

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

United States of America, Plaintiff,

-vs-

Richard Tallman Galatas, Adam Richetti, et al, Defendants.

No. 12698

APPLICATION FOR ORDER FOR SUBPOENA DUCES TECUM.

Comes now Maurice M. Milligan, United States Attorney for the Western District of Missouri, and moves the Court to order the Clerk of the United States District Court at Kansas City, Missouri, to issue a subpoena duces tecum for one John H. Fultz, and one Wm. H. Daugherty, respectively the Chief of Police and Mayor of Wellsville, Columbiana County, Ohio, to appear before the United States Grand Jury on the 3rd floor of the Federal Building at 9th and Grand Avenue, in Kansas City, Jackson County, Missouri, forthwith, and for the reason of this motion petitioner states the following:

That on the 20th or 21st day of October, 1934, in Columbiana County, Ohio, one John H. Fultz, Chief of Police, Wellsville, Ohio, engaged in a gun battle with one Adam Richetti, and one Charles Arthur Floyd, alias "Pretty Boy" Floyd, notorious criminals and fugitives from Justice, and particularly fugitives from the Justice of the United States District Court for the Western Division of the Western District of Missouri, at Kansas City, Jackson County, Missouri; and at the termination of said gun battle, Adam Richetti, aforesaid, was taken into custody by John H. Fultz, aforesaid, and is now in the custody of John H. Fultz, aforesaid, and Charles Arthur Floyd, alias "Pretty Boy" Floyd, escaped; that at and during said gun battle, the said Adam Richetti used for the purpose of resisting arrest and for the purpose of assaulting the said John H. Fultz, a .45 Colt's Automatic Pistol of the United States Army type, of an unknown serial number; that the said Adam Richetti at the termination of said gun battle and immediately prior to his capture at said time and place, dropped to the earth said .45 Colt's Automatic pistol, and the same was taken into the custody and possession of the said John H. Fultz and/or Wm. H. Daugherty, Mayor of Wellsville, Columbiana County, Ohio, and is now in the possession of the said John H. Fultz and/or Wm. H. Daugherty,

That Charles Arthur Floyd, alias "Pretty Boy" Floyd, at and during said gun battle used for the purpose of resisting his own capture and for the purpose of effecting the escape of the said Adam Richetti and for the purpose of assaulting John H. Fultz, aforesaid, a Thompson Sub-machine gun, either a 1921 or 1928 model, the exact model year of which is not precisely known, and at the termination of said gun battle and immediately prior to his escape, or at an approximate time, the said Charles Arthur Floyd, alias "Pretty Boy" Floyd, dropped said Thompson Submachine gun to the earth at a point at or near the scene of the gun battle aforesaid.

That the said Thompson Sub-machine gun was thereupon taken into the custody and possession of John H. Fultz and/or Wm. H. Daugherty, and is now in the possession of the said John H. Fultz and/or Wm. H. Daugherty, in Wellsville, Columbiana County, Ohio.

That at and during and after the gun battle aforesaid, John H. Fultz and/or his agents and deputies picked up and took into their possession and custody certain shells, drums, clips, and other equipment used or intended for use in said Thompson sub-machine gun and said Colt's automatic pistol, which said shells, drums, clips and other equipment are now in the custody

and possession of the said John H. Fultz, and/or Wm. H. Daugherty, in Wellsville, Columbiana County, Ohio.

Petitioner further states that presently in the Western Division of the Western District of Missouri, at Kansas City, Missouri, the grand jury of the United States District Court in and for the said District, duly and lawfully drawn, summoned, empanelled, and sworn, is now and will be for sometime engaged in an investigation of a criminal charge and accusation presented to it by Maurice M. Milligan, United States District Attorney in and for the Western District of Missouri, against Adam Richetti, aforesaid, whereby it is presented that the said Adam Richetti, in company with Charles Arthur Floyd, alias "Pretty Boy" Floyd, with force of arms, stole from one Walter H. Griffith, a 1932 Pontiac Sedan, and transported the same in interstate commerce in violation of the National Motor Vehicle Theft Act, and that the Thompson Sub-machine gun aforesaid and the .45 Colt's automatic pistol, aforesaid, and the shells, drums, clips, and other equipment aforesaid, are competent, relevant, and material evidence relating to the criminal charge and accusation presented against Adam Richetti, aforesaid, and are necessary for the consideration of the grand jury aforesaid, in order to determine the true facts in said matter.

WHEREFORE, petitioner prays this Court for an order directed to the Clerk of said Court to issue a subpoena duces tecum in the above entitled matter and cause to be addressed to JOHN H. FULTZ, and WM. H. DAUGHERTY, respectively Chief of Police and Mayor of Wellsville, Columbiana County, Ohio, requiring them to forthwith appear before the grand jury aforesaid at Kansas City, Jackson County, Missouri, on the 3rd floor of the Federal Building at 9th and Grand Avenue, in said city and state, as a witness in this matter, and to bring with them and produce before the grand jury aforesaid, the following:

A.45 Colt's automatic pistol of the United States Army type of an unknown serial number which was used by one Adaxa Richetti, for the purpose of resisting arrest, and for the purpose of assaulting one John H. Fultz in a gun battle engaged in by John H. Fultz, Chief of Police, Wellsville, Columbiana County, Ohio, Adam Richetti and Charles Arthur Floyd, alias "Pretty Boy" Floyd, and a citizen, and which at the termination of said gun battle and immediately prior to the capture of Adam Richetti was by Adam Richetti dropped to the earth and taken into the custody and possession of John H. Fultz and/or Wm.H. Daugherty, respectively Chief of Police and mayor of Wellsville, Columbiana County, Ohio, and is now in the possession of said John H. Fultz, and/or Wm. H. Daugherty at Wellsville, Ohio.

A Thompson sub-machine gun, either a 1921 or 1928 model, the exact model year of which is not precisely known, which on the 20th or 21st day of October, 1934, in Columbiana County, Ohio, one Charles Arthur Floyd, alias "Pretty Boy" Floyd, used for the purpose of resisting his own capture, and for the purpose of effecting the escape of Adam Richetti, and for the purpose of assaulting John H. Fultz, and which at the termination of said gun battle and immediately prior to his escape, or at an approximate time, Charles Arthur Floyd, alias "Pretty Boy" Floyd, dropped to the earth at a point at or near the scene of the gun battle aforesaid and which said Thompson sub-machine gun was thereupon taken into the custody and possession of John H. Fultz and/or Wm. H. Daugherty, respectively chief of police and mayor of Wellsville, Columbiana County, Ohio, and is now in the possession of the said John H. Fultz and/or Wm. H. Daugherty in Wellsville, Columbiana County, Ohio.

All shells, drums, clips and other equipment picked up and taken into the possession and custody of John H. Fultz and/or his agents and deputies used or intended for use in the above

Thompson sub-machine. gun and said .45 Colt's automatic pistol which said shells, drums, clips and other equipment are now in the possession and custody of the said John H.Fultz, and/or Wm. H. Daugherty, respectively Chief of Police and Mayor of Wellsville, Columbiana County, Ohio.

Dated at Kansas City, Missouri, this 24th day of October, 1934.

(Maurice M. Milligan) United States Attorney.

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FILED \* OCT 24 1934 \*

A. L. ARNOLD, Clerk,

By A. L. Arnold, Deputy