

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

March Term, 1929

March 5, 1929

St, Joseph, Missouri

No. 9176

United States of America,

Plaintiff,

vs.

Frank "Chee Chee" DeMayo, Sam Tripi, John P. Lyhne,

Defendants.

INDICTMENT

The grand jurors of the United States, duly and legally selected, summoned and drawn from the body of 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 in the Western District of Missouri, upon their oaths present and charge that Frank "Chee Chee" DeMayo, Sam Tripi and John P. Lyhne, whose true names other than is herein set forth are to these grand jurors unknown, at 1122 N. River Boulevard, Independence, Jackson County, Missouri, on the 9th day of June, 1927, did unlawfully, wilfully and feloniously conspire, confederate and agree among themselves, and with Jimmy Akers and with divers other persons whose true names are to the grand jurors unknown, to commit offenses against the laws of the United States and more specifically section 3, section 25 and section 36, title 2 of the National Prohibition Act, also sections 3258, 3266 and 5440 of the Revised Statutes of the United States and section 16 of an act of February 8, 1875 and section 5 of an act of March 1, 1879 and section 5390, Revised Statutes of the United States, all of said sections cited being laws of the United States, in this, that the said Frank "Chee Chee" DeMayo, Sam Tripi and John F. Lyhne and Jimmy Akers, would manufacture, sell, barter, transport, deliver, furnish and possess intoxicating liquor and alcohol containing more than one-half of one per cent of alcohol by volume, in violation of the National Prohibition Act, that they would possess property designed and intended for use in the manufacture of intoxicating liquor and

alcohol and that they would have in their possession, custody and under their control, stills and distilling apparatuses set up without registering the same with the Collector of Internal Revenue as required by law, that they would use certain stills and distilling apparatuses for the purpose of distilling intoxicating liquor and alcohol in places other than such as are prescribed by law, that they would carry on the business of a distiller without having given a bond as required by law, that they would engage in and carry on the business of a distiller with the intent to defraud the United States of the tax on the spirits distilled by them, that they would unlawfully, wilfully and feloniously recover by the process of cleaning and redistillation, alcohol and would sell, conceal and otherwise dispose of alcohol which had then and there and theretofore been rendered unfit for beverage purposes under the provisions of an act of June 7, 1906, Chapter 3047, and which said alcohol had then and there and theretofore been withdrawn from bond, tax free, for the purpose of denaturing and which had then and there and theretofore been denatured under the regulations promulgated by the Secretary of the Treasury and under the provisions of the act of June 7, 1906, 3047, and that they would have knowledge of the actual commission of a felony cognizable by the courts of the United States and that they would conceal and not as soon as may be, disclose and make known such information to one of the judges of the courts of the United States or to any person in civil or military authority under the laws of the United States.

And the grand jurors aforesaid upon their oaths aforesaid, do further present and charge that the said Frank "Chee Chee" DeMayo, Sam Tripi, John F. Lyhne and Jimmy Akers, pursuant to said unlawful conspiracy, confederation, combination and agreement and to effect the object and purposes of the same, did commit certain overt acts, which said overt acts are specifically as follows:

1.

That on the 9th day of June, 1927, the said Frank "Chee Chee" DeMayo, and Jimmy Akers did lease for one year, certain real estate located at 1122 North River Boulevard, Independence, Jackson County, Missouri,

2.

That on the 9th day of June, 1927, the said Frank "Chee Chee" DeMayo and Jimmy Akers did pay to Mrs. Blachon, the sum of eighty dollars (\$80.00) for two months' rent for

property located at 1122 N. River Boulevard, Independence, Missouri.

3.

That on the 19th day of June, 1927, Frank "Chee Chee" DeMayo, Sam Tripi, John F. Lyhne and Jimmy Akers did transport and haul from the Lyhne Transfer Company, at 2004 Grand Avenue, Kansas City, Jackson County, Missouri to 1122 N. River Boulevard, Independence, Jackson County, Missouri, a certain large illegal alcohol still.

4.

That on the 9th day of June, 1927, the said Frank "Chee Chee" DeMayo, Sam Tripi, John F. Lyhne and Jimmy Akers did set up on the property rented at 1122 N. River Boulevard, Independence, Jackson County, Missouri, a certain alcohol still of three hundred (300) gallons capacity.

5.

That on the 20th day of June, 1927, and continuously thereafter for a period of several months, the said Frank "Chee Chee" DeMayo, Sam Tripi, John F. Lyhne and Jimmy Akers, at 1122 N. River Boulevard, Independence, Jackson County, Missouri, did operate said alcohol still and did make and manufacture and reclaim large amounts of alcohol, not having then and there registered said still and distilling apparatus with the Collector of Internal Revenue as required by law and not having given bond of a registered distiller as required by law, did engage in the business of operating said still and distilling apparatus as distillers with the intent to defraud the United States of the tax on the spirits distilled by them,

6.

That on the 20th day of June, 1927 and at divers and various times from that time until the 4th day of January, 1928, Frank "Chee Chee" DeMayo, Sam Tripi, John F. Lyhne and Jimmy Akers, at 1122 N. River Boulevard, Independence, Missouri, did possess, transport and sell for beverage purposes, large amounts of alcohol, the exact dates and exact amount of alcohol sold, possessed and transported to the grand jurors unknown.

7.

That on the 20th day of June, 1927, at 1122 N. River Boulevard, Independence, Jackson County, Missouri, the said Frank "Chee Chee" DeMayo, Sam Tripi, John F.

