

2267

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

785016

ACC

10000/142/570
(VOL.3)

2268

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

785016

70

REVIEW OF AMG CASES
APR., MAY 1944

2269

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

75-57-17

ACC/4083/1/1.

vol 3

FROM NO. 327

TO NO. 481

SUBJECT : REVIEW OF A.M.O. CASES

1501

2270

Declassified E.O. 12356 Section 1.3/NND No. 178512

SUBJECT : REVIEW OF A.M.O. CASES

1521

10000/142/570

THIS FOLDER
CONTAINS PAPERS
FROM MAR - 1944
TO APR - 1944
CATALOGUE -

456	18 April 44	F/ RLO Reg V	R5/511/14	Petitions for review Fino et al
457	19 April 44	F/ Adj. Reg. III	3/6136/1	Transmission of cases
458	22 April 44	" "	L/3029	Transmission of case
459	22 April 44	F/SCAP campobasso Prov.	<u>Lunetta</u>	Delay in filing application
460	24 April 44	F/ PSLO	C.P./Legal/18	Lunetta Baldassare
461	26 April 44	F/ Adj. Reg. III	L/3029	Brancaccio Mario.
462	26 April 44	T/ RLO reg. III		Review of Cases
463	27 April 44	SLO 8th army		Forgion Giuseppe & smargiassi
464	27 April 44	Lt. Col. Robinson		Balletta Giovanni
465	27 April 44	Italian Liaison Section		Pisani Giovanni
466	27 April 44	Lt. Col. Willis (sent to SLO 5th army)		Petrella Carlo
467	28 April 44	SLO 8th army		Picore et others
468	28 April 44	RLO Reg. III		Gazzillo Mario
469	28 April 44	RLO reg. III		Russo Pasquale
470	28 April 44	RLO Reg. V		Di Trani Pasquale
471	28 April 44	RLO 5th army		Zito Salvatore
472	28 April 44	RLO Reg. III		Coppola Salvatore
473	28 April 44	F/ RLO reg V	R5/511/14	Decisions on review
474	29 April 44	RLO reg. III		Longo Luigi
Scognamiglio Gaetano				
475	29 April 44	RLO reb. III		Scognamiglio Gaetano
476	29 April 44	RLO Reg III		Diana and Basile
477	29 April 44	SLO 8th army		Monaco and Monaco
478	29 & 30 April	SLO 8th army	OA/13	Nebbia Aldo
479	22 April 44	F/SLO 8th army	C.P./Legal /18	Sapio Corrado
480	20 April 44	F/RLO 5th reg.	R5/511/14	Montefalcone case.
481	24 April 44	" "		" "

394 10 mar. 44	F/ ASST Adjut	Region III	Transmission of cases
395 26 mar. 44	F/ " "	" "	Transmission of cases
396 27 mar. 44	" "	" "	Transmission of cases
397 27 mar. 44	F/ RLO Reg. II	" "	Zaffina & Del RE
398 28 mar. 44	" "	" "	Pratico Pasquale
399 29 mar. 44	F/ Ass't ADJ. Reg. 3	" "	Transmission of cases
400 1 apr. 44	Ass't Adj. F/ Reg. 3	" "	Transmission of cases
401 2 apr. 44	RLO Reg. V. F/	" "	Petitions for review. Bufano
402 4 apr. 44	F/ Ass't Adj. Region III	" "	Transmission of cases
403 5 apr. 44	" "	" "	Transmission of cases
404 5 apr. 44	" "	" "	Transmission of cases
405 6 apr. 44	Ass't Adj. Reg. V LO	" "	Di Pazio & others
406 7 apr. 44	T/ Army Sub-Com.	" "	Call up of Ital. Mil. Per.
407 7 Apr. 44	F/ Ass't Adj. Region III.	" "	Transmission of cases
408 8 apr. 44	" "	" "	Transmission of cases
409 11 apr. 44	" "	" "	" "
410 12 apr. 44	" "	" "	" "
411 15 apr. 44	" "	" "	" "
412 15 apr. 44	" "	" "	" "
413 15 apr. 44	" "	" "	" "
414 17 apr. 44	" "	" "	" "
415 17 apr. 44	" "	" "	" "
416 17 apr. 44	F/ RLO Reg. III	" "	Bertoli Mauro records
417 18 apr. 44	F/ Ass't Adj. Reg. III	" "	Transmission of cases
418 18 apr. 44	T/ RLO Reg. III	" "	Ianiello Andrea
419 18 apr. 44	T/ RLO reg. 3	" "	Di Porzio & others.
421 18 apr. 44	Minister of Justice	" "	Clemency Sforza cosimo
422 18 apr. 44	RLO Reg. 3	" "	Masini Giovanni
423 20 apr. 44	From Ass't Adj. Reg. 3	" "	Angelillo Ugo
424 20 apr. 44	T/ RLO Reg. 3	" "	Marsullo & Boccia
425 20 apr. 44	RLO Reg. 3	" "	Capasso Giorgio
426 20 apr. 44	" " 5	" "	Di Pazio Salvatore
427 20 apr. 44	RLO Reg. 3	" "	Marino & others
428 20 apr. 44	" "	" "	Modena Vincenzo
429 20 apr. 44	" "	" "	Paparone Lorenzo
430 20 apr. 44	" "	" "	Roberti Ascanio
431 21 apr. 44	" "	" "	Sessa Pasquale
432 21 Apr. 44	" "	" "	Morra Antonio
433 21 apr. 44	SLO 8th army	" "	Cericola Canzano
434 22 apr. 44	SLO 8th army	" "	Stadera Rino
435 22 apr. 44	RLO Region 3	" "	Romol Altomare
436 22 apr. 44	SLO 8th army	" "	Molone Giuseppe
437 22 apr. 44	SLO 5th army	" "	Forzione Giuseppe
438 22 apr. 44	PLO. Salerno	" "	Fortunato Bonaventura
439 24 apr. 44	ASS'T Adj. Reg. 3	" "	Transmission of documents
	" "	" "	Angelillo Ugo

L/3029

(see 123 above)

422 18 apr. 44	RLO Reg. 3	Marsullo & Boccia
423 20 apr. 44	From Ass't Adj. Reg. 3	Capasso Giorgio
424 20 apr. 44	T/ RLO Reg. 3	Di Fazio Salvatore
425 20 apr. 44	RLO Reg. 3	Marino & others
426 20 apr. 44	"	Modena Vincenzo
427 20 apr. 44	RLO Reg. 3	Paparoni Lorenzo
428 20 apr. 44	"	Roberti Ascanio
429 20 apr. 44	"	Sessa Pasquale
430 20 apr. 44	"	Morra Antonio
431 21 apr. 44	"	Cericola Canzano
432 21 apr. 44	"	Stadera Rino
433 21 apr. 44	SLO 8th army	Romoli Altomare
434 22 apr. 44	SLO 8th army	Molone Giuseppe
435 22 apr. 44	RLO Region 3	Forzione Giuseppe
436 22 apr. 44	SLO 8th army	Fortunato Bonaventura
437 22 apr. 44	SLO 5th army	Transmission of documents
438 22 apr. 44	PLO, Salerno	Angelillo Ugo
439 24 apr. 44	ASS'T Adj. Reg. 3	Dattilo Aldo
440 24 apr. 44	RLO Reg. 3	Palumbo Antonio
441 24 apr. 44	"	Penna Antonio
442 24 apr. 44	"	Transmission of cases
443 24 apr. 44	"	"
444 25 apr. 44	E/ ASS'T Adj. Reg. 3	DeStefano Amadeo
445 25 apr. 44	"	Sabino Dom. & DiBattista
446 25 apr. 44	T/ RLO Reg. 3	Manna Mario
447 25 apr. 44	"	Malaragno Filomena
448 26 apr. 44	"	Amadeo Olivo
449 26 apr. 44	SLO 8th army	Modena Vincenzo
450 27 apr. 44	RLO Reg. 3	DeDevittis Rosario
451 27 apr. 44	Lt. Col. Willis c/o SLO 5th Army	Caggiano Angelo
452 27 apr. 44	SLO 8th army	Muccio Serafino
453 27 apr. 44	Lt. Co. Willis c/o SLO 5th Army	
454 27 apr. 44	RLO Reg. 1	
455 27 apr. 44		

L/3029

(see 423 above)

(transferred to Palumbo file) 404 1/2

L/3029

Patricelli Pietro
Lazzeri Matteo
Palasce Elin & DiFrangia Nicola
Floritto Allison
Malone Giuseppe
Capt. Dominici CORR
Captain Dominici
Matera Grain cases.
PATITIONS FOR REVIEW
REVIEW OF CASES
RETIRED FOR REVIEW

252/42/CA
R/5/5/11/14
2201/55/20
R5/5/11/14
327 1 apr. 44 T/ RLO Reg. III
328 1 apr. 44 T/ SLO 8th army
329 1 apr. 44 T/ SLO 8th army
330 1 apr. 44 T/ SLO 8th army
331 1 apr. 44 T/ SLO 8th army
332 2 apr. 44 F/ D. Ex. Com
333 5 apr. 44 T/ Ex. Com.
334 5 apr. 44 T/ Reg. II
335 18 MAR 44 F/ REG. 940
336 19 MAR 44 F/ RLO REG II
337 21 MAR 44 F/ RLO REG II

