

## PRE-SENTENCE INVESTIGATION

U. S. of America

vs.

No. 13411

Phillip Casciapoia,

alias Tony Russo,

true name Phillip Cacioppo

## CHARGE

On November 7, 1936 defendant in U. S. District Court at Kansas City, Missouri entered a plea of guilty to count 5 of an indictment containing five counts. The particular count to which he plead guilty charges that on or about the 8th day of April, 1936 at the rear of 569 Troost Avenue, Kansas City, Missouri he did hold and possess for sale one gallon of uncolored whiskey in containers not having affixed thereto revenue stamps evidencing payment of Internal Revenue taxes. Sentence was deferred for investigation and report by the Probation Officer.

## FACTS CONCERNING VIOLATION

The report of the investigative agents discloses that on the date in question they secreted themselves in the building near the premises in question and about 8:30 A. M. they saw defendant unlock the gate to a high board fence surrounding the premises, enter the enclosure, proceed to the still house, unlock the padlock on the still room door, and enter. After remaining in the premises for about 15 minutes he came out, re-locked the padlock on the still room door, at which time the defendant was arrested.

The agents searched defendant and found in his possession four keys. One key unlocked the padlock on the fence gate, another unlocked the padlock on the still room door, another unlocked the padlock on the inner door of the still house, and the fourth key unlocked the padlock on the double gates at the driveway. Upon defendant's arrest he stated that he had been operating the still for about a week for a man named Joe, and that he received \$10.00 a week for his services.

The premises were searched and the following materials found:

250 gallon copper still set up, complete, but not in operation

1200 gallons of fermented cane sugar

Mash contained in thirty 40-gallon barrels

One gallon of whiskey in a 5-gallon jug

The search in this case apparently was legal for the reason that the still was located in an out-building and not in a residence, and was predicated upon the smelling of fermenting mash by the agents.

## PERSONAL HISTORY

Defendant is 47 years of age and was born in Sicily. He came to the United States 27 years ago and has lived in Kansas City for the past 27 years. He is illiterate and can neither read nor write English or Italian. In 1914 he was married to Josie Mangiricine at Kansas City, to which union there were born two children, Paul age 21, Alex age 1.\* The youngest son, Alex, is now attending Junior College at Kansas City and the other son, Paul, is employed only at odd jobs.

Defendant owns a duplex building at 326 Wabash Avenue and occupies the second floor with his family. He has lived at this address for the past nine years, and prior to that lived at 1132 Pacific Street. The first floor of the duplex is rented by Dr. Scaraino, an osteopathist, who pays \$25.00 per month rent in the winter time and \$20.00 per month during the summer months. As above stated the duplex is owned by defendant and is unencumbered, according to defendant's statement.

His occupation for many years, he says, has been that of ice and ice cream peddler during the summer months, and coal and wood hauling during the winter months\* In addition to owning his home and furniture, he owns a model T Ford truck. He disclaims owning any other assets. He belongs to the Italian Mission Catholic Church, 5th and Troost, operated by Father J. B. Besceglia.

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We interviewed Dr. Scardino at his office, 1805 Independence Avenue. Dr. Scardino states that he rents the lower floor of a two family apartment house owned by Mr. Cacioppo at 326-8 Wabash Avenue. Dr. Scardino states he pays \$30.00 per month rent in summer and \$35.00 per month in the winter.

The Doctor was seemingly surprised to hear that Mr. Cacioppo had fallen into difficulties. He says that Mr. Cacioppo is a very shrewd business man, and it was the Doctor's impression that he was engaged in various legitimate enterprises, and that he is in a fairly prosperous financial condition.

The Doctor states that Mr. Cacioppo owns three trucks which are in service most of the time. He says Mr. Cacioppo stated at one time that the huckster business was no longer profitable, and that he now retails ice and ice cream in the summer time and coal in the winter time.

Dr. Scardino states that he does not know what income Mr. Cacioppo may have, but that apparently the trucks are on the move most of the time. He states that Mr. Cacioppo has always proven himself to be a man of his word, as regards repairs and improvements promised to his tenant. Dr. Scardino states he understands that subject's son, Alex, is at present attending Junior College.

