

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

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLES V. CORROLLO, Defendant.

No. 14573

APPLICATION FOR BILL OF PARTICULARS.

Comes now the defendant Charles V. Corrollo, in his own proper person and by his counsel, and moves the court for an order requiring the United States of America, the plaintiff herein, to prepare and file and furnish him, the said defendant, a bill of particulars as to the following matters which are so vague, indefinite, uncertain, ambiguous, equivocal, and contradictory, and which are improperly and generally alleged and attempted to be alleged in the indictment heretofore returned against him in this cause, in the following matters and for the following reasons, to wit:

In said indictment it is attempted to charge said defendant with false swearing or with the crime of perjury alleged to have been committed before a United States Naturalization Examiner in a proceeding wherein the said defendant had applied for naturalization, and it is alleged that said oath was administered by one Michael McCaul who "then and there having full power and competent authority to administer said oath as aforesaid to said defendant aforesaid in that manner and in that behalf", and it further in said indictment alleged that said defendant did willfully, knowingly, falsely, corruptly, and feloniously swear to a question asked by said Michael McCaul and answered by said defendant the question and answers being as follows:

"Q 1. In the last five or six years, aside from the business you have accounted for, namely: the Glendale business, the Fortune of Skill Ball Game, and the slot machine business, have you been interested in or derived any profit from any gaming parlor or gambling game of any kind?
A. 1. No."

It is then further alleged in said indictment:

"Whereas in truth and in fact he, the aforesaid defendant, was then and there interested in and was then and there deriving profits from gaming parlors and gambling games in Kansas City, Jackson County, Missouri, and had been interested in and had been deriving profits from said gaming parlors and gambling games in Kansas City, Jackson County, Missouri, continuously for a long time prior to the date of the hearing aforesaid, the exact length of time aforesaid being to the grand jury unknown."

This defendant further states that he is unadvised and is unable to prepare his defense unless he is informed of the names and locations of the "gaming parlors" and gambling games" in Kansas City, Jackson County, Missouri, from which it is contended by the United States, the plaintiff herein, that this defendant has been interested in and has been deriving profits from, in the last five or six years; that Kansas City, Missouri is a city of more than four hundred thousand people, covers a vast area and within the last five or six years it has no doubt contained and there has operated in Kansas City a large number of gambling parlors and gambling games; that defendant is unadvised of the names of the persons from whom it is contended he has received said alleged profits, or when he has received said alleged profits, and that it is therefore impossible for him to prepare his defense to this indictment unless and

until the said United States, plaintiff herein, through its proper officers, the United States Attorney and his assistants, furnish said defendant with a bill of particulars so that said defendant will know the nature and cause of the accusation against him, will be in the future protected from further prosecution for the same offense and so he can prepare his defense to said indictment.

WHEREFORE, this defendant requests that the United States of America, plaintiff herein, be required to set out in a bill of particulars, to be filed by the United States Attorney and his assistants, and a copy of which shall be furnished this defendant, the following matters and things:

1. The names of "gaming parlors" and "gambling games" in Kansas City, Jackson County, Missouri in which it is contended that this defendant has been interested within the last five or six years prior to September 22, 1938.

2. The location of such "gaming parlors" in Kansas City, Jackson County, Missouri, from which it is contended by the United States, plaintiff herein, that defendant has been interested in and deriving profits within the last five or six years prior to September 22, 1938.

3. The location of the gambling games" in Kansas City, Jackson County, Missouri which it is contended by the United States, plaintiff herein, that this defendant has been interested in and received profits from, within the last five or six years prior to September 22, 1938.

4. The names and addresses of the person or persons who operated said "gambling parlors" in which it is alleged by the United States, plaintiff herein, that this defendant was interested in or derived profits from, in the last five or six years prior to September 22, 1938.

5. The names and addresses of person or persons who operated said "gambling games" in Kansas City, Jackson County, Missouri, which it is contended by the United States, plaintiff herein, that said defendant was interested in or derived profits from, in the last five or six years prior to the 22nd day of September, 1938.

6. The names of persons whom it is contended by the United States, plaintiff herein, has paid this defendant profits from said "gambling parlors" and "gambling games" in Kansas City, Missouri, within five or six years next before the 22nd day of September, 1938.

7. An explanation of what kind of "profits" is referred to in said indictment, whether it is money, property or otherwise, and if money, the amounts thereof and the dates and places where same was paid.

Defendant further prays the court to require the United States, plaintiff herein, to furnish this defendant with a copy of all the questions asked by the said Michael McCaul, and answers returned by this defendant on the 22nd day of September, 1938, at Kansas City, Jackson County, Missouri, for the reason that without said complete questions and answers it is impossible for this defendant and his counsel to ascertain whether said question and answers quoted above, and quoted in said indictment, is and was material to the investigation to defendant's alleged application for naturalization, and whether said question and answer were not explained in the context of the whole examination; that without being furnished said questions and answers this defendant is not informed of the nature and cause of the accusation against him, and is and will be unable to properly prepare his defense to said indictment.

This defendant states that this application for a bill of particulars is made and filed in good faith, is not filed for the purpose of delay, but is filed that he may be informed of the nature and cause of the accusation against him and that he may be enabled to properly prepare his

defense.

Friedberg & Millman

FRIEDBERG & MILLMAN, Of Counsel for Defendant.

Charles V Carollo

Defendant.

STATE OF MISSOURI

COUNTY OF JACKSON ss.

I CHARLES V. CORROLLO being duly sworn upon my oath state that I have read the foregoing application for a bill of particulars, and that the facts stated therein are true according to my best knowledge, information and belief.

Charles V Carollo

Subscribed and sworn to before me this 8th day of June, 1939.

Gertha Gertenburg

Notary Public

My commission expires January 1, 1941.

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

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLES V. CORROLLO, Defendant.

No. 14573

NOTICE OF PILING APPLICATION FOR BILL OF PARTICULARS.

TO THE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI

TAKE NOTICE:

That I, the undersigned counsel for the defendant Charles V. Corrollo, will on the 19th day of June, 1939 in the District Court of the United States for the Western District of Missouri file and take up for hearing, an application for a bill of particulars in the above styled cause, a copy of which is attached hereto, at which time and place you may be present if you so desire.

Daniel S. Millman

Attorney for Defendant.

Received the above notice and copy of the proposed application for bill of particulars this 8th day of June, 1939.

United States Attorney.

No. 14575

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

UNITED STATES OF AMERICA, Plaintiff

vs.

CHARLES V. CARROLLO, Defendant

APPLICATION FOR BILL OF PARTICULARS

FILED JUN 8 1939

A. L. ARNOLD, Clerk.

By W.W. Caster, Deputy.

FRIEDBERG & MILLMAN

426 Lathrop Building - Vi. 9768
Of Counsel for Defendant,
Charles V. Carrollo.