Western District of Missouri, and at divers other places in Kansas City, Jackson County, Missouri, the exact places being to this grand jury unknown, all within the said Western Division of the Western District of Missouri, and all within the jurisdiction of this Court, on or about the 15th day of August, 1932 and within three years immediately next and prior to the day and the date of the filing of this indictment, and

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continuously at all times thereafter, did unlawfully, wilfully, knowingly and feloniously conspire, confederate and agree among themselves and with each other to commit offenses against the laws of the United States of America, and more particularly and more specifically against Section 2 and 3 of Title Two of the National Prohibition Act of October 28, 1919, as amended, and Section 16 of Chapter 36 of an Act of February 8, 1875 (18 Statute 310, R. S. of U. S., Section 3281) and R. S. of the U. S. 3258 (26 U. S. C. A. 281) and R. S. of U. S. 3281 (26 U.S. C. A., 306) and R. S. of U. S. 3282 (26 U. 3. C. A. 307) and R. S. of U. S. 3260 (25 U. 3. C. A. 284) and R. S. of IT. S. 3266 (26 U. S. C. A. 291) in this, that they, the said defendants and other persons to the grand jury unknown would unlawfully, wilfully and feloniously possess, barter, sell, transport and manufacture certain intoxicating liquors, to-wit: whiskey, alcohol, gin, ale and beer, fit for and intended for use as beverages, in violation of said National Prohibition Act, and that they, the said defendants, would so carry on the business of wholesale liquor dealers and retail liquor dealers in distilled spirits and intoxicating liquors without having paid the special tax as required by law, and with the intent to defraud the United States of the tax on

the spirits retailed and wholesaled by them, as aforesaid, and that they, the said Joseph Piscitta, Russell Piscitta, James Piscitta, George Tippet, Hubert Brown, Udell Harris, Eugene Petko, Emery Petko, Wesley Cole and Theodore Wilson, would then and there unlawfully, wilfully and feloniously maintain a nuisance in violation of the National Prohibition Act in the said building, located at the place aforesaid — that is, at 91st and Prospect Avenue, in and near Kansas City, Jackson County, Missouri, wherein whiskey, gin, alcohol and beer would be unlawfully and wilfully kept, bartered and sold, in violation of the laws of the United States of America.

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And the grand jurors, aforesaid, upon their oaths aforesaid, do further present and charge that the said defendants and each of them and other persons whose names are to the grand jury unknown, and for that reason cannot be herein specifically mentioned, pursuant to said unlawful conspiracy, combination, confederation, and agreement, and to effect the object and purpose of the same, did thereafter unlawfully, wilfully, knowingly and feloniously commit certain overt acts, a part of which said overt acts are specifically as follows:

I

That on the 11th day of September, 1932, Joseph Piscitta, Russell Piscitta and James Piscitta jointly received 2.75 in lawful money of the United States of America.

II

That on the 11th day of September, 1932, at a point near 91st Street and Prospect Avenue, in Kansas City, Jackson County, Missouri, the defendant did then and there unlawfully, wilfully, and feloniously, and in violation of the National Prohibition Act sell six ounces of beer and ten ounces of whiskey, fit for and intended for use for beverage purposes, and containing more than one-naif of one per cent of alcohol by volume; Contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the United States of America.

III

That on and prior to the 11th day of September, 1932 at a point near 91st Street and Prospect Avenue, in Kansas City, Jackson County, Missouri, the defendants, Joseph Piscitta, Russell Piscitta and James Piscitta owned, operated and maintained a certain Night Club commonly called and known as the Scotland Yards Night Club.

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IV

That on or about the 1st day of July, 1932 and continuously thereafter, and at all times until the 27th day of September, 1932, the defendants,

Joseph Piscitta,

Eugene Petko,

Russell Piscitta,
James Piscitta,
George Tippet,
Hubert Brown,

Emery Petko,
Wesley Cole,
Theodore Wilson,
Udell Harris,

did, at a point near 91st Street and Prospect Avenue, in Kansas City, Jackson County, Missouri, and within the Western Division of the Western District of Missouri, and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously at a certain building then and there located (then and there known as the Scotland Yards Night Club), maintain and keep a certain nuisance as defined by the National Prohibition Act — that is, did so unlawfully, keep and maintain said building wherein intoxicating liquors, including whiskey, alcohol, gin, and beer were then and there unlawfully kept, bartered and sold in violation of the National Prohibition Act. And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that all of the overt acts herein alleged to have been committed were committed in furtherance of said conspiracy entered into by

Joseph Piscitta,
Russell Piscitta,
James Piscitta,
George Tippet,
Hubert Brown,

Udell Harris,
Eugene Petko,
Emery Petko,
Wesley Cole,
Theodore Wilson,

and to effect the object and purpose of the same; Contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the United States of America.

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COUNT II

And the grand jurors aforesaid upon their oaths aforesaid, do further present and charge that on the 11th day of September, 1932, thence hitherto, in the Western Division of the Western District of Missouri, one Joseph Piscitta, Russell Piscitta, James Piscitta, George Tippet, Hubert Brown, Udell Harris, Eugene Petko, Emery Petko, Wesley Cole and Theodore Wilson, whose names other than as herein set forth are to the grand jury unknown, unlawfully, wilfully, knowingly and feloniously did maintain a common nuisance at, in and upon the room, house, building and place, more particularly described and designated as follows: a two-story stucco building called Scotland Yards Night Club, and located at 91st Street and Prospect Avenue, near Kansas City, in Jackson County, Missouri, where intoxicating liquor, intended and fit for beverage purposes, to-wit: whiskey, alcohol, gin, and beer, containing more than one-half of one per cent of alcohol by volume, was sold, possessed, kept and bartered in violation of Title II of the National Prohibition Act; Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

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COUNT III

And the grand jurors aforesaid upon their oaths aforesaid do further present and charge that on the 11th day of September, 1932, at the Scotland Yards Night Club, near 91st Street and Prospect Avenue, in Kansas City, Jackson County, Missouri, one

Joseph Piscitta,
Russell Piscitta,
James Piscitta,
George Tippet,
Hubert Brown,

Udell Harris,
Eugene Petko,
Emery Petko,
Wesley Cole,
Theodore Wilson

did then and there wilfully, unlawfully and feloniously carry on the business of a retail dealer in distilled and spirituous intoxicating liquors, without having paid the special tax therefor as required by law; Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

Thomas J. Layson
ASSISTANT UNITED STATES ATTORNEY

A TRUE BILL:
Ralph D. Weeks
FOREMAN OF THE GRAND JURY

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No. 11784

UNITED STATES DISTRICT COURT
WESTERN District of MISSOURI
WESTERN Division

THE UNITED STATES OF AMERICA
vs.

Joseph Piscitta, Russell Piscitta, James Piscitta, George Tippet, Hubert Brown, Udell Harris,
Eugene Petko, Emery Petko, Wesley Cole, Theodore Wilson

INDICTMENT

Violation: NATIONAL PROHIBITION ACT

OCT 4 1932
EDWIN R. DURHAM, CLERK
Maisie A. Shauer
DEPUTY.