Lyhne and Jimmy Akers did reclaim and distill from a product known as germono, large amounts of alcohol for beverage purposes.

8.

That on the 20th day of June, 1927, at 1122 N. River Boulevard, Independence, Jackson County, Missouri, the said Prank "Chee Chee" DeMayo, Sam Tripi, John P, Lyhne and Jimmy Akers did hire and employ John Thomas Glasscock, Earl D. Heisler and various other parties whose names are to the grand jurors unknown, to aid in the operation of said alcohol still.

9.

That on or about the 16th day of December, 1927, at Kansas City, Jackson County, Missouri, Prank "Chee Chee" DeMayo did pay to Jimmy Akers to sum of five hundred dollars (\$500.00) in consideration for the said Jimmy Akers to leave the jurisdiction of the Federal Court in Kansas City, Missouri and fail to appear to answer an indictment pending against the said Jimmy Akers in the Federal Court at Kansas City, Jackson County, Missouri, which said indictment charged the said Jimmy Akers with the unlawful operation of the alcohol still above mentioned and did further agree to pay the said Jimmy Akers additional sums of money if he would remain away from Kansas City, Missouri.

10.

That Prank "Chee Chee" DeMayo, Sam Tripi, John P. Lyhne and Jimmy Akers, on the 16th day of December, 1927, did have actual knowledge of the commission of a felony against the laws of the United States and cognizable by the courts of the United States, towit, the operation of an alcohol still in violation of the Internal Revenue laws and did conceal said knowledge and did not make known or disclose then or thereafter or as soon as may be to any judge or other person in civil or military authority under the United States.

And the grand jurors aforesaid upon their oaths aforesaid, do further present and charge that all of the overt acts herein alleged to have been committed were committed in the furtherance of said conspiracy and to effect the object and purpose of the same: Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America,

## COUNT II

And the grand jurors aforesaid upon their oaths aforesaid do further present and charge that on the 16th day of December, 1927, at 1122 N. River Boulevard, Independence, Jackson County, Missouri, within the jurisdiction of this court and within the sixth Internal Revenue District of Missouri, Prank "Chee Chee" DeMayo, Sam Tripi and John F. Lyhne, did unlawfully, wilfully, knowingly and feloniously have in their possession and under their control a certain distilling apparatus suitable for the distillation of alcoholic spirits, towit, a whisky still of three hundred (300) gallons capacity, set up:

And the grand jurors aforesaid, upon their oaths aforesaid, further present and charge that the said Prank "Chee Chee" DeMayo, Sam Tripi and John F. Lyhne had not theretofore registered the said still and distilling apparatus with the Collector for the Sixth Internal Revenue District of Missouri, as was required by law; 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,

## COUNT III

And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that on the 16th day of December, 1927, at 1122 N. River Boulevard, Independence, Jackson County, Missouri, in the Western Division of the Western District of Missouri, within the jurisdiction of this court, and within the Sixth Internal Revenue District of Missouri, Prank "Chee Chee" DeMayo, Sam Tripi and John F. Lyhne did then and there unlawfully, wilfully, knowingly and feloniously engage in and carry on the business of a distiller and did operate a distillery for the purpose of distilling alcoholic spirits, with the intent to defraud the United States of America of the tax on the spirits distilled by them; Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

## COUNT IV

And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that on the 16th day of December, 1927, at 1122 North River Boulevard, Independence, Jackson County, Missouri, in the Western Division of the Western District of Missouri, within the jurisdiction of this court and within the Sixth Internal Revenue

District of Missouri, Prank "Chee Chee" DeMayo, Sam Tripi and John F. Lyhne did then and there unlawfully, wilfully and feloniously carry on the business of a distiller without having given a bond as required by law; 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.

#### COUNT V

And the grand jurors aforesaid, upon their oaths aforesaid, do further present ana charge that on the 16th day of December, 1927, at 1122 North River Boulevard, Independence, Jackson County, Missouri, in the Western Division of the Western District of Missouri, and within the jurisdiction of this court, Frank "Chee Chee" DeMayo, Sam Tripi, and John F. Lyhne did unlawfully, wilfully and feloniously recover and attempt to recover by the process of cleaning and redistillation and did sell, conceal and otherwise dispose of alcohol which had then and there and theretofore been rendered unfit for beverage purposes under the provisions of the Act of June 7, 1906, Chapter 3047, and which said alcohol had then and there and theretofore been withdrawn from bond, tax free, for the purpose of denaturing, and which had then and there and theretofore been denatured under the regulations promulgated by the Secretary of the Treasury and under the provisions of the Act of June 7, 1906, Chapter 3047, Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

BL Rinehart

Assistant United States Attorney

A TRUE BILL

Foreman of the Grand Jury

Form No. 195

No. 9176

UNITED STATES DISTRICT COURT WESTERN District MISSOURI ST JOSEPH  
Division THE UNITED STATES OF AMERICA

vs.

Frank "Chee Chee" DeMayo Sam Tripi and John F. Lyhne

INDICTMENT

A true bill,

Foreman.

Filed in open Court this 5<sup>th</sup> day of March, A. D. 1929

Edwin R. Durham Clerk.

By John A. Duncan Jr Deputy

Bail, \$

GOVERNMENT PRINTING OFFICE 7-433

FILED MAR 7 1929

EDWIN R. DURHAM, CLERK

BY E. O. Keefe, DEPUTY