

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No.

785015

10000/100/1014

COURTS MARTIAL, 406
OCT. 1943 - JAN. 1944

See

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 394

24 January 1944

SUBJECT: Confirmation of Death Sentences
D1 Noto and La Monica

TO : G.O.C.-in-C., ACMF - Military Governor

1. Attached is the record in the case of the above defendants which was tried by a General Military Court at Rieti, Province of Caltanissetta, Sicily, on December 3, 1943 together with the petitions for review and grounds of appeal. Also attached is the memorandum of the Chief Judicial Officer, who has reviewed the case.

2. On the basis of the foregoing it is recommended that the death sentences be confirmed.

CHARLES M. SPOMFORD
Colonel, G.S.C.
D.C.C.A.O., AMG HQ

Encls - 2

5315

General Court-Martial }
 Orders No. 3 }
 Headquarters Island Base Section
 A.P.O. #550 7 January 1944

Before a general court-martial which convened at * * *, Sicily, pursuant to paragraph 10, Special Orders No. 28, this Headquarters, 30 September 1943, as amended by paragraph 1, Special Orders No. 47, this Headquarters, 19 October 1943, was arraigned and tried:

Major Stephen D. Martin, 0203542, Corps of Military Police, Headquarters Allied Military Government, * * *, Sicily.

Charge: Violation of the 64th Article of War.

Specification: In that Major Stephen D. Martin, Corps Military Police, then Civil Affairs Officer at * * *, Sicily, having received a lawful command from Lieutenant Colonel Floyd E. Thomas, Infantry, his superior officer, referring to one Luigi Galano, an Italian prisoner of war, "Do not take Luigi with you to * * *", or words to that effect, did at or near * * *, Sicily, on or about 12 August 1943, wilfully disobey the same.

PLEAS

To the specification of the charge: "Not Guilty."
 To the charge: "Not Guilty."

FINDINGS

Of the specification of the charge: "Guilty."
 Of the charge: "Guilty."

SENTENCE

To forfeit one hundred fifty dollars (\$150.00) per month for a period of six (6) months. (No previous convictions considered.)

The sentence was adjudged on 31 October 1943.

The sentence is approved and will be duly executed.

By order of Colonel SEARS:

OFFICIAL:

27 Bonsted

F. T. BONSTED,
 Colonel, AGO,
 Adjutant General.

Col. Spafford 838

785015

Specification: In that Major Stephen D. Martin, Corps Military Police, then Civil Affairs Officer at . . . Sicily, having received a lawful command from Lieutenant Colonel Floyd E. Thomas, Infantry, his superior officer, referring to one Luigi Galano, an Italian prisoner of war, "Do not take Luigi with you to . . .", or words to that effect, did at or near . . . Sicily, on or about 12 August 1943, willfully disobey the same.

PLEAS

To the specification of the charge: "Not Guilty."

To the charge: "Not Guilty."

FINDINGS

Of the specification of the charge: "Guilty."

Of the charge: "Guilty."

SENTENCE

To forfeit one hundred fifty dollars (\$150.00) per month for a period of six (6) months. (No previous convictions considered.)

The sentence was adjudged on 31 October 1943.

The sentence is approved and will be duly executed.

By order of Colonel SEARS:

OFFICIAL:

27 Considered

F. T. BONSTEEL,
Colonel, AGD,
Adjutant General.

F. T. BONSTEEL,
Colonel, AGD,
Adjutant General.

DISTRIBUTION:

"B" plus: 5 ATJAG (with record); 2 C/Pin Wash DC; 2 Prof of Law,
USMA West Point, NY; 2 CG AFHQ, MATOUSA, Fifth Army, Seventh Army,
AFS, MBS, LES, PHS, NBL, 34th CA Brig (AM), XII Air Support Comd;
2 CO IBS; 2 CG, JA, FO AMG; 6 AG AMG; 2 JA, FO Seventh Army; 1
Pres, TJA, DC of GCM; 1 Accused; 25 JA IBS; 2 32d Pin Dist Sect;
2 JA 10th PE; 1 S-1 IBS.

Post Col. Change - 1
Exec 118 - 1
'AG-Cera - 1
AG-1 - 1
Index - 2

U.S. RESTRICTED
(Equals British RESTRICTED)

HEADQUARTERS
2675TH REGIMENT
(FORWARD ECHELON)
ALLIED CONTROL COMMISSION
(U. S. Contingent) (Provisional)
APO 394

SPECIAL COURT-MARTIAL)

11 December 1943

ORDERS NUMBER 1)

Before a special court-martial which convened at Sicily, pursuant to paragraph 1, Special Orders No. 2, this Headquarters, 29 October 1943, was arraigned and tried:

Private Salvatore (NMI) Mandola, 32431347, Headquarters Company, 2675th Regiment, Allied Control Commission (U.S. Contingent) (Provisional).

Charge : Violation of the 61st Article of War.

Specification: In that Private Salvatore (NMI) Mandola, 32431347, Headquarters Company, AFOT, 15th Army Group, APO 777, U. S. Army, did, without proper leave, absent himself from his organization at Palermo, Sicily, from about 0800 13 October 1943, to about 2130 19 October 1943.

