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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

Dominick Binaggia,

Defendant.

#### INFORMATION

Byron H. Coon, Special Assistant United Attorney for the Western District of Missouri, who prosecutes for and on behalf of the United States, comes now in person and on his official oath and upon the affidavit of one John I. McGowan, federal prohibition agent, which is hereto attached and marked "Exhibit A", informs the court and gives the court to understand that on or about the 1st day of March, 1923, at Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, and within the jurisdiction of this court, one

DOMINICK BINAGGIA

then and there being, unlawfully and wilfully, and in violation of the National Prohibition Act,

POSSESS

a certain quantity of intoxicating liquor, towit:

ONE-HALF PINT OF WHISKEY, for beverage purposes, 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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SECOND COUNT.

And the said Byron H. Coon, Special, Assistant United States Attorney for the Western District of Missouri, as aforesaid, in the manner and form aforesaid, also informs the Court and gives the Court to understand that on or about the 1st day of March, 1923, at Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, and within the jurisdiction of this court, one

DOMINICK BINAGGIA

then and there being, did then and there unlawfully and wilfully, and in violation of the National Prohibition Act,

SELL

a certain quantity of intoxicating liquor, to-wit:

ONE-HALF PINT OF WHISKEY, for beverage purposes, 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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THIRD COUNT.

And the said Byron H. Coon, Special Assistant States Attorney for the Western District of Missouri, as aforesaid, in the manner and form aforesaid, also informs the Court, and gives the Court to understand, that on or about the 31st day of March, 1923, and for a long time prior thereto, in the Western Division of the Western District of Missouri, and within the jurisdiction of this Court, one

DOMINICK BINAGGIA

unlawfully, wilfully and knowingly did maintain a common nuisance at, in and upon the room, house, building and place, more particularly described and designated, as follows: in the premises known as 1642 St. Louis Avenue, Kansas City, Jackson County, Missouri, where intoxicating liquors, to-wit: whiskey, containing more than one-half of one per cent of alcohol by volume, and fit for use for beverage purposes was

KEPT, SOLD, 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.

(Title II, Act of October 28, 1919).

H. L. Kavanaugh  
Special Assistant United States Attorney.

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UNITED STATES OF AMERICA,  
WESTERN DIVISION, ss.  
WESTERN DISTRICT OF MISSOURI.

Byron H. Coon, Special Assistant United States Attorney, being duly sworn upon his oath says that the allegations and averments in the foregoing Information are true, except as to those matters which are stated on information and belief, and as to those matters he believes them to be true.

H. L. Kavanaugh

Subscribed and sworn to before me this 31st day of March, 1923.

EDWIN R. DURHAM, Clerk,  
By A. U. Spickard  
Deputy

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"EXHIBIT A"

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

United States of America, Plaintiff,  
vs  
Dominick Binaggia, Defendant

AFFIDAVIT.

John J. McGowan of lawful age, being duly sworn upon his oath deposes and says that he is now a police officer and member of the Metropolitan Police Department, Kansas City, Missouri, and that on or about the 1<sup>st</sup> of March, 1925, at 1642 St. Louis Avenue, Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri and within the jurisdiction of this court, one

DOMINICK BINAGGIA

did unlawfully and willfully POSSESS one-half pint of whiskey; and did unlawfully and wilfully on said date at said place SELL one-half pint of whiskey; and did unlawfully and wilfully on April 6, 1923, and for a long time prior thereto, MAINTAIN A COMMON NUISANCE in said premises where whiskey was kept, sold and bartered,

in violation of Title II of an Act of Congress passed October 28, 1919, known as the National Prohibition Act.

John J. McGowan

Subscribed and sworn to before me the 9<sup>th</sup> day of April 1925.

EDWIN R. DURHAM, Clerk.  
By A. Vinick  
Deputy

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NO. 5677

IN THE U.S. DISTRICT COURT

United States of America,  
vs.  
Dominick Binaggia.

INFORMATION.

FILED  
APR 18 1923  
EDWIN R. DURHAM  
Clerk.  
A. U. Spickard  
DEPUTY