

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

ACC

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

785015

10000/110/305 93/X0A - CASE OF MARIO SCONOCHIA
OCT. 44

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.O. 394

TER/A/04

11 October 1944

SUBJECT : Case of Sconocchia Marco.

TO : Executive Officer, (Executive Office A)
Headquarters, Allied Commission
(Col. Parkin)
A.P.O. 394

1. This is to acknowledge your further communication in the above matter and to assure you that the letter, which accompanied the same, will have proper consideration with respect to the pending review of this case.


Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer,

RCH/PA.

File
D-155

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R-E-S-T-R-I-C-T-E-D

4711

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

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.C. 394

9 October 1944

TER/A/04

SUBJECT : Case of SCONOCCHIA Marco fu Dante

TO : Executive Officer, Headquarters
Allied Commission (Executive Office A)
A.P.C. 394 (attention Col. C.M. Parkin)

1. I sincerely regret this seeming delay in this matter.
2. Unfortunately I had to await the receipt of the case record which had been transmitted by courier a few hours before your letter of the 29 September 1944 reached my hands.
3. This case was tried before a Superior Court at Terni. The accused was arrested on or about the 29/30th. June 1944 on a charge of wrongful possession of fire arms.
4. The arrest report discloses that on the night of 6/7 July 1944 there has been a theft or robbery in Amelia; among those suspected there was the accused. Upon investigation it developed that Sconocchia was not involved in robbery, but that he was an officer of the Republican Guard, which he had served faithfully up to the 6th. June of this year. The record indicates that he was a fervent fascist. This seems to be borne out by the fact that after the occupation of Rome, instead of returning to Colle-scipoli on the route from Arrone, Sconocchia went with his family to Montecastrilli to the home of his brother in law RAGGI Bruno for the purpose of avoiding arrest for misdeeds committed in Terni as a fascist. These factors lead to the search of Sconocchia's dwelling place at Vocabolo Case Basse di Montecastrilli where the Police found a number of rifle belts, a blanket, a machine gun magazine with 19 cartridges, an automatic rifle of the Italian make.
5. Sconocchia claims to have taken the above articles from the Republican Guard at the time he left Arrone, but the evidence tends to establish

TER/A/C4

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5. Sconocchia claims to have taken the above articles from the Republican Guard at the time he left Arrone, but the evidence tends to establish a ~~charge~~ case against him to the contrary.

5. It is quite obvious from the trial judges findings and sentence that he felt the case to be quite serious for he imposed a sentence of seven years imprisonment, two of which he suspended subject to good behaviour.

7. As the transmission of the files to this office will indicate,

the case is now on its way to the Chief Legal Officer of the Allied Commission for review.

8. As you probably know the consolidated instructions, under which the Allied Military Courts operate, require that all cases where the sentence of imprisonment is in excess of two years be reviewed by Chief Legal Officer, for the Chief Commissioner, thus my function in this matter is merely the rôle of message centre. However, if there is anything further I can do to enlighten you with respect to any of the details, please feel quite free to call on me.

9. It will perhaps interest you to know that from my examination of the record I feel that there should, unquestionably, be a material reduction in the sentence. This conclusion is based upon the fact that Seonocchia was tried on a charge of wrongful possession of fire-arms, not on a charge of being a member of the Republican Guard. Of course it naturally follows that the Reviewing Authority is likely to take the position that he can only be sentenced upon the charge upon which he is convicted and that the sentence cannot contemplate punishment for an action on which no charges have been laid.

10. This is to assure you that it has been a pleasure to be of service in the matter.



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