War Tresson.
Ernesto Prinzl
Tria in Camera DeSantis. & others
Transmission of cases
Rao Antonio
Transmission of cases
Transmission of Cases
Transmission of cases
Transmission of cases
"

2201/58/1
208/ca/45
R4/LE/Reg/3/6

338 14 Mar. 44 F/Reg. II.
339 16 Mar. 44 F/SLO 5th Army
340 17 Mar. 44 F/ Reg. IV
341 17 Mar. 44 F/Reg. III
342 27 Mar. 44 F/REG. III
343 28 Mar. 44 F/REG. III
344 29 Mar. 44 F/REG. III
345 30 Mar. 44 F/Reg. III
346 31 Mar. 44 F/Reg. III
347 31 Mar. 44 "
348 31 Mar. 44 "
349 1 apr. 44 "
350 31 apr. 44 F/RLO Reg. 5
351 1 apr. 44 F/Reg. III
352 2 apr. 44 "
353 4 apr. 44 "
354 5 apr. 44 "
355 5 apr. 44 "
356 5 apr. 44 F/Regl. V.
357 6 apr. 44 F/Reg. 5th Army
358 6 apr. 44 "
359 8 apr. 44 SLO 8th army
360 8 apr. 44 SLO 8th army
361 8 apr. 44 SLO 8th army
362 8 apr. 44 Reg. III
363 8 apr. 44 Reg. III
364 8 apr. 44 Reg. III
365 8 apr. 44 Reg. III
366 8 apr. 44 Reg. III
367 8 apr. 44 Reg. III
368 8 apr. 44 Reg. III
369 8 apr. 44 Sth Army
370 8 apr. 44 F/ Reg. III

R6/5/11/14

R5/5/11/14
208/ca/70
"

Puluso Carlo & others
Gaudelli Nicoletta
Romano Vincenzo
Gazzillo Mario
Campochiaro Ernesto
Santeramo Gerardo di Dom.
Ianniello Andrea
Russo Giovanni
Pagliazzo Pasquale
Panzetti Anna & others
Cericola Carlo
Transmission of cases
Palumbo Antonio

Reg. V.
Reg. III

1083/12

R5/511/14

R5/511/14
200/CA/76

349	1 apr. 44	Reg. V.	
350	31 apr. 44	F/Reg. III	
351	1 apr. 44	F/Reg. III	
352	2 apr. 44	"	
353	4 apr. 44	"	
354	5 apr. 44	"	
355	5 apr. 44	F/Reg. V.	
356	5 apr. 44	F/Reg. 5th Army	
357	6 apr. 44	"	
358	6 apr. 44	SLO 8th Army	
359	8 apr. 44	Reg. V.	
360	8 apr. 44	Reg. V.	
361	8 apr. 44	Reg. III	
362	8 apr. 44	Reg. III	
363	8 apr. 44	Reg. III	
364	8 apr. 44	Reg. III	
365	8 apr. 44	Reg. III	
366	8 apr. 44	Reg. III	
367	8 apr. 44	Reg. III	
368	8 apr. 44	8th Army	
369	8 apr. 44	F/Reg. III	
370	8 apr. 44	Reg. III	
371	9 apr. 44	Reg. III	
372	9 apr. 44	Reg. III	
373	12 apr. 44	Reg. III	
374	12 apr. 44	Reg. III	
375	13 apr. 44	Reg. SLO 8th Army	
376	13 apr. 44	Reg. III	
377	11 Apr.	F/Reg. III (see our 363)	
378	11 Apr.	F/Reg. III	
379	11 Apr.	F/Reg. III	
380	12 Apr.	F/Reg. III	
381	12 Apr.	F/SLO 8th Army	
382	12 Apr.	F/Reg. V	
383	12 Apr. 44	F/Reg. III	
384	14 apr.	Reg. III	
385	14 apr. 44	Reg. III	
386	14 apr. 44	Reg. III	
387	14 Apr. 44	Reg. III	
388	14 apr. 44	Reg. III	
389	14 apr. 44	SLO 8th Army	
390	14 apr. 44	Prov. Leg. Off. Salerno	
391	14 Apr. 44	Minister of Justice	
392	14 apr. 44	Reg. III	
393	15 apr. 44	Reg. III	

Puluso Carlo & others
 Gaunelli Micoletta
 Romano Vincenzo
 Gazzillo Mario
 Campochiaro Ernesto
 Santeramo Gerardo di Dom.
 Iannicello Andrea
 Russo Giovanni
 Pagliazzo Pasquale
 Pinzetti Anna & others
 Cericola Carlo
 Transmission of cases
 Palumbo Antonio
 Armando Iandolo
 Pettillo Aniello di Michele
 Scali Camillo di Domenico
 Lunetta Baldassare
 Amoroso Matteo
 Pinzetti Anna
 Campochiaro
 Transmission of cases
 Transmission of Cases
 Cantealli Marino
 Transmission of Cases
 Transmission of Cases
 Giannardi Giuseppe
 Savarese Catello
 Buonavolonta' & others
 Musella Genaro
 Vittorio di Antonio
 Sereno Giuseppe
 Petitions for clemency
 Campochiaro Ernesto
 Return of death records.

4083/121
 see 4083/121
 Reg. III

2276

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

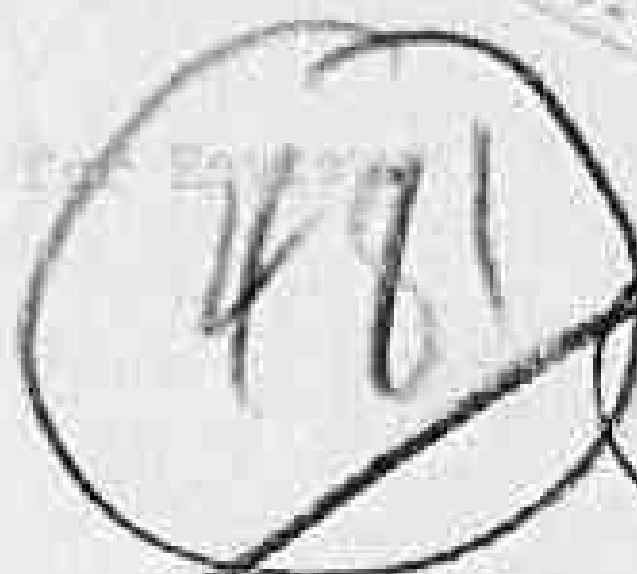
785016

FROM No. 327

TO No. 481

149

Ligne (Reas) 3510



TO : T.E.O. REAR H.Q. A.C.C.

FROM : R.T. REVIEW 5 A.C.C.

SUBJECT : Montefalco Case, Petition for Review

REF : 25/514/14.

DATE : 24 April 1944.

Herewith are submitted for review for subjects in the Montefalco case as follows: -

CALLO Luigi di Montefalco,
PASQUARELLI Francesco di Luigi,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13.

LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13,
LORENZINI Giovanni di P. di 13.

2. These subjects were tried at the same hearing as PASQUARELLI Giovanni and the review of their cases is being forwarded for review to you in our letter of 20 April 1944.

3. The report of evidence is attached to this file with the petitions for review in our previous letter referred to above.

For Major General

148

V. J. REVIEW
Lt. Colonel
SIC

by *A. J. Indell*
Lt. Colonel
SIC

34 enclosures
ARC/KE

3084

408311
 Lloyd E. C.
 (Draw No. 3464)
 J-5243

480

TO : C.A.G. HEAR H.Q. A.C.C.
 FROM : H.E. ROBERTSON 5 A.T.T.
 SUBJECT : Monte-Collins Case, Petitions for review.
 REF : 25/511/14.
 DATE : 20 April 1944.

1. Herewith are petitions for review for removal in the Monte-Collins case as follows: -

TASQUERELLI Orlando ✓
 POLLOCK, Fernando ✓
 CORTECO, Angelo ✓
 C. RUSSET, Silvio ✓
 JACINTO, Maria ✓
 STEFANO, Victoria ✓
 PAVULLO, O. Lelio ✓
 VALERIO, Salomina ✓

Returned
 2 May 44

2. I have enclosed a copy of the enclosure of evidence.

3. In the case of Valentin Serrano, the Desobediente E.I.C. has furnished additional information which shows that his conduct in the petition for review. He also has statements of medical officers to the effect that Valentin is suffering from no disease, and of C.A.G. adding that prisoner's statement that he is in good health. The trial judge states, "Since contents of trial judge have written medical report thereon referred to has been reviewed and is forwarded. For reasons given in E.I.C.'s comments on Form II it is still considered that there is no element of medical risk to this man's remaining in prison." 141

For Review and Consideration

HEADQUARTERS

24 APR 1944

A. Z. HARRIS

1st Colonel

POLICE Perdomo ✓
 CERRERO Angelo ✓
 CARRASCO Silvio ✓
 LATAVICIO M. ✓
 SANCHEZ V. ✓
 PACHECO C. ✓
 VALDEZ S. ✓

11 am
 2 may 1944

2. I have enclosed a copy of the record of evidence.

3. In the case of Valencia S. Valencia, the Comodoro P.L.O. has furnished additional information since he is the owner of the property for evidence. Enclosed are statements of several witnesses to the effect that Valencia is suffering from an illness, and of C.A.O. giving an appropriate statement that he is in good health.

