

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, FOR THE WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION.

UNITED STATES OF AMERICA, Plaintiff,

—vs—

JAMES SCOLA, alias Jimmy Pigg; RICHARD RIZZUTO, alias Joseph Ritchie; JACK RIZZUTO; MICHAEL GAGLIAHO; NICK PALMANTINO; JAMES GARGOTTA; JOHN BUFFA; ANTHONY TROMBINO; JOSEPH BONJOE; GUS A. ROUDEBUSH; ALBERT JOHNSON; THOMAS P. DODGE; CATHERINE MONTALTE; WILLIAM EDMOND; ROBERT SMITH; JESSE BROWN; RAY ALEXANDER; ONDEE DAVIS; JOHN A. WEATHERS; EDWARD WILKES; LITTLETON HENDRICKS; PERRY RENFRO; TRIECE M. HARRIS; PERCY LEE; and LINWARD ALLEN; STEVE PLAS, alias John Martino; and JOHN MONTELEONE Defendants.

No. 14215

INDICTMENT.

The grand jurors of the United States of America, duly and legally chosen, selected, summoned and drawn from 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 within the Western District of Missouri, upon their oaths present and charge that JAMES SCOLA, alias Jimmy Pigg; RICHARD RIZZUTO, alias Joseph Ritchie; JACK RIZZUTO; MICHAEL GAGLIANO; NICK PALMANTINO; JAMES GARGOTTA; JOHN BUFFA; ANTHONY TROMBINO; JOSEPH BONJOE; GUS A. ROUDEBUSH; ALBERT JOHNSON; THOMAS P. DODGE; CATHERINE MONTALTE; WILLIAM EDMOND; ROBERT SMITH; JESSE BROWN; RAY ALEXANDER; ONDEE DAVIS; JOHN A. WEATHERS; EDWARD WILKES; LITTLETON HENDRICKS; PERRY RENFRO; TRIECE M. HARRIS; PERCY LEE; and LINWARD ALLEN; STEVE PLAS, alias John Martino; and JOHN MONTELEONE

who are hereby indicted and are hereinafter referred to as defendants, at Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, and within the jurisdiction of this court, together with other persons to the grand jury unknown, prior to the commission of the several overt acts hereinafter in this indictment alleged and set forth, and continuously to the date of the return of this indictment, did unlawfully, wilfully, knowingly, feloniously and corruptly conspire, combine, confederate and agree to and with each other and to and with divers other persons to the grand jurors unknown, in violation of Section 88, Title 18, United States Code Annotated, to commit offenses against the laws of the United States, and more specifically against the Internal Revenue laws of the United States, and the laws of the United States relating to the manufacture, removal, sale, and other disposition of intoxicating liquors.

That is to say, it was the purpose and object of said conspiracy, combination, confederation and agreement, and of said defendants and each and all of them, that they would then and thereafter and at all the times herein mentioned engage in the business of transporting, and selling distilled spirits without paying the Internal Revenue taxes of the United States on the sale of distilled spirits and that they would remove, transport and conceal distilled spirits in violation of the laws of the United States, as is more specifically set out herein.

That after the formation of said unlawful conspiracy and in pursuance thereof and to effect the object and purpose thereof, and while said conspiracy was in force and in effect, the defendants did, among other things, certain acts and things which are designated as overt acts,

as follows:

I.

That the defendants did at various times from December, 1936, until August, 1938, maintain storage plants for the concealment of illicit spirits at 1710 Holmes Street, 548 Troost Avenue, 2824 Terrace Street and 1408 Charlotte Street, all located in Kansas City, Jackson County, Missouri.

II.