PLEAS:

To the charge: "Guilty"

To the specification: "Guilty"

FINDINGS:

Of the charge and specification: "Guilty".

SENTENCE:

To be confined at hard labor for a period of three (3) months and to forfeit twenty dollars (\$20.00) of his pay per month for a period of three (3) months. (One previous conviction considered.)

The sentence was adjudged on 11 November 1943.

The sentence is approved, but owing to the length of time the accused has been in confinement, one month of the

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was arraigned and tried:

Private Salvatore (NMI) Mandola, 32431347, Headquarters Company, 2675th Regiment, Allied Control Commission (U.S. Contingent) (Provisional).

Charge: Violation of the 61st Article of War,

Specification: In that Private Salvatore (NMI) Mandola, 32431347, Headquarters Company, AMOT, 15th Army Group, APO 777, U. S. Army, did, without proper leave, absent himself from his organization at Palermo, Sicily, from about 0800 15 October 1943, to about 2130 19 October 1943.

PLEAS:

To the charge: "Guilty"
To the specification: "Guilty"

FINDINGS:

Of the charge and specification: "Guilty".

SENTENCE:

To be confined at hard labor for a period of three (3) months and to forfeit twenty dollars (\$20.00) of his pay per month for a period of three (3) months. (One previous conviction considered.)

The sentence was adjudged on 11 November 1943.

The sentence is approved, but owing to the length of time the accused has been in confinement, one month of the confinement imposed is remitted. As thus modified the sentence will be duly executed. Stockade, Island Base Section, is designated as the place of confinement.

By order of Colonel PARKIN:

L. W. STEARNS
Capt., AGC
Actg. Asst. Adj.

OFFICIAL

L. W. Stearns
L. W. STEARNS
Capt., AGC
Actg. Asst. Adj.

3313

-2-

DISTRIBUTION:

2 CO 2675th Reg. ACC
3 President of Court
1 TJA
1 Defense Counsel
1 Accused
3 AG AMG (ACC)
3 CO Hq Co. 2675th Reg. ACC
1 G-1 2675 Reg ACC
2 Personnel
2 FM IBS
2 Prison Officer IBS
10 Cts & Bds Section
3 Adj. Gen, Attention: Enlisted Branch, Wash. 25 D.C.

CLASSIFIED
DECLASSIFICATION

406

RECEIVED
26750
(Forward to also)
26750 (26750)
(U.S. Contingent) (from signal)
150 125

15 November 1943.

SUBJECT: Distribution of units of the 26750th Det 100

TO : E.O. 100 all divisions

1. Attention is directed to the enclosed copy of HQ No 2, HQ 25750th, dated 6 November 1943, regarding the distribution of units of the 26750th Det. Attention is also invited to the enclosed copies of Administrative Order No. 1 and 2, (3rd), transmitted herewith.

a. Company Commander

It is recommended that you select and report to this headquarters the name of a qualified person, either in or out of your own unit, to be placed on the list of units. The officer selected should be, for provisions of AR 600-20, the same as the unit, such as Infantry, Cavalry, Artillery, Coast Artillery, Signal Corps, Chemical Warfare, etc. He should have had basic experience either as a company commander or as an administrative officer.

b. Summary Court

You are directed to select a suitable number of American Field Artillery officers to be appointed Summary Court. In cases where the provisions and sub-divisions of the unit are not suitable, sufficient number of officers should be selected so as to be able to take appropriate action without undue delay. The number will be contingent upon the classification of action performed through the division.

c. Special and General Orders

When receiving orders from your division, Special or General Orders should be reported to this headquarters also, with a suitable list of American officers to serve on the court. Appropriate Departmental orders will be notified.

d. Immediate Action to be Taken

Within forty-eight hours of the receipt of this letter, a report will be submitted to this headquarters, giving the name, rank, grade, position, and any other of the officers selected under the provisions of the

0312

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20. *Journal of the American Medical Association*, 270:1146-1149, 1993

3312

De

[Faint handwritten notes at bottom left]



CONFIDENTIAL

406.7 / 155.16
907
Action

211338A
211338X

NR 3752

CONFIDENTIAL ROUTINE

IBS 4003

221300A

FROM: CG NATOUA

TO : CG IBS + JOYCE

Cable following received this date from AOWAR, reference 2939: "Commanding Officer 2635th Regiment, Allied Commission (US Contingent)(Prov) by direction of President is empowered, pursuant to Article of War 8, to appoint General Courts Martial. He is not empowered to execute death sentences or dismissals. It is desired he acknowledge understanding of his powers. Action under Article of War 50¹ required in all cases" Lt. Colonel Donald P. Mayhew, JAGC, 0346243, being assigned your Headquarters as Staff Judge Advocate. Reference your cable B-505, current.

(Signed CG NATOUA, cite NAJAG to CG IBS for Joyce)

DIST:

ACC (ACTION)

CO

JAG

AD

Info - copy to 2-1
Gon Mustang
HMS. 22 Nov
CONFIDENTIAL

