

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

United States of America, Plaintiff,

vs.

Frank "Chee Chee" DeMayo and Cy Summers.

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 empaneled, 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 and CY SUMMERS, and Ferdinand Harrison, alias William Rogers, and divers other persons whose true names are to the Grand Jurors unknown, in the Western Division of the Western District of Missouri, on the 15th day of September, 1928 did un lawfully, wilfully and feloniously conspire, confederate and agree among themselves and with each other to commit offenses against the laws of the United States, and more specifically Sections 3, 25 and 26, Title 2 of the National Prohibition Act, and also Sections 3258 and 3266 of the Revised Statutes of the United States, all of said sections sited being laws of the United States in full force and effect, in this, that the said FRANK "CHEE CHEE" DEMAYO, CY SUMMERS and Ferdinand Harrison, alias William Rogers would manufacture, sell, barter, transport, deliver, furnish and possess intoxicating liquor in violation of the National Prohibition Act; that they would possess property designed and intended for use in the manufacture of intoxicating liquor; that they, the said defendants, would have in their possession, custody and under their control stills and distilling apparatus set up without registering the same with the Collector of Internal Revenue as required by law; that they, the said defendants, would use certain stills and distilling apparatus for the purpose of distilling intoxicating liquors in places other than such as are prescribed by law; that they, the said defendants would carry on the business of distillers without having given bond as required by law; that they would engage in and carry on the business of such distillers with the intent to defraud the United States of the tax on the spirits distilled by them; that they, the said defendants, would have in their possession and under their care and control a certain quantity of

fermented mash fit for and intended to be used in the distillation of intoxicating liquors in places other than a distillery duly authorized according to law.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present and charge that the said FRANK "CHEE CHEE" DeMAYO, CY SUMMERS and Ferdinand Harrison, alias William Rogers, pursuant to said unlawful conspiracy, combination, confederation and agreement, and to effect the object and purpose of the same, did commit certain overt acts, which said overt acts are specifically as follows:

I.

That on the 15th day of September, 1928, at 111 West 11th Street, Kansas City, Jackson County, Missouri, FRANK "CHEE CHEE" DeMAYO and CY SUMMERS did agree with Ferdinand Harrison, alias William Ferdinand Harrison, alias Rogers that the said William Rogers was to set up and operate a still at his residence, 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, and that the said FRANK "CHEE CHEE" DeMAYO was to furnish all the materials for the making of intoxicating liquor and to pay the said Ferdinand Harrison, alias William Rogers the sum of \$1.75 per gallon for all whiskey manufactured at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri.

II.

That on the 1st day of October, 1928, at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri the said FRANK "CHEE CHEE" DEMAYO? CY SUMMERS AND Ferdinand Harrison, alias William Rogers did unlawfully manufacture 15 gallons of moonshine whiskey.

III.

That on the 1st day of December, 1928, at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, the said FRANK "CHEE CHEE" DEMAYO, CY SUMMERS and Ferdinand Harrison, alias William Rogers did unlawfully make and ferment 1,000 gallons of mash, fit for the distillation of alcoholic spirits, at a place other than a distillery duly authorized according to law.

IV.

That on the 1st day of December, 1928, at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, the said FRANK "CHEE CHEE" DEMAYO, CY SUMMERS

and Ferdinand Harrison, alias William Rogers did unlawfully have in their possession a certain still add distilling apparatus intended to be used, and capable of being used in the manufacture of intoxicating liquor, towit, whiskey, said whiskey still not having then and there been registered with the Collector of Internal Revenue as required by law, and that they, the said FRANK "CHEE CHEE" DEMAYO, CY SUMMERS and Ferdinand Harrison, alias William Rogers did not and had not given the bond of a registered distiller as required by law, but engaged in the business of operating said stills and distilling apparatus, as distillers, with the intent to defraud the United States of the tax on the spirits distilled by them.

V.

That on the 10th day of December, 1928, at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, the said FRANK "CHEE CHEE" DEMAYO, CY SUMMERS and Ferdinand Harrison, alias William Rogers did unlawfully have in their possession and under their control for beverage purposes 15 gallons of moonshine whiskey.

VI.

That on the 1st day of October, 19 28, at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, the said FRANK "CHEE CHEE" DEMAYO did give to said Ferdinand Harrison, alias William Rogers the sum of \$50.00 for whiskey which had been manufactured at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri.

VII.

That on the 1st day of November, 1928, the said FRANK "CHEE CHEE" DEMAYO, at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, did give to Ferdinand Harrison, alias William Rogers the sum of \$25.00 for whiskey which had been manufactured at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri.

VIII.

That on the 1st day of December, 1928, the said FRANK "CHEE CHEE" DEMAYO did give to Mrs. Ferdinand Harrison, alias Mrs. William Rogers the sumof \$25.00 for moonshine whiskey manufactured at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri.

IX.

That on the 20th day of December, 1928, the said FRANK "CHEE CHEE"

DEMAYO did request the said Ferdinand Harrison, alias William Rogers, and his wife, Mrs. Ferdinand Harrison, alias Mrs. William Rogers, to leave Kansas City, Missouri, for the purpose of evading the process of the federal court, that is, towit: to fail to answer an indictment then pending against the said Ferdinand Harrison, alias William Rogers in the United States District Court for the Western District of Missouri, Western Division, in which said Ferdinand Harrison, alias William Rogers was charged with unlawfully and feloniously operating a still at 4301 Gardner Avenue, Kansas City, Jackson County, Missouri, and did agree to pay the said Ferdinand Harrison, alias William Rogers large sums of money if he would so leave Kansas City, Missouri.

X.

That on the 30th day of December, 1928, the said FRANK "CHEE CHEE" DEMAYO did give and deliver to Mrs. Ferdinand Harrison, alias Mrs. William Rogers the sum of \$100.00, upon consideration of a promise by Ferdinand Harrison, alias) William Rogers and Mrs. Ferdinand Harrison, alias Mrs. William Rogers that they would leave Kansas City, Jackson County, Missouri, and further agreed that he, in a short time after their departure from Kansas City, Missouri, would send them another \$100.00. And the Grand Jurors aforesaid, upon their oaths aforesaid, do say that all of the overt acts herein alleged to have been committed were committed in furtherance of said unlawful conspiracy, and to effect the object and purpose of the same; 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.

BL Rinehart, Assistant United States Attorney

A TRUE BILL:

HA Sprague, Foreman of Grand Jury.

Form No. 195, No. 9177

United States District Court Western District of Missouri Division

The United States of America vs.

Frank "Chee Chee" DeMayo, and Cy Summers.

Indictment Sec. 37 P.C.

Filed Mar 7 1929

Edwin R. Durham, Clerk

by E.O. Keefe Deputy

A true bill,

HA Sprague, 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