The trial judge stated, "Since records of trial judge are written medical reports from Valencia to his house, Valencia is in poor health. For reasons given in P.L.O. in Valencia on Form II, it is still considered that there is an element of medical risk in this man's remaining in prison." 147

For National Commandment

HEADQUARTERS
 24 APR 1944
 A. C. C.

W. A. HANCOCK
 Lt. Colonel
 R. I. O.

by W. A. HANCOCK
 A. H. HANCOCK
 Major R. I. O.

10 enclosed
 AMV/SP

147

Ref: C.F./LEGAL/1c
2nd April 1944

SUBJECT: Application for review of sentence.
TO : S.I.G., A.M.G. 8th Army
FROM : P.S.L.G. Campobasso Province.

479

Forwarded herewith is Form II in respect of SAPIO Corrado di Francesco, and record of proceedings in his case.

Having regard to age of accused, which is 18 and NOT as stated on Form 8a, and to fact that letters are stated to have been of a private nature, and to recommendation of trial Judge, I recommend that the sentence be suspended immediately.

J.A. Ryt-16th Major.
Scots Guards.
Provincial Senior Legal Officer.
Campobasso Province.

1st Ind. 25/4/44

For C.I.O., H.Q. A.C.C. (Rear)

1. Concur in recommendation contained in para. 2 to extent that sentence be shortened to 30 days - balance suspended.

Edmund Marder

*See form 22-1447
2 letters
CPL*

OFFICE OF THE PROVINCIAL SENIOR LEGAL OFFICER
CAMPOLIBANO PROVINCE

146

SUBJECT:- Case of WEBBIA ALDO.

478
HQ AMG
Rear EIGHTH ARMY.

GA/13

29 April 44.

TO:- C.L.O., H.Q., A.C.C. (Rear)
R.C.L.O., Region V.

1. The record in subject, ^{Case} tried in Chieti Province on 23 March 44 by Major Welsford is needed by this office.
2. If either of the offices addressed has such record may it be forwarded to undersigned.

Edwin J. Mercer
EDWIN J. MERCER. Maj. Ord.
Senior Legal Officer,
AMG EIGHTH ARMY.

Rear H. Q. ACC
Legal Sub-Commission
COL.

30 April 44

HEREWITH THE REQUESTED RECORD. GERALD R. UPJOHN, CLC.

145

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

477

ACC/4083/1/L

HW/jpl
29 April 44

Subject : Case of MONACO Armando & MONACO Angelo.

To : Senior Legal Officer, AMG, 8th Army.

1. Petitions and documents in the cases of MONACO Armando and MONACO Angelo are returned herewith.
2. The absence of any Form (8a) or any record of the evidence makes it quite impossible to review these cases. If the relative Forms (8a) cannot be found, the papers should be forwarded to the trial judge, who should be instructed to submit copies of any records he has (20 extract from Summary Court Record Book, rough notes (if any) made during the hearing), supplementing this with a note of his ~~whole~~ *recollection* of what took place at the trial.
3. In any case it is necessary to know:
 - (a) What exactly was the charge against each accused;
 - (b) How did each accused plead;
 - (c) What was the finding on each charge;
 - (d) What was the exact sentence (there is no information as to this except what appears in the Petition);
 - (e) What witnesses were called for the Prosecution;
 - (f) Did the accused give evidence in *their* own behalf;
 - (g) What other witnesses, if any, were called for the Defence.
 - (h) Was the accused represented.
4. Please obtain this information and submit it at an early date.
5. It should be ^{noted} ~~stated~~ that unless information from the trial judge is forthcoming it will be necessary to quash the ~~as~~ convictions, as they cannot be justified by any evidence that is contained in the documents hitherto submitted.

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H.W.

for GERALD R. VETCHER
Colonel
Chief Legal Officer

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AFO 394

HW/jdl

29 April 46

476

AGC/4083/1/L

Subject : Cases of 1. Diana Carmine
2 Basile Pasquale

To : Regional Legal Officer, Region III.

1. Petitions and documents in the cases of Diana Carmine and Basile Pasquale are returned herewith.
2. These cases have been furthered considered, but there appears to be no good reason for interfering with the previous decision on review.

H.S.W.

for GERALD R. UFFORD
Colonel
Chief Legal Officer.

Encl : 1 Record.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

IC/jpl
29 April 44

ACC/4083/1/1

Subject : Case of SCOGNAMIGLIO Gaetano Fu Ciro

To : Regional Legal Officer, Region III.

1. The form (11) submitted by SCOGNAMIGLIO Gaetano shows that on 26 Jan. 44 he was convicted for possession of firearms and hand grenade and sentenced to one Year of imprisonment and 25,000 lire fine.
2. The form (11) is returned herewith. Please re-submit it with the record or with sufficient information to enable a review to be made, on the basis of the contentions made by the Avvocato

GERALD R. UPTON
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

474

ACC/4083/1/L

HW/jpl
22 April 44

Subject : Case of LONCO LUIGI

To : Regional Legal Officer, Region III.

1. Petition and documents in the case of LONCO LUIGI are returned herewith, for the following reasons.
2. The judge's comments on Form (11) appear to have no relation to this case, and presumably ~~was~~ some other. He is invited to reconsider his observations.
3. It is stated on Form (11) that further reasons are to be submitted by the Defence Advocate. These, when they are forthcoming, should be submitted to the trial judge for his comments, after which all the papers should be re-submitted to this H. Q.

HRW.

for
GERALD R. UPJOHN
Colonel
Chief Legal Officer

141

TO CLO REAR HQ AGC
FROM HQ REGION 5 AMG
SUBJECT Decisions on review
REF 25/511/14

3732
Legal
473

28 April 1964

1. It is noticed that you no longer send out form J2 when notifying decisions on review.
2. In the circumstances, it would regularise documentation at Regional HQ if the space on the form 8 for the decision on review could be completed.
3. May this be considered please?

For the Regional Commissioner.

W. E. Behrens
W. E. BEHRENS
LT COL.
R. L. O.

*Arranged
in new
instructions*

140 3323

Rear Headquarters
Allied Control Commission
Legal Sub-Commission
APO 394

HW/jpl
28 April 44

ACC/H083/L/L

Subject : Case of Coppola Salvatore di Vincenzo

To : Regional Legal Officer, Region III.

1. Herewith petition and documents in the case of Coppola Salvatore. Please pass these to the trial judge for completion by him; and return the same to this R. G. as early as possible.
2. The last page of Form 8 has not been completed. It appears that a second charge was added, in addition to that stated on the first page of Form 8. What was the finding on this second charge? Or does the general finding of guilty on the conclusion of the Record cover both charges? It is assumed that accused pleaded guilty to both charges, but this should be checked and properly entered.
3. The judge should also make his comments in the space provided in Form 11. He should state whether the points ~~undertaken~~ taken in the petition were put forward and considered at the trial-if so, with what conclusion.

H. W.

† EDWARD R. UFFORD
Colonel
Chief Legal Officer.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

471

ACC/4083/1/1

10/394
28 April 44

Subject : Review of Proceedings against Zito Salvatore

To : Senior Legal Officer. AMG, 5th Army

1. From the attached (typed) Form 11 it appears that ZITO Salvatore was on 4 Mar. 44 sentenced to 12 months imprisonment and 18,000 lire (with 6 months in default) by Capt. LA Mar at Caserta Summary Court.
2. The attached form is the only information at this H. Q. on the case.
3. Will you please supply sufficient information to enable this H. Q. to review the proceedings.

in the Record on

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GERALD R. UFFORN
Colonel
Chief Legal Officer.

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HEAD HEADQUARTERS
ARMED FORCES COMMISSION FOR
Legal Sub-Commission
APO 394

470

ACC/1983/1/1

IC/jp
28 April 48

Subject : DI Troni Pasquale

To : Regional Legal Officer, Region V.

1. Returned herewith the Application for Review of sentence in the above mentioned case.
2. The conviction and sentence were affirmed on review on 11 March 48. Please see Form J 3 # 902.

GP
GERALD R. WATSON
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

HJ/jpl

28 April 44

469

ACC/4083/1/L

Subject : Case of Russo Pasquale

To : Regional Legal Officer, Region III.

1. Petition and documents in the case of Russo Pasquale are returned herewith. The conviction is affirmed, but the sentence is reduced to 3 months imprisonment.

2. The Record contains no reference to any order with regard to the wheels and tyres of the subject of the case. Presumably they were confiscated. But if so, the Record should so state. If this was in fact done, please have the Record endorsed with a note to that effect.

3. There is also evidence by the Prosecution witness that the car was "impounded." It is not clear what this means, or who gave the order and on what authority. The Record contains no note of any order made by the judge. Please inquire into this and see that whatever steps are necessary to regularize the position are taken. If there is any difficulty on this point, the matter may be again referred to this H. Q.

H.W.

for GERALD R. UPJOHN
Colonel
Chief Legal Officer.

135

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

468

ACC/403/1/L

HW/jpl

Subject : Case of Gazzillo Mario

28 April 44

To : Regional Legal Officer, Region III.

1. Herewith petition and documents in the case of GAZZILLO Mario.
2. Conviction and sentence are quashed on the ground of lack of jurisdiction to try the case. In the absence of evidence that the stolen money belonged to a member of the Allied Forces the offence could not be brought within Sec. 27 of Proclamation 2. It could have been tried as an offence against Italian law under Proclamation 4, Article II, Sec 3 (c), had the necessary order been made-but no such order was in fact made. Please note that a British Merchant Seaman is not a member of the Allied Forces.
3. There would presumably be no legal objection to the accused being re-arrested and tried by an Italian Court. But seeing that he has already been in gaol for 24 months, it would appear that this is now hardly necessary.

