

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

UNITED STATES OF AMERICA, Plaintiff,

-vs-

Joe Pasano, Frank B. Malloy, Ralph Rosenberg, Wm. A. Cacy, Leopold Schwarz,  
Lawrence Cipolla, Wm. G. Michael, Roy Barrett, alias Roy Franklin, Robert Carnahan,  
Frank Martin alias Cliff, alias A. R. McDonald, Noxie Barber alias Noxie LaBarba, Tudia  
Pasano alias Joe Jackson, George Galbraith, Lawrence Cordelia, Joe Toia, Walter A.  
Porter, Adolph Suttles, Edward S. Alderson, Joe Kleason, Eugene F. Moore alias  
Morgan, Jimmie Hicks, Ott Holmes, Jimmy LaCapra, alias Jimmy Needles, Red Oaks,  
Walter Skinner, Martin Wiseman, Ray Broom, Mat Cohen, James Stiff, Carl A. Wahlen,  
Grant T. Moffatt, D. L. Pickett, Sam Hogg, June Kathren, Newton Guy Brock, James R.  
Franklin, Rosemary Lyons, John Lazia, Charles Corolla, Charles W. Corbett, William  
McMurray, alias Billy Mack, John Roth alias Whitey, Thomas G. Bramlett, Charlie Jense,  
Louis Kent Berger alias Eddie Carroll, James H. Burton alias Herman, Sam Eddy, and  
The North Side Finance Company, a corporation, Defendants.

NO. 10839.

#### MOTION FOR BILL OF PARTICULARS

Comes now the above named defendant, Rosemary Lyons, and requests the Court  
to order and require William L. Vandeventer, United States Attorney for the Western  
District of Missouri, and Alfred E. Page, Assistant to the Attorney General of the United  
States, to furnish to this defendant a bill of particulars with reference to certain matters  
charged in the indictment, and as her reason therefor says:

1. That this defendant together with forty-seven other defendants are charged jointly  
in the above indictment; that the averments and allegations of said indictment are  
general in their terms and that the language of the same is ambiguous, vague and  
indefinite and not sufficient to properly apprise and inform this defendant of the nature  
and cause of the accusation against her, and is a violation of the defendant's rights  
guaranteed to her under the Fifth and Sixth Amendments to the Constitution of the  
United States of America.

That said indictment alleges that the unlawful agreement was had between all of the

above named defendants "in the Western Division of the Western District at Kansas City, Jackson County, Missouri, the exact place being to the Grand Jury unknown, on or about the first day of January, 1930, the exact date being to this Grand Jury unknown;" that owing to the large number of defendants and the considerable length of time during which said conspiracy is alleged to have existed, the defendant is unable to properly prepare her defense to said charge and she prays the court that the United States District Attorney, William L. Vandeventer, be required to furnish to the defendant herein a more definite statement as to the particular time at which she entered into a conspiracy with the other defendants, and also to set forth the names of the particular defendants with whom she is alleged to have made the unlawful agreement charged in said indictment.

That said indictment, outside of the general allegation that this defendant conspired with the other defendants to violate the provisions of the National Prohibition Act, wholly fails to state any facts or overt acts alleged to have been done by this defendant which would prove or tend to prove that she in fact entered into any unlawful agreement with the other defendants or any of them, or did anything which would constitute, in law, an aiding and abetting of said conspirators in the furtherance of said conspiracy; that said general allegation leaves this defendant wholly in the dark as to what charges she will be called upon to meet at the time of the trial of said cause and is totally insufficient to advise her of the crime charged.

WHEREFORE, this defendant prays the court that the Honorable William L. Vandeventer, United States District Attorney, be required to furnish her the particulars in the respects above set forth.

That said indictment alleges under overt acts numbered 96, 102, 104, 105, 106, 108, 109, that certain quantities of intoxicating liquor, to-wit, whisky was delivered to the defendant, Rosemary Lyons, in Kansas City, Missouri, by the various persons set forth in said overt acts; in that said overt acts the place of delivery of said liquor to this defendant is described as having taken place in Kansas City, Missouri; that owing to said general description this defendant will be unable to prepare her defense to said charges unless informed as to the place where such transaction is alleged to have occurred; that said overt acts wholly fail to set forth whether said liquor was delivered to this defendant as

purchaser or consignee or for what purpose or purposes the same was delivered to this defendant. Therefore, in order for defendant to be properly advised as to the charges set forth in said overt acts, in order that she may properly prepare her defense thereto, this defendant prays the court to require the said United States District Attorney, William L. Vandeventer, to set forth to her the name of the alleged person who it is alleged delivered to this defendant the quantity of liquor set forth under overt act number 104 and also as to the place where the said deliveries were alleged to have been made under all of said overt acts and also to furnish this defendant as to whether she is charged with receiving said liquor as vendee, or consignee, and as to the purpose or purposes for which the same was delivered to her.

CS Walden

Attorney for Defendant, Rosemary Lyons.

No. 10839

United States of America

v

Joe Pasano, et al.

Motion for Bill of Particulars

Filed Sep 4 1931

Edwin R. Durham, Clerk

By E. O. Keefe Deputy

C. S. Walden

620 Commerce Bg.

Atty for Rosemary Lyons