We also interviewed Mr. Ben Morantz, part owner of J. Morantz and Son, coal company. Mr. Ben Morantz states that subject has bought coal from them for approximately 15 years, but at the present time is buying approximately only 20 tons per year. He states that formerly Mr. Cacioppo bought more coal annually, but that the price was such that Mr. Cacioppo could not make a profit. Mr. Morantz estimates that subject buys approximately 50 tons of coal per year, from various dealers.

He states that he knows Mr. Cacioppo to be a man of his word, that at one time subject owed the coal company approximately \$100.00, which was promptly paid.

We visited the Feinberg Ice Cream Company, but unfortunately Mr. Louis Feinberg, principal owner, was out of town. His eldest son states that Mr. Cacioppo is a customer of their company, buying ice cream for retail. The young man stated that he is under the impression that Mr. Cacioppo sells the ice cream from a truck traveling about the streets, but can not be sure as to the volume of business, but thinks it is not very great.

An attempt was made to interview Rev. J. B. Besceglia, spiritual advisor of Mr. Cacioppo, but he could not be located on November 9th at his home or church.

On November 10th we have again tried to interview Rev. Besceglia. Unfortunately he is quite busy and we are not able to locate him at any of the places where he is usually found. However, his sister, Miss Mary Besceglia, states that she knows Mr. Cacioppo and his family to be members of Rev. Besceglia's congregation, but they are not very regular in attendance.

We next tried to interview Mr. Jerome J. Pucci, superintendent of the Ice Sales Department of the U. S. Cold Storage Company. Mr. Pucci is out of town and will not return until November 16. However, his assistant tells us that Mr. Cacioppo has bought ice from them during the summer months for a number of years, retailing it on the streets in the north side of the city. During the summer months Mr. Cacioppo has purchased as much as one ton of ice per day from

this company. They state they consider him to be financially reliable.

We have talked to F. L. Hallak, manager of the Alpine Ice Cream Company, who states Mr. Cacioppo has been known to them for a period of four years, and has purchased ice cream wholesale from them during the last two years. They state that Mr. Cacioppo retails this ice cream in small quantities from a truck traveling about on the streets in the north side of the city. They state that Mr. Cacioppo has always paid his bills promptly, and they consider him a good risk.

We went to the home of Mr. Cacioppo at 326 Wabash Avenue, but did not find anyone at home. This two family apartment is almost new and seems to be modern and up to date, but located in a neighborhood which is only fair.

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#### CRIMINAL RECORD

The criminal record of the defendant is as follows:

8/6/30, under true name, arrested by K. C. P. D. charged with violation of huckster's ordinance. Ho disposition given, probably dismissed.

8/19/32, arrested under true name by K. C. P. D. and turned over to the State for prosecution, File #D93878, on a charge of liquor investigation. 8/20/32, released by the County Prosecutor.

12/2/33, under his true name, entered a plea of guilty in U. S. District Court at Kansas City to a charge of violation of the Internal Revenue Act, possession of a still, and was sentenced to serve three months in the Clay County Jail.

#### CRIMINAL RECORD OF FAMILY

The members of defendants family who have been arrested for violation of the law are as follows:

Defendant's son, Paul Cacioppo, in U. S. District Court at Kansas City, Missouri on 9/6/33 entered a plea of guilty to a charge of violation of the Internal Revenue Act, possession and operation of a still, and on that date by Your Honor was placed on probation for a period of two years. It was his statement at the time he had only operated the still for three weeks, and he bought the outfit from a neighbor who wanted to leave town.

Paul served out his period of probation and was discharged from supervision by notice from this office under date of September 25, 1935. At that time his records indicate that he was working at odd jobs and was not employed by his father.

John Mangiricine, a brother-in-law, 26 years of age, has been convicted for one offense, the nature of which I am not informed.

Lewis J. Grout  
Chief U.S. Probation Officer