

[page 1]

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

United States of America, Plaintiff,

vs.

No. 13411

PHILLIP GASCIAPOIA, alias Tony Russo,
Defendant.

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 said offenses against the United States of America in the Western District of Missouri, upon their oaths present and charge that on the 8th day of April, 1936 , at a one-story frame building and Jackson County, basement in the rear of 569 Troost, Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, PHILLIP CASCIAPOIA, alias Tony Russo, did unlawfully, wilfully, knowingly and feloniously have in his possession and under his control a certain distilling apparatus suitable for the distillation of alcoholic spirits, towit, a whiskey still of 550- gallons capacity, set up; and the grand jurors aforesaid, upon their oaths aforesaid, further present and charge that the said PHILLIP CASCIAPOIA, alias Tony Russo had not then and there nor theretofore registered the said still and distilling apparatus as was 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.

1

[page 2]

COUNT II.

And the grand jurors aforesaid, upon their oaths aforesaid do further present and charge that on the 8th day of April, 1936, at a one-story frame building and basement in the rear of 569 Troost, in Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, PHILLIP CASCIAPOIA, alias Tony Russo, did then and there unlawfully, wilfully, knowingly and feloniously engage in and carry on the business of a distiller and did operate a distillery for the purpose of distilling alcoholic spirits, with the intent to defraud the United States of America of the tax on the spirits distilled by him;

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.

2

[page 2]

COUNT III.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that on the 8th day of April, 1936, at a one-story frame building and basement in the rear of 569 Troost, in Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, PHILLIP CASCIAPOIA, alias Tony Russo, did then and there unlawfully, wilfully, knowingly and feloniously engage in and carry on the business of a distiller and did operate a distillery for the purpose of distilling alcoholic spirits without having given a bond 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.

3.

[page 4]

COUNT IV.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that on the 8th day of April, 1936, at a one-story frame building and basement in the rear of 569 Troost, in Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, PHILLIP CASCIAPOIA, alias Tony Russo, did unlawfully, wilfully, knowingly and feloniously, on premises other than a distillery duly authorized according to law, towit, at a dwelling house located at a one-story frame building and basement in the rear of 569-Troost, Kansas City, Jackson County, Missouri, make, possess and. ferment a quantity of mash fit for distillation and for the production of alcoholic spirits, towit, 1200- - -gallons, more or less, the exact amount of said mash being to the grand jurors unknown:

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.

4

[page 5]

COUNT V

And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that on or about the 8th day of April 1936, at a one-story frame building and basement in the rear of 569 Troost, Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, one PHILLIP CASCIAPOIA, alias Tony Russo, whose name other than as herein set forth is to this grand jury unknown, did then and there unlawfully, knowingly and feloniously hold and possess for sale, a certain distilled spirits, towit, one gallon of uncolored distilled spirits, in immediate containers, and which distilled spirits were not then and there contained in bottles in closed cases and said immediate containers, not having affixed thereto revenue stamps, denoting the quantity of distilled spirits contained therein and evidencing payment of Internal Revenue Taxes imposed on such distilled spirits as provided by

Sections 201, and 202, of Title II, of the Liquor Taxing Act of January 11th, 1934.

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 A. Cotolow
Assistant United States Attorney

A TRUE BILL:
J. E. Woodmansee
Foreman the Grand Jury.

[page 6]
No. 13411

UNITED STATES DISTRICT COURT
WESTERN District of MISSOURI
WESTERN Division

THE UNITED STATES OF AMERICA
VS.
PHILLIP CASCIAPOIA,
alias Tony Russo,

INDICTMENT
Vio: Secs. 1182-1183-1185, Title 26 USCA-
Sec. 201-Title II, Liquor Tax.Act of Jan.1934.

FILED
MAY 21 1936
A. L. ARNOLD, Clerk
By W. W. Caster
Deputy.