H.W.
for GERALD R. UNJOHN
Colonel
Chief Legal Officer.

135

DEAN HEADMASTER
ADULTS' CONTROL COMMISSION
Legal Sub-Commission
APR 304

HW/1p1

26 Apr. 44

11/15/04/004

Subject :	Cases of PIGONE	Gaetano
	MASTROFRANZESCO	Giuseppe
	CAIROCCI	Armando
	SARTUCCI	Antonio

To : Senior Legal Officer, AMG, 8th Army.

1. Reference attached cases, and letter CP/Legal/15 of 17 April 1944 from P.D.O., Campobasso Province.

2. In the case of Mastrofrancesco and the two Santucci, it will be seen by reference to the Italian text of the Petition that there is no inaccuracy. The fact is that the English translation is grossly inaccurate.

3. In this case the accused were charged with possession of U.D. property. This charge was wrongly laid under Sec. 44 of Proclamation 2. No particulars are given of what the property was. Moreover, Form (8a) does not record that any order was made for the confiscation of the property, although it appears from the judge's remarks on Form (11) that he did make such an order. Please draw the judge's attention to these deficiencies in the Record of the case.

4. In the case of Picone it is by no means clear that there is any inaccuracy in the petition. Form (Ca) makes no reference to any order for confiscation of either goods or truck, but it is clear from the judge's remarks on Form (11) that some order was made in relation to both. He speaks of the car being "returned" to the defendant, from which it is to be inferred that at some time it had been taken from him.

5. In this case the accused was not charged with wrongful possession of Allied property. It is not understood, therefore, what is meant by the judge's remark that the goods were turned over to the proper authorities. What goods were these, and under what power were they taken from the accused, since he was not charged with any "wrongful sale, purchase, use or possession of treasure"? In the absence of satisfactory explanation on the above point the goods, or their value, will have to be restored to the accused.

6. In this case also it would appear that the trouble is at least partly due to the failure of the judge to make an adequate record of the order he did make. Kindly draw this to his attention.

7. In view of the above, it is not considered that this would be an appropriate occasion for any action against the advocates.

to GERALD R. WELCH
Colonel
Chief Legal Officer

HEADQUARTERS
ALIED CONTROL COMMISSION
Legal Sub-Commission
APO 314

466

ACC/4083/1/L

HJ/jpl
27 April 44

Subject : Case of Petrelia Carlo

To : Lt. Col. Willis,
c/o Senior Legal Officer, AEC, 5th Army.

1. Attached petition and documents in the case of Petrelia Carlo are forwarded to you for your observations and return.
2. Please endorse in the appropriate space on Form 11 your comments on the grounds of appeal now put forward, together with any remarks as to the trial of the case which you think will be helpful to the Reviewing Officer.

H.R.W.

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† GERALD R. UPJOHN
Colonel
Chief Legal Officer.

HEAD HEADQUARTERS
Allied Control Commission
Legal Sub-Commission
APO 394

465

AOC/4053/1/0

IC/jpl
27 April 44

Subject : Decision on Review.

To : Italian Liaison Section.

With reference to Lt. GIOTTARELLI'S visit to my office
the other day, I have to inform you that the proceedings
against PISANI Giovanni have been reviewed and the
findings and sentence affirmed.

(C)
GERALD R. VICTORY
Colonel
Chief Legal Officer

HEAD HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

464

IC/jpl

27 April 44

AGC/4083/1/L

Subject : Case of Balletta Giovanni

To : Lt. Col. Robinson, H. Q., Region IV.

1. Papers in the above case, tried by you at MOA on 23 Dec., are enclosed.
2. These papers are at this H. Q. for Review.
3. As there is no record whatever with these papers, will you please supply a short statement of facts-your comments on the "MOTIVI" of the petition. As things stand at present any review is impossible.

10
GERALD R. UFFORN
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

463

ACC/4083/1/L

/jpl
27 April 44

Subject : Review of Cases

To : Senior Legal Officer, AMO, 8th Army.

1. Returned herewith the petitions of
 1. FORZANO GIUSEPPE
 2. SMARGIANSI Michele.
2. The case of Forzane was reviewed on 22 Apr. 44. The conviction was affirmed, and the sentence was reduced to 1 year imprisonment. Form No. J. 1302.
3. The Case of Smargiansi was reviewed on 5 Apr. 44. The conviction and sentence were affirmed. Form No. J. 1090.

H. Sw.

fr GERALD R. UFFORN
Colonel
Chief Legal Officer.

HEADQUARTERS
ARMED & DANGEROUS COMMISSION
Legal Sub-Commission
APO 394

462

RHW/tpi

AOC/4083/1/L

26 April 44

Subject : Review of Cases.

To : Regional Legal Officer, Region III.

1. These sentences have been revised to fix the time in jail for the amount of the fine not paid. The rate of imprisonment of one day in jail for each 100 lire not paid is not to be regarded as any set rule.
2. The tendency should generally be towards jail sentences rather than fines but when fines are imposed the judge should himself fix the date when the fine is to be paid and the period of imprisonment in lieu of payment, otherwise the Italian Law of time in jail for non payment will prevail in absence of further action review.

RICHARD B. WILSON
Lt. Col. CAC
Deputy Chief Legal Officer

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.F.O. 394, U.S. Army

4083/1

(461)

L/3029

26 April 1944

Subject: Transmission of Documents relative to A.M.G.
vs. BRANCACCIO Mario.

To : Chief Legal Officer, Legal Sub-Commission,
A.C.C., Salerno.

1. I hand you herewith statement of the
trial judge together with other documents concerning
the above subject.

2. Form 8 together with application for Review
were sent to A.C.C. 28 Mar 44. This case is now pending
before A.C.C.

For the Regional Commissioner:

EEK/pv

Neil C. Baker
NEIL C. BAKER,
1st Lt., QMC.,
Adjutant.

• 120

SUBJECT: Case of LUNETTA Baldaesare.
 TO : S.L.O., A.M.G. 8th Army (2 copies)
 FROM : P.S.L.O. Campobasso Province.

LEGAL/16
 24th April 1944

460

Legal (Res)

375

- Reference A.C.C. Legal Sub- Commission letter ACC/4083/I/L dated 13th April 1944, and your endorsement therein dated 16th April 1944.
- (1) As directed in para. 4 of ACC letter, a farther explanation of delay in submission of application for review has been obtained from Major H.V. REILLY, now SCAPO this H.Q.s and former C.A.O. LARINO. With reference to para. 3 of his letter there is no trace in the files of this office of ~~our~~ earlier submission of this application, and as former P.S.L.O. referred to is NOT now in this country, it is not possible to confirm this.
 - (2) In accordance with your instruction Capt. MAVIS who is not under command of this H.Q.s, has been informed of contents of para. 3 of ACC. letter.
 - (3) Other instructions contained in your indorsement have been complied with.

To: C.L.O., H.Q. A.C.C. (Recd)

Forwarded

Edmond J. Mercer

EDMOND J. MERCER, Maj. O.C.
 SENIOR LEGAL OFFICER A.M.G. 8th ARMY

Major.
 Scots Guards.
 Provincial Senior Legal Officer.
 Campobasso Province

1 incl.

ALLIED MILITARY GOVERNMENT

(Governo Militare Alleato)

PROVINCE OF CAMPOBASSO

(Provincia di Campobasso)

Lt. Col. H. K. PARSONS S.C.A.O.

459

PUBLIC SAFETY DIVISION
(Divisione della Sicurezza Pubblica)

Maj. H. V. REILLY S.C.A.P.O.

SUBJECT: Delay in filing application for Review of sentence.
(Soggetto)

FROM: S.C.A.P.O. Campobasso Province.

DATE: 22nd April 44.

(Da:)

TO: P.S.L.O. Campobasso Province.

(A:)

- 1.- I was assigned as C.A.C. for the Larino Area on Jan 18.44
2. Quite accidentally, in looking over some files I found on application of LUNETTA Baldassare di Giovanni for a review of this A.M.G. Court sentence of one year which my predecessors had not filed.
3. I filed this application with the former P.S.L.O., who returned the same because it was not on proper form.
4. Proper form was not available at Larino nor at Provincial H.Q. A.M.G. at the time.
5. When forms were printed I had same executed and filed.

James V. Reilly
Major, A.C.S., AMG.
S.C.A.P.O.
Campobasso Province.

See following letter

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 194, U.S. Army

(458)

22 April 1944

L/3029

Subject: Transmission of Enclosed Documents relating to Review of Sentences.

To : Chief Legal Officer, Legal Sub-Commission, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences. In each of these cases the sentence exceeded two years imprisonment or 50,000 lire fine.

Legal File No.	Name	Court	Date of Trial	Document
1218	Busiello Vincenzo	Sup.Ct.No.3	31 Mar 44	Appl., Form 8
1218	Aurino Vincenzo	" " " "	31 " 44	Appl., Form 8
1302	Bongo Luigi	" " "	16 April 44	Appl., Form 8
1130	Forte Luigi	" " "	13 Mar 44	Appl., Form 8
1129	Antimo & Giuseppe Caputo	" " "	26 Feb 44	Appl.