That the defendants did at various times from December, 1936, until August, 1938, maintain headquarters for the convenience of the co-conspirators and their customers at 1710 Holmes Street, at the Roma Barbeque, 608 East 5th Street, at Lloyd Brothers Garage, 1916 East 15th Street, at Trucker's Market, at the southeast corner of 15th Street and Woodland Avenue, at a gasoline filling station at 1120 Admrial Boulevard, at a pool-hall at 1011 Independence Avenue, at the residence of Jack Rizzuto, 105 Olive Street, and at the residence of John Buffa, 520 Park Avenue, all of which places are located in Kansas City, Jackson County, Missouri.

III.

During the Fall of 1936, the defendant Nick Palmantino employed one Hoyt Tates to deliver illicit spirits to customers of Nick Palmantino, and that deliveries by said Tates were thereafter made at the direction of said Nick Palmantino from storage plants at 1710 Holmes Street, in Kansas City, Missouri.

IV.

That James Gargotta, Joseph Bonjoe and Robert Smith made numerous deliveries of illicit alcohol during 1937 and 1938 to Edward Wilkes, Perry Renfro, John Basey, Forrest E. Raymond, Ondee Davis, Jasper King, Linward Allen, Alex Sexton, and other bootleggers in Kansas City, Missouri, and vicinity.

V.

That James Gargotta obtained the illicit alcohol which was delivered by him and his associates to Joseph Bonjoe, and Robert Smith, as set out in Overt Act No. 4 herein, through James Scola, Richard Rizzuto, Jack Rizzuto and Michael Gagliano.

VI.

On April 7, 1938, James Gargotta, Joseph Bonjoe, and Nick Palmantino purchased at the Eisen Auto Sales & Finance Company, 2211 East 15th Street, Kansas City, Missouri, a 1930 Ford Coach and used the name of Joe Martino, 550 Gillis Street, Kansas City, Missouri, as purchaser, which car was thereafter used by the defendants in making deliveries of illicit spirits.

VII.

On July 2, 1938, James Gargotta and Anthony Trombino, had in their possession 22 gallons of illicit alcohol in a Ford Motor car at or near 548 Troost Avenue, in Kansas City, Missouri.

VIII.

During the month of July, 1938, the defendants Anthony Trombino, James Gargotta, Michael Gagliano and John A. Weathers, made deliveries of illicit spirits in a 1931 Chrysler Sedan.

IX.

On July 2, 1938, James Gargotta purchased a 1928 Chevrolet coach, for the sum of \$50.00, using the name James Brown, 527 Troost Avenue, Kansas City, Missouri, as an alias in this transaction, and used said Chevrolet coach thereafter and until the 7th day of July, 1938, for

the transportation of illicit spirits, at which time said Chevrolet coach was seized by government agents together with 20 gallons of non taxpaid spirits concealed therein.

X.

On July 9, 1938, Michael Gagliano, John Buffa, and Jack Rizzuto purchased a 1930 Ford Coupe for the sum of \$60.00, using the name of Frank Pondi, 650- Missouri Avenue, Kansas City, Missouri, as an alias in this transaction; said defendants and other coconspirators used said 1930 Ford coach for the delivery of illicit spirits until the 15th day of August, 1938, at which time said Ford coach containing 5 gallons of illicit spirits, was seized by officials of the United States government.

XI.

On July 5, 1938, James Gargotta rented a room at 2824 Terrace Street, Kansas City, Missouri, which he thereafter used as a storage plant for illicit spirits.

XII.

During July and August, 1938, James Gargotta, Gus A. Roudebush, Robert Smith and Thomas P. Dodge made deliveries of illicit spirits from the storage plants of James Gargotta located at 1408 Charlotte Street and 2824 Terrace Street, Kansas City, Missouri.

XIII.

From on or about January 1, 1937, until January, 1938, James Scola sold to William Edmonds and Littleton Hendricks an average of 60 gallons of illicit spirits each week, the deliveries thereof being made by John Buffa, Anthony Trombino, Jesse Brown and Albert Johnson.

XIV.

