

Court of Special Sessions of The City of New York.

County of New York.

THE PEOPLE OF THE STATE OF NEW YORK

against

ALAN FRANK,

Defendant

Be it Remembered that I FRANK E. HOGAN, the District Attorney of the County of New York, by this information, accuse the above-named defendant of the Crime of **EMBEZZLING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 430 OF THE PENAL LAW**, committed as follows:

The said defendant, on or about February 28, 1958, in the County of New York, being an agent and employee of a certain broadcasting station called W I E B, owned and operated by the Betham Broadcasting Corporation, unlawfully did request and receive from Houlihan Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity, to wit, a bank check in the amount and of the value of \$10,000, under an agreement and with an understanding that he, the said defendant, was in a particular manner in relation to the principal's and employer's business.

FRANK E. HOGAN,

District Attorney.

COURT OF SPECIAL SESSIONS OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK :
 :
 -against- :
 :
 ALAN FREED, :
 :
 Defendant. :
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BE IT REMEMBERED that I, FRANK S. HOGAN, DISTRICT ATTORNEY OF THE COUNTY OF NEW YORK, by this information, accuse the above-named defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about September 29, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Cosnat Distributing Corporation, without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$2,000, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

SECOND COUNT: *Edgeworth*

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND

EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about July 2, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Cosnat Distributing Corporation of Cleveland, without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$2,000, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

THIRD COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse the said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about October 7, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Cosnat Distributing Corporation, without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$2,000, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

FOURTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about July 14, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from John Halonka and Harry Apostoleris, doing business as Alpha Distributing Co., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$500, under an agreement and with an understanding that he, the said defendant, set in a particular manner in relation to his principal's and employer's business.

FIFTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about August 25, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from

John Halonka and Harry Apostoleris, doing business as Alpha Distributing Co., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$500, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

SIXTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about October 2, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from John Halonka and Harry Apostoleris, doing business as Alpha Distributing Co., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$500, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

SEVENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about August 11, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$400, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

EIGHTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about September 30, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

NINTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of

REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about November 21, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$500, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about December 18, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

ELEVENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about February 16, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWELFTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about March 25, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and

consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

THIRTEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about April 28, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

FOURTEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about May 25, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

FIFTEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about June 25, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

SIXTEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of

REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about August 5, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

SEVENTEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about September 1, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

EIGHTEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about October 5, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$700, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

NINETEENTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about November 4, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Superior Record Sales Co., Inc., without the knowledge and

consent of his principal and employer, a gift and gratuity in the amount of \$1,000, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWENTIETH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about September 2, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Action Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$500, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWENTY-FIRST COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about October 5, 1959, inⁿ

the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Action Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$500, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWENTY-SECOND COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about November 6, 1959, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from Action Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$1,000, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWENTY-THIRD COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of

REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about May 12, 1958, in the County of New York, being an agent and employee of Gotham Broadcasting Corporation, which owns and operates Radio Station WINS, unlawfully did request and accept from United Artists Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$750, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWENTY-FOURTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about June 30, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from United Artists Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$750, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

TWENTY-FIFTH COUNT:

AND I, THE DISTRICT ATTORNEY AFORESAID, by this information, further accuse said defendant of the crime of REQUESTING AND ACCEPTING A GIFT AND GRATUITY, AS AGENT AND EMPLOYEE OF ANOTHER, IN VIOLATION OF SECTION 439 OF THE PENAL LAW, committed as follows:

Said defendant, on or about July 30, 1958, in the County of New York, being an agent and employee of American Broadcasting Company, a division of American Broadcasting-Paramount Theatres, Inc., which owns and operates Radio Station WABC, unlawfully did request and accept from United Artists Records, Inc., without the knowledge and consent of his principal and employer, a gift and gratuity in the amount of \$750, under an agreement and with an understanding that he, the said defendant, act in a particular manner in relation to his principal's and employer's business.

FRANK S. HOGAN,
District Attorney.