(This case is now pending before A.C.C. this supplemental brief and applications were received 21 April 1944. They are sent to you for your information.)

Moved with Case

For the Regional Commissioner:

C. W. Campbell
C.W. CAMPBELL,
Captain, AUS.,
Adjutant.

ETK/pv

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

457

ETE/uv
3/6136/L

19 April 1944

Subject: Transmission of Enclosed Documents relating to Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
1120	Rappa Paolo	Sum.Ct.No.2	13 Mar 44	Appl., Form 8
1185	Della Curti Pasqua	" " " 1	27 " 44	" " "
1346	De Luca Francesco	Aversa	30 " 44	" " "
1067	Iuongo Salvatore	Sum.Ct.No.1	13 " 44	" " "
1098	Gazzillo Mario	" " " "	16 Feb 44	" " "
1409	Russo Pasquale	" " "IV	28 Mar 44	" " "
1410	Birella Carlo	" " " "	11 " 44	" " "
1411	Coppola Salvatore	" " " 3	21 " 44	" " "

120

For the Regional Commissioner:

O. Campbell
O. W. CAMPBELL,
Captain, A.C.C.,
Adjutant.

TO : C.I.O. RRAR R.I. A.C.C.
 FROM : H.Q. REGION 5 A.M.G.
 SUBJECT : Petitions for review.
 REF : R5/511/14.
 DATE : 18 April 1944.

✓ Legal (Rear)
 4083/1
 (456)
 HEADQUARTERS
 20 APR 1944
 A C C

1. Herewith are forwarded petitions for review in the following cases: -

FRIO Michele	pleaded guilty
FRIO Luigi	" "
FRIO Angelo	" "
CARIMO Antonio	
FRIO Maria	
MAIOGAO Tommaso	Form 8 completed by R.I.C.
CARABBA Michele	

2. The case of Carabba has been before you already on the petition of his brother, a priest.

3. In relation to the case of Frioni, R.I.C. considers the sentence excessive particularly in relation to punishments imposed by the same court for other offences. It is, however, a case or less standard penalty in this court.

For Regional Commissioner

W. R. HERRIS

W. R. HERRIS
 Lt. Colonel
 R.I.C.

7 enclosures
 WRS/EP

124

75 ee 4083/4/c

2721

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 374

453

ACC/4083/1/L

HW/jpl

27 APRIL 44

Subject : Case of NUCCIO Serafino fu Filippo.

To : Regional Legal Officer, Region I.

1. Petition and documents in the case of Nuccio Serafino are returned herewith. The decision of the Superior Court is affirmed.
2. Although the decision is affirmed, it is pointed out that the case presents certain unsatisfactory features, most of which are referred to in the Petition. Reference is made in particular to the following:-
 - (a) It is not understood why so long a time was allowed to elapse before bringing the accused to trial.
 - (b) The Record contains no reasons for the non-appearance of Pvt. O'Connor as a witness-obviously the most important witness in the case.
 - (c) There was evidence to show that statements were obtained from the accused by improper means and in circumstances which, if proved, would warrant the trial and punishment of the M.C.O. concerned.
3. Notwithstanding the above it has been decided on review that there was sufficient evidence to support the conviction. The allegations made with regard to the methods used for obtaining statements from the accused should, however, be reported to the commanding officer of the M.C.O. concerned, with a view to disciplinary action if, upon further investigation, the facts appear to warrant it.

H.R.

GERALD R. WOODH
Colonel
Chief Legal Officer

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AO 394

HN/jpl
27 April 44

ACC/4083/1/L

Subject : CAOGLIANO Angelo di Antonio.

To : Lt. Col. J.L. WILLIS, R.A.
c/o Senior Legal Officer, AMC, 5th Army.

1. Petition and documents in the case of CAOGLIANO Angelo are forwarded to you for your comments, and for your explanation on the following points.
2. It is not clear from the Record why the accused (4), (6), (7) and (8) were found guilty of offering a bribe, seeing that they were acquitted of complicity in the plot to steal Allied property. It is true that there is some evidence that (4), (5), and (6) offered a bribe, but it not clear for what purpose, or why (4) and (6) should be concerned to bribe the sentry. Moreover no evidence can be found in the Record that (7) and (8) were concerned in the offering of the bribe.
3. Having found accused (4), (6), (7) and (8) guilty of offering a bribe, but not guilty of attempted theft, it is not understood why a distinction was made between them with regard to punishment. The Petitioner (4) has in fact been condemned to the same punishment as (5), although the latter was found guilty of the additional offence of attempted theft.
4. According to their own evidence, accused (4), (5), (7) and (8) were only present at all because they had been arrested (presumably by (1), (2) and (3) although this is not clear) for curfew offences. It is noted that accused (5) denied knowing these men at all. Was this evidence for the defence accepted by you?
5. Generally speaking the Record of Evidence is so condensed as to be almost unintelligible. In the circumstances you are requested to furnish a brief note of explanation, dealing particularly with the above points.
6. Although accused (4) is the only one to lodge a petition, you are asked to bear in mind that even in the absence of a petition it is the duty of the Reviewing Authority to interfere if it appears that any accused has been wrongly convicted or excessively punished. Your note of explanation should therefore cover the case as a whole, so that the rights, if any, of the accused who have not appealed can be properly protected.

H.S.W.

for GERALD H. UPJOHN
Colonel
Chief Legal Officer

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
AFG 34

452

HR/jpi

27 April 54

ACC/4083/1/L

Subject : Case of De Devitis Rosario fu Giuseppe

To : Senior Leg 1 Officer, AMM, 8th Army.

1. Petition and documents in the case of De Devitis Rosario are returned herewith for further information to be obtained from the trial judge.
2. The accused was convicted on two charges, viz (a) travelling without a permit, and (b) selling wine at 45 lire per litre.
3. There is no difficulty with regard to the first charge of which the accused was clearly guilty and to which he pleaded guilty. It is thought that if this charge stood alone the sentence of imprisonment (now already served) would be adequate punishment.
4. With regard to the second charge (a) there is no information as to what the proper selling price of the wine ought to have been, and (b) there is no evidence to show that any of it was in fact sold for 45 lire per litre. The only evidence with the papers consists of the declaration of the accused himself and the Processo Verbale containing a declaration by the Maresciallo of Carabinieri at Forlì del Sando, which merely quotes again what the accused himself said. According to this evidence no price for the sale of wine ever was in fact fixed, the accused merely collecting certain sums on account from the various buyers.
5. The form B (a) refers to a declaration by the Maresciallo of Carabinieri at Riccione and a statement by Carabinieri Cavaliere Ballo. It is possible that these documents may have contained some evidence to prove the alleged sale at 45 lire per litre, but neither of the documents has been included with the papers.
6. It is pointed out that unless an offence in relation to the sale of the wine were proved the Court had no power under Proclamation 4, Article V., Section 4, to order confiscation, which, it is understood, is what was in fact done, although it is erroneously expressed by the judge as a fine of equivalent amount. As the accused pleaded not guilty to this charge it is necessary for the Reviewing Authority to be satisfied that there was evidence on which he could properly be convicted. Otherwise it would appear to be necessary to set aside so much of the judgement as relates to the confiscation of the wine and payment of the so-called fine, and to order the restoration to the accused of the proceeds of sale of wine.

- 1 - 2 -
7. Please obtain from the trial judge such information as will enable the Reviewing authority to determine whether the accused was properly convicted of the second charge. The papers should be returned to this H. Q. for final disposal of the petition at as early a date as possible.

HRW.
fr
GERALD R. UFFORD
Colonel
Chief Legal Officer.

HEAD HEADQUARTERS
MILITARY CONTROL COMMISSION
Legal sub-commission
APO 314

/jpi
27 April 64

451

ACC/4083/1/L

Subject : Case of Molina Vincenzo

To : Lt. Col. Willis, c/o SENIOR LEGAL OFFICER
AMC, 5th Army.

1. Herewith Petition and documents in the above case, together with this H.Q.'s letter, 4083/1/L dated 20 April 64, addressed to Regional Legal Officer, Region III.
2. The enclosed are forwarded for attention of Lt. Colonel Willis.

H.S.W.

h GERALD H. SPJOHN
Colonel
Chief Legal Officer

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal 3th-Commission
APO 394

/5/1

450

ACC/4083/1/L

27 April 44

Subject : Case of Amadeo Olive di Ferdinando

To : Regional Legal Officer, Region III.

1. Returned herewith form II in the above case, received this day.
2. The case was reviewed by the Reviewing Officer, and the the decision on review reads as follows:

"Conviction affirmed. Sentence to read 6 months imprisonment (from 9 mar.) and 5,000 lire fine, and in default 60 days additional.*.....J. form II)."

A.S.W.

to GERALD R. TROST
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

449

HR/jpl
26 April 48

AGC/4083/1/1

Subject : Case of Melaragno Filomena

To : Senior Legal Officer, AGC, 8th Army.

1. Herewith petition and documents in the case of Melaragno Filomena. The conviction is affirmed but the sentence is reduced to 3 months.
2. The reduction of sentence is based upon the fact that it appears extremely doubtful whether the accused could properly be held guilty in respect of the property found in the attic - which formed in fact the major part of the property found in her house.
3. In view of the fact that the accused not only had a plausible story about this property, but also alleged facts in relation to the rest of the property which, if believed, might have constituted a good defense on this also, it is considered that the Court should have exercised its power under Rule 5 (d) and should have amended the plea to one of "Not Guilty."

H. W.
+ COLONEL R. W. JOHNSON
COLONEL, Chief Legal Officer

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

448

RHW/jpl

26 April 44

AOE/AOS3/1/L

Subject : Case of Manna Mario

To : Regional Legal Officer, Region III.

The conviction and sentence in this case are affirmed, but as well theft is considered a very serious offence the question naturally arises as to whether the sentence imposed is not too light.

RICHARD H. WILMER
Lt. Col. GAC
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

447

ACC/4083/1/1

10/jpl
25 April 44

Subject : Proceedings against SABINO Domenico and
DI BATTISTA Antonio

To : Regional Legal Officer, Region III.

1. The Papers enclosed relate to the proceedings against the above named men. The proceedings were on 27 Jan. 44 and the Review was on 29 Feb. 44. The papers were sent to and acknowledged by Mb. 2 Region.

It is now alleged that the Review took place before the "MOTIVI" had been received here.

It is not thought that this is so; but will you please look at the record to confirm that they had been received before review. If that is so, will you please so inform the applicants.

2. You will notice that some of the enclosed documents are addressed to the writer by name, as also was the envelope (attached) which bears the printed heading "Allied Military Government, Salerno Prov. ace." The Provincial H.Q. either sent the papers personally to the writer or told the applicant to do so and supplied the envelope. Will you please mention this point to Provincial H.Q., as such papers should not be sent direct to this H.Q. and certainly should not be sent to an individual officer by name.

Encl : Petitions.

12
GERALD H. UPTON
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

446

ACC/1083/1/L

HE/jpl
25 April 44

Subject : Case of DeStefano Amadeo

To : Regional Legal Officer, Region III.

1. Petition and documents in the case of De Stefano Amadeo are returned herewith. No charge sheet has been submitted and in its absence it is quite impossible to review the case.
2. Please re-submit with the charge sheet, or a certified copy thereof attached.
3. Please also obtain an up to date medical certificate from the Prison Doctor as to this man's present state of health, and forward the same when re-submitting the petition and documents.

H. W.

GEORGE R. UPTON
Colonel
Chief Legal Officer

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HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

25 April 44

L/3022

Subject: Transmission of Enclosed Documents relating
to Review of Sentences.

To : Chief Legal Officer, Legal Sub-Commission,
A.C.C., Salerno.

✓ 1. I hand you herewith Petition for Review filed
by Zuccardi Luciano. Other defendants tried jointly with
this defendant have appeals now pending before A.C.C.

✓ 2. I hand you herewith application for provisional
liberty filed on behalf of Umberto Cosenza. His applica-
tion for Review was forwarded to A.C.C. 18 April 1944.

✓ 3. I am enclosing herewith files in the cases of
Diana Carmine and Basile Pasquale. These cases have been
affirmed by A.C.C. In view of the controversy that has
arisen over the publication of the notice it is thought
that the files should again be returned to A.C.C. for
further consideration.

4. There is enclosed herewith a supplemental
application for Review in the case of Olivo Anedeo. —
This matter is now pending before A.C.C. on appeal.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., QMC., 95
Adjutant.

ETK/pv

445

4083/1/4
Dated 21/5Sent
back
letterGiven
to
my
confidential
James
with
case

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

444

408311

L/3029

25 April 1944

Subject: Transmission of Enclosed Documents relating
to Review of Sentences.

To : Chief Legal Officer, Legal Sub-Commission,
A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose
herewith the documents listed below relating to applica-
tions for Review of Sentences. In each of these cases
the sentence exceeded two years imprisonment or 50,000
lire fine.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1304✓	Lanzetta Vincenzo	Sup.Ct.No.3	30 Mar 44	Appl., Form 8
1180✓	Patierno Francesco	Gen.Mil.Ct. Naples	22 "	44 Appl., Form 8

2. I am also attaching to this letter the case
of Modena Vincenzo. It will be observed that Lt.Col.
Willis can not be located to comply with instructions
from the Legal-Sub-Commission dated 20 April 1944.

214

For the Regional Commissioner:

Neil C. Baker
for NEIL C. BAKER,
1st Lt., SMC.,
Adjutant.

EPK/pv

*Sent to
and Willis
9/30/44*

Dear Headquarters
Allied Control Commission
Legal Sub-Commission
ASG 3/4

443

IG/jpl
21 April 44

ACC/ACC-1/L

Subject : Case of Pavia Antonio

To : Regional Legal Officer, Region III.

1. Reference para 5 of Captain GALL'S letter of 12 April (attached.)
2. It is the opinion of this H. Q. that for the purpose of reviews, even when the accused pleads guilty, the full papers should be forwarded. Once the new procedure (set out in the consolidated instructions now in preparation) is in force, the point will not arise, as the Summary Court Record Book will no longer be in use and there will be an adequate record in every case.

RE
GERALD R. HUTTON
Colonel
Chief Legal Officer

113

REAR HEADQUARTERS
ARMED FORCES CORRECTION
Legal Sub-Commission
APO 394

AGC/1083/1/L

/jml
24 April 44

441

Subject : Case of Dattilo Aldo

To : Regional Legal Officer, Region III.

1. Herewith petition for Clemency in favor of Dattilo Aldo.
2. The sentence was reduced by six months on review-J. No. 1272.
3. The petition contains no grounds for altering the decision on review.

GERALD R. EPYON
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/1083/1/L

IC/jpl

24 April 44

Subject : Case of ANGELO Ugo.

To : Regional Legal officer, HQ No 3 Region.

1. Returned herewith "additional information and application in the appeal of ANGELO." forwarded with 3/6136/L 920 Apr. 44.
2. Correspondence under date of 19 April 1944, from your office, does not reveal that form 8 was ever sent to this H. Q., consequently this H. Q. does not have the said form 8.
3. Will you please review the above case as per recent instructions.

le
GERALD R. UPTON
Colonel
Chief Legal Officer.

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HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.C. 394, U.S. Army

408
✓
(439)

L/3029

24 April 44

Subject: Transmissions of Enclosed Documents relating
to Review of Sentences.

To : Chief Legal Officer, Legal Sub-Commission,
A.C.C., Salerno.

1. I hand you herewith Petitions for Review
in the following cases:

- 1) Guarino Marie
- 2) Ariano Giuseppina
- 3) Grandi Angela.

2. Some of the defendants tried jointly with
the foresaid defendants lodged petitions for review
with A.C.C. prior to 20 April 1944. It is thought
that the Legal Sub-Commission should review these
appeals rather than have a portion of the case reviewed
by the Regional Commissioner or his Appointee.

3. I also hand you herewith the petition for
Review of RUSSO Giovanni. This application is returned
per request of the Legal Sub-Commission (see letter
attached to said file)

4. I am attaching hereto supplemental applica-
tion for review of MONTICANO Giustina. This case is
now pending before A.C.C.

For the Regional Commissioner:

G.W. Campbell
G.W. CAMPBELL,
Captain, AUS.,
Adjutant.

ETK/pv

170

*placed
with
recess
g.f.
placed
with
recess
g.f.*

Rear Headquarters
Allied Control Commission
Legal Sub-Commission
APO 394

438

IC/jpl

22 April 44

ACC/4683/1/L

Subject : Case of Fortunato Bonaventura

To : Provincial Legal Officer, Salerno

1. Herewith the Mandati di Cattura in the above mentioned case; please hand these to the director of the prison where they are now held. The file copy is with the record, which is being held at this H. Q. for review.
2. Three copies of the order of the Court are also enclosed. Please arrange (a) for the order of the Court to be carried into effect and (b) for one copy of the order to be given to the avvocato for the accused, as soon as possible.

Signed

I. Campbell Major

GERALD R. CROFTON

COLONEL

CHIEF LEGAL OFFICER.

Copy to : Regional Legal Officer, Region III.
(above sent direct to your PLO to
save work at your H. Q.)

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REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

HEW/jpl
22 April 44

437

ACC/4083/1/L

Subject : Case of FORZANO Giuseppe

To : Senior Legal Officer, AMB, 5th Army.

The solution proposed by you in your letter of 11 April 44 is approved and action has now been taken to reduce the sentence to one year.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-commission
APO 394

436

RHW/jdl

22 April 44

ACC/4083/1/L

Subject : Molone Giuseppe di Pietro

To : SLD 8th Army (AMF)

1. I have examined the letter of 9 April 44 of Major Boy-Carpenter relative to the above case.
2. The action previously taken on review stands.
3. Before action was originally taken with respect to the review, the entire record was examined by two officers at this H. Q.

RICHARD M. WILSON
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

435

HW/jhl

22 April 44

ACC/4083/1/L

Subject : Case of Romeo Altomare

To : Regional Legal officer, (thru RC) Region III.

1. Petition and documents in the case of ROMEO Altomare are returned herewith. Conviction is quashed in respect of charges 1 and 3, but affirmed in respect of charge 2, the sentence being consequentially reduced.
2. The case is one of no little difficulty and appears to have been most carefully tried by the trial judge, who has kept an unusually clear and complete record. Although very near the border line, it is considered that the facts alleged under charges 1 and 3 are not properly the subject of criminal prosecution under A. 45, but go rather beyond the scope of this admittedly elastic section. It is thought that the charges ~~charges~~ should more properly have been dealt with as a matter of office discipline, warranting the dismissal of the accused from his employment, rather than as matter of criminal responsibility.

H.S.W.

✱ GEORGE R. WYJOHN
Colonel
Chief Legal Officer

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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HE/jpl

22 April 44

ACC/4083/1 /L

Subject : Case of STADARA Rino di Luigi

To : Senior Legal Officer, AGO, 8th Army.

1. Herewith petition and documents in the case of STADARA Rino. Conviction and sentence are affirmed.
2. It is not understood why the accused was not charged with assisting the commission of an offence against S. 2 of Proclamation 2, instead of the comparatively trivial offence of breach of a local order. It appears that the grievance of the charge is not so much the fact that the accused was carrying letters, but the fact that these letters were addressed to persons in enemy occupied territory.
3. Has the accused been ^{visited} ~~visited~~ by F. S.S.?

H. W.
for GERALD R. SPICHS
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 994

433

ACC/4083/1/L

HM/jpl
21 April 44

Subject : Case of Gericola Canzano fu Nicola

To : Senior Legal Officer, AMI, 8th Army.

1. Herewith Petition and documents in the case of GERICOLA Canzano. The proceedings are set aside, and a new trial, before a different judge, is ordered.
2. It is necessary to make this order because it appears that the judge who tried this case had disqualified himself from acting judicially by reason of the part which he himself played in the preparation of the case for trial.
3. In view of the inconvenience that is bound to ensue from the necessity of making such an order, and to avoid the possibility of any similar case arising in the future, please see that all concerned fully realize that in no circumstances is an officer to act as judge in a case in the preparation of which he has played any part.

H. P. W.

+ GERALD R. UPJOHN

Colonel
Chief Legal Officer.104
3.

Rear Headquarters
Allied Control Commission
Legal Sub-Commission
ARO 394

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AOC/4083/1/L

HW/jpl
21 April 44

Subject : MORRA Antonio

To : Regional Legal Officer, (thru RC) Region III.

1. Herewith petition and documents in the case of MORRA Antonio. The conviction and sentence are affirmed.
2. Your attention is directed to the fact that nothing which can be called a Record has been submitted in this case. There is nothing to show how the accused pleaded, or whether he had anything to say for himself. It does not appear what the "Pins" or "Cans" consisted of. There is not even a proper record of the conviction and sentence, the details of which are to be attained only from the petition.
3. Were it not for the fact that the Petition obviously discloses no grounds of appeal, it would have been necessary to send the documents back to you for further information before any Reviewing Officer could arrive at a conclusion on the case.

H.S.W.

fr GERALD R. UPJOHN
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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HM/191
21 April 64

ARC/4083/1/1

Subject : Case of Gossa Pasquale

To : Regional Legal Officer. (thru RO) Region III.

1. Petition and Record in the Case of GOSSE Pasquale are returned herewith for further information to be supplied by the trial judge.
2. Having regard to the grounds of appeal put forward it is obvious that the Record is hopelessly inadequate to enable any reviewing officer to arrive at a conclusion. It is necessary to know:-
 - (a) That witnesses were called for the Prosecution.
 - (b) That was the evidence identifying the accused as the author of the alleged crime.
 - (c) Whether the accused gave evidence on his own behalf, and if so what he said.
 - (d) Whether any other witnesses were called for the defence and if so who they were.
 - (e) Whether the two soldiers gave evidence.
 - (f) What became of the 25000 lire alleged to have been paid.
3. Please obtain the above information and re-submit the petition accompanied by a proper Record at the earliest possible date.
4. It is also desired to know why, if there is any substance in the charge, such a serious case was dealt with by a summary Court.

H.R.

f
GERALD R. UPTON
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

430

ACC/4053/1/L

HM/jpl
22 April 44

Subject : Case of Ruberti Ascanio

To : Regional Legal Officer (thru RC) Region III.

1. Petition and documents in the case of Ruberti Ascanio are returned herewith. Further information is required from the trial judge on the following points.
2. According to the record (form 8) accused pleaded guilty. It is stated however in the petition that he "strongly rejected the indictment with a sworn statement and gave evidence." There is no record of such evidence beyond the brief entry on the second page of form 8. The judge's comment on the above is requested.
3. It is stated in the petition that the accused, after making his sworn statement, tendered further evidence both oral and documentary, but was told by the judge that this was unnecessary, as the truth of his statements was accepted. It is desired to have the judge's comment on this point also.
4. Please obtain the above information as early as possible, since in case the accused has been wrongly convicted the sooner the matter is put right the better.
5. I have to acknowledge receipt of further documents in this case received today.

H.V.S.

† GERALD R. UPJOHN
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

429

HW/jnl
20 April 44

ACC/4083/1/L

Subject : Case of PAPARONE Lorenzo

To : Regional Legal Officer, (thru HQ) Region III

1. Petition and documents in the case of PAPARONE Luigi are returned herewith.

2. The decision of the trial judge is affirmed, but the following unsatisfactory features of the case should be brought to his attention.

3. The charge sheet, although not well drawn, appears to show two charges, viz. Violation of SS.10 and 11 of Proclamation 2. A manuscript note of a third (or alternative) charge, under Article III, B. 2 of the same proclamation, appears on the charge sheet in the judge's handwriting. There is no note as to whether the accused was ever arraigned on this charge and if so how he pleaded. Para 8 (page 3) contains an entry referring to an adjournment of the case for one week, in view of new charge brought-but this entry has been crossed out and no explanation added. It is presumed that no further hearing ever in fact took place.

4. Para 8 (page 4) records that the accused pleaded not guilty to the first and second charges-presumably-the two charges contained in the charge sheet as originally drawn. Under the heading of 'Findings of the court' it is stated merely that the accused was found guilty, without specifying of which charge or charges. It is presumed, from the amount of punishment awarded and from the judge's endorsement of Para 11, that the accused was in fact acquitted of the more serious charge of stealing or attempting to steal the lorry-or perhaps this charge was withdrawn, though no note of its withdrawal is contained in the record.

5. The decision on review is based on the assumption (which in view of the absence of record can only be assumption) that the accused was in fact found guilty only on the charge of being in a forbidden area. If the other charge or charges were pressed, the case ought to have been committed to a higher court.

H. W.

fr

GERALD R. UPJOHN
Colonel
Chief Legal Officer

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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HM/jpl
20 April 44

ACC/4083/1/L

Subject : Case of MODENA VINCENTO

To : Regional Legal Officer. (thru RC) Region III.

1. Petition and documents in the case of MODENA Vincenzo are herewith returned for further information to be obtained from the trial judge, on the following points.
2. The only Record of the case is the judge's endorsement on the charge sheet to the effect that accused pleaded guilty to both charges and was sentenced to 9 months imprisonment. What information was before the Court as to the facts of the case, and was any evidence called?
3. Although he is said to have pleaded guilty to the charge of contempt, the accused puts forward in his petition statements which, if true, would appear to amount to a complete justification of his conduct. Were these statements before the judge at the trial, and if so was there any evidence to the contrary?
4. On the main charge it does not appear from any of the documents that there was any evidence of possession of Allied Property-although the accused pleaded guilty to this charge also. The *procès-verbal* submitted appears to afford evidence of a general shortage of flour as compared with what the accused should have had in his bakery. But there is no evidence that the flour he was handling was Allied property, nor is it understood at present how this evidence of shortage supports a charge of wrongful possession. Was this explained to the judge at the trial, and if so what was the explanation?
5. Was the point that the accused had been previously convicted for the same offence taken at the trial?

R.W.
for GERALD R. UPTOWN
Colonel
Chief Legal Officer

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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ACC/4083/1/L

20 April 44

Subject : Case of Marino Pasquale & others.

HS/jpl

To : Regional Legal Officer (thru RC) Region III.

1. Petition and documents in the case of DeSimone Giovanni, DEMASUONO Michael, MARINO Pasquale, and COTERA Vincenzo are returned herewith. The convictions are affirmed, but the sentences are reduced to 6 months imprisonment, to bring them into line with the sentences imposed on the other two accused who have not presented petitions. The judge's reasons for distinguishing between the various accused are not considered adequate.
2. Your attention is directed to the evidence of Sgt. Michael GIAJACCO (on the second page of the record) as to the methods used for obtaining statements from the accused in this case. No criminal court in U.S.A., or Great Britain would have accepted in evidence statements obtained by such means, and it has had to be seriously considered what weight, if any, should be attached to them in an A.M.C. Court. The conclusion that the convictions are to stand has been reached only after some hesitation.
3. It is considered that the matter may well be one for disciplinary action. You are therefore directed, after putting into effect the decision on review, to forward the record to the Commanding Officer of Sgt. GIAJACCO, with the request that he inquire further into the matter and, if necessary, take such disciplinary action as may be required.

H.W.

GERALD N. UNIONE
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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HM/jpl
20 April 44

ACC/4083/1/L

Subject : Case of DiFAZIO Salvatore

To : Regional Legal Officer, (thru HQ) Region 5.

1. Petition and documents in the case of DiFAZIO Salvatore are returned herewith. The conviction and sentence are affirmed.
2. There is no note in the Record as to what became of the pistol. If the judge (as he should have done) ordered its confiscation, a note to this effect should have been added on Form 8, in the space provided under "The Court further orders".
3. Please ensure that the above procedure is followed in the future so as to avoid the possibility of seized property being misappropriated through lack of any written record of orders made relating thereto.

H. W.

f GERALD R. UPJOHN
Colonel
Chief Legal Officer.

5197

READ READING
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AFG 374

425

HW/jpl
29 April 44

ACG/4083/1/L

Subject : Case of CAPASSO Giorgio

To : Regional Legal Officer, (thru RC) Region III.

1. Herewith petition and documents in the case of CAPASSO Giorgio .
It will be seen that conviction and sentence are affirmed.
2. Your attention is directed to the slipshod manner in which the
Record has been kept. In particular:
 - (a) It does not show how the accused pleaded;
 - (b) It does not show whether the accused gave evidence
on his own behalf, and if so what he said;
 - (c) It does not record either the finding or sentence
of the Court-these are endorsed on the charge sheet,
but could just as easily have been noted in the proper
place on Form 8.

H.W.
+ GERALD R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

424

ACC/4083/1/L

HW/jrl
20 April 44

Subject : Case of MARULLO Catello and
BONOLA Vincenzo.

To : Regional Legal Officer, (thru RO) Region III.

1. Reference your RFE/pv received to-day.
3/6136/L
2. The documents are being held until 10 May 44, in case petitions are received for any of the other parties; should any further petition be launched it should be forwarded to this H.Q. for consideration in conjunction with present petition not withstanding that it may be received after the 20th of April.

H.R.

to GERALD R. UPTON
Colonel
Chief Legal Officer.

check

4-08 3/1 ✓

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

423

BNK/pv
3/6136/L

20 April 1944

Subject: Additional information on Appeal of ANGELILLO
Ugo.

To : Chief Legal Officer, A.C.C., Salerno.

There is submitted herewith additional information and application in the appeal of ANGELILLO Ugo, the original application and form 8 were sent to A.C.C. 19 April 1944.

For the Regional Commissioner:

C. W. Campbell
C. W. CAMPBELL,
Captain, AUS.,
Adjutant.

see letter 34 April 44
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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

4 2 1

/jpl

ACC/4083/1/L

18 April 44

Subject : Case of MASINI Giovanni

To : Regional Legal Officer (thru RC) Region III.

1. Herewith form 11 and petition in the above mentioned case.
2. The sentence imposed by the court was affirmed on 11 April 44-----Form No. J3. 1198.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

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/jpl

ACC/4033/1/L

18 April 44

Subject : Petition for Clemency.

To : MINISTER of JUSTICE.

1. Reference to the attached petition in favor of SPORZA Cosimo, forwarded by your Excellency.
2. The case was reviewed in the ordinary course of events and the petition shows no grounds for altering the decision of the Court.

10

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AIO 394

418

ACC/4083/1/L

/jml
18 April 44

Subject : Case of LANNIELLO Andrea

To : Regional Legal Officer (thru RC) Region III.

1. The enclosed papers were discovered within the record of another case.
2. The sentence imposed by the court on LANNIELLO Andrea fu Giuseppe was quashed by the reviewing officer, on 8 April 44. See Form No. J..3. #1149.

H. G. L. L. L.
Colonel

→ GERALD R. UPTON
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUBCOMMISSION
APO 394.

419

18 April 1944.

REFERENCE : ACC/4083/1/L.
SUBJECT : Case of Di Porsio Mario, Chiaralunga Pasquale
Monziato Giuseppe, Tuccillo Domenico,
Vetero Franco
TO : Regional Legal Officer (thru Regional Commissioner),
Region III.

1. The examination of the record in the above case was made particularly difficult by the manner in which the charges were framed.
2. The convictions and sentences have been affirmed except as follows.
3. Di Porsio. Conviction and sentence under Summons A are quashed.
 - (a) There is no evidence in connection with the first charge, that Di Porsio bribed or offered any bribe to any member of the Allied forces in connection with the alleged offence on 22 November 1943.
 - (b) The third charge under Summons A is based on Article 8 of the Italian Law of 22 April 1943. That law provides for the punishment of anyone who procures for his own use rationed goods. There is no evidence that the wheat in question was obtained for the personal use of this accused or any of his fellow conspirators. On the other hand the only evidence with respect to the destination of the wheat is the wording at the end of Vetere's statement to the effect that the grain belonged to one Ferranti and was being taken to the granary (exhibit 7, page 7) and Pfc Bennet's statement that the grain was actually unloaded at the mill. (Exhibit 13, page 7 and record page 8).
4. As the decision of the Court on the charges under one of the three summonses is reversed, the term of the sentence to be given to Di Porsio is accordingly reduced to six years.
5. Vetere. In view of the foregoing paragraph the conviction of Vetere under Summons A third charge, namely violation of Italian law is quashed. The sentence which was 5 years is reduced to

- 2 -

(420)

4 years, it being regarded that the bribery of an Allied soldier is the more serious of the two offences with which he was ultimately charged.

RICHARD H. WILMER,
Lt. Col., CAC.,
Deputy Chief Legal Officer.

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0 4083/10

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

417

ETK/pv
3/6136/L

12 April 44

Subject: Transmission of Enclosed Documents relating to
Review of Sentence.

To : Chief Legal Officer, A.C.C., Salerno.

Pursuant to appropriate order, I enclose herewith
the documents listed below relating to Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1129 ✓	Caputo Giuseppe	Sup.Ct.No.1	26 Feb 44	Appl., Form 8
1129 ✓	Caputo Antimo	" " "	26 " 44	Appl., Form 8
1371 ✓	Matarese Eposito	Castellammare	7 April 44	Appl., Form 8
1372 ✓	De Julio Guglielmo	"	17 March 44	Appl., Form 8
1373 ✓	Eposito Salvatore	"	7 April 44	Appl., Form 8
1374 ✓	Di Martino Giovanni	"	7 " 44	Appl., Form 8
1375 ✓	Cosenza Umberto	"	14 " 44	Appl., Form 8

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For the Regional Commissioner:

J.W. Campbell
J.W. CAMPBELL
Captain, AUS.,
Adjutant.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission.

/jpl

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ACC/4083/6/L

17 April 44

Subject : Record of Proceedings.

To : Regional Legal Officer (through RC) Region III.

1. Reference this H. Q's letter 4083/1/L dated 15 April 44.

in Re Case of BERTOLI Mauro, COVELLA Federico and

CANCELLIERI Luigi.

2. Please ^{RETURN} forward the record in the above mentioned case.

RICHARD H. WILMER
Lt. Col. G.A.C.
Deputy Chief Legal Officer.

HEADQUARTERS

REGION 3, ALLIED CONTROL COMMISSION

A.P.O. 194, U.S. Army

415

EWK/ev

3/6136/L

17 April 44

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

Pursuant to appropriate order, I enclose herewith
the applications for Review of sentences listed below.

Legal File No.	Name	Court	Date of Trial	Document
1326	Cirillo Raffaele	Frettaggiore	28 Mar 44	Appl. Form 8
1323	Cirillo Giovanni	"	28 Mar 44	Appl. Form 8
1062	Melluso Rocco	Sum.Ct.No.1	14 "	44 Appl., Form 8
1362	Di Costanza Alfredo	"	5 7 "	44 Appl.
1361	Sollazzi Giuseppe	"	15 "	44 "
1360	Bonriello Filomena	"	27 "	44 "
1359	Castello Giuliano	"	31 "	44 "
1358	Carpiniello Concetta	"	27 "	44 "
1357	Parina Gennaro	"	6 "	44 "
1356	Carrase Antonio	"	28 "	44 "
1354	Imperato Eduardo	"	3 11 "	44 "
1144	Ruberti Ascanio	Aversa	20 "	44 "
1355	Pinto Pasquale	Sum.Ct.No.2	26 Feb 44	Appl.

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Form 3
Form 3
Form 3
Form 3

No.	Name	Sum.Ct.No.	Date	App.
1323	Cirillo Giovanni	"	28 Mar	44 Appl.
1062	Melluso Rocco	Sum.Ct.No. 114	"	44 Appl.
1362	Di Costanza Alfredo	" " 5 7	"	44 Appl.
1361	Solizani Giuseppe	" " 15	"	44
1360	Borriello Filomena	" " 27	"	44
1359	Castaldo Giuliano	" " 31	"	44
1358	Carpiniello Concetta	" " 27	"	44
1357	Farina Gennaro	" " 6	"	44
1356	Carrase Antonio	" " 28	"	44
1354	Iapareto Eduardo	" " 3 11	"	44
1144	Ruberti Ascanio	Aversa	20 "	44
1355	Pinto Pasquale	Sum.Ct.No. 2 26 Feb 44	44 Appl.	

Case now pending before A.S.C. sent 5 April 1944.

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For the Regional Commissioner:

Rev. 6 plan
C. S. CAMPBELL,
Captain, AUS.,
Adjutant.

no 8

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

414

17 April 1944

ETK/pv
3/6071/L

Subject: Case of MUSILIA Gennaro di Salvatore.

To : Chief Legal Officer, Legal Sub-Commission
A.C.C. Attention Col. UPJOHN.

1. Reference is made to your letter
ACC/4083/1/L, 14 April 1944 relative to the above
subject.

2. Recently all Court case files tried
before Salerno Courts were forwarded to Lt.Col. D.E.S.
Cousins, Region II