During the month of May, 1938, William Edmond and Littleton Hendricks used a room at 1219 East 18th Street in their illicit liquor transactions and made purchases of 160 proof alcohol from James Scola whom they contacted at the Truckers Market located at the southeast corner of 15th Street and Woodland Avenue, the motor cars in which deliveries were made by the said James Scola to the said William Edmond and Littleton Hendricks were convoyed by Michael Gagliano.

XV.

During January, 1938 and succeeding months James Scola sold illicit spirits to Hoyt Tates, at 1732 Campbell Street, Kansas City, Missouri, in 5 gallon lots; that James Scola frequently contacted said Hoyt Tates at 1732 Campbell Street for the purpose of making sales of illicit spirits and on numerous occasions Hoyt Tates contacted James Scola either in person or by telephone at the Lloyd Brothers Garage for the purpose of obtaining a supply of illicit spirits.

XVI.

That on or about June 15, 1958, James Scola raised the price of alcohol from \$13.50 to \$16.00 per 5 gallon can, giving as his reason therefor that he was obtaining his supply of alcohol from Chicago, Illinois, and that he had sustained a heavy loss when a load of 150- 5 gallon cans had been seized while in transit to Kansas City, Missouri.

XVII

During the month of September, 1958, Steve Plas delivered illicit liquor for Jack Rizzuto and Richard Rizzuto, John Buffa and Michael Gagliano, and on September 22, 1958, was apprehended while transporting twenty gallons of illicit alcohol in Jack Rizzuto's Chevrolet sedan at or near 417 Brooklyn Avenue, Kansas City, Missouri.

XVIII

During September, 1958, John Monteleone made deliveries of illicit liquor for Jack Rizzuto and Richard Rizzuto, and on September 22, 1958, he transported fifteen gallons of illicit alcohol in a Ford coupe to the rear of 417 Brooklyn Avenue, Kansas City, Missouri, at which place an additional quantity of illicit alcohol was stored in a garage.

XIX

During the month of March, 1958, William A. Freeman was employed by Michael Gagliano to transport and deliver illicit day liquor, and on one certain day during the month of March said William A. Freeman and Michael Gagliano unloaded 125 five-gallon cans of alcohol and stored them in a vacant house in the north end of Kansas City.

XX

During July and August, 1938, Percy Lee and Tiece M. Harris were employed by Ray Alexander to make deliveries of illicit liquor and assist in handling retail illicit liquor trade at 1739 Lydia Avenue, Kansas City, Missouri, at which place the supply of illicit alcohol was obtained from John Buffa and Michael Gagliano.

XXI

During the month of July, 1938, and until the 17th day of August, 1938, John Weathers assisted John Buffa in making numerous deliveries of illicit alcohol to Catherine Montalte, James Gargotta, and Ray Alexander, Grace Estelle Adams, and Jess Adams under the direction of Richard Rizzuto, Jack Rizzuto, Michael Gagliano and Anthony Trombino.

XXII

During the period of this conspiracy large quantities of illicit liquor were distributed in Kansas City, Missouri, and Kansas City, Kansas, at regular times to regular customers at prices ranging from \$10.00 to \$18.00 per five-gallon can, and that the tax on the quantities transported, sold and delivered by the various members of the conspiracy would have amounted to \$50,000.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that the several overt acts herein alleged to have been committed were committed in furtherance of said unlawful conspiracy, confederation, combination and agreement entered into by the said defendants and to effect the object and purpose of the same;

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.

Otto Schmid

Assistant U. S. Attorney

A TRUE BILL:

Foster B McHenry

Foreman of the Grand Jury

Form No. 195

UNITED STATES DISTRICT COURT WESTERN District of MISSOURI WESTERN Division

THE UNITED STATES OF AMERICA vs.

JAMES SCOLA, alias Jimmy Pigg, et al

INDICTMENT

VIOLATION:

Sec. 88, T. 18

A true bill,
Foreman.

Filed in open court this day
of, A.D. 19 Clerk.

Bail, \$

FILED SEP 28 1938

A. L. ARNOLD, Clerk

By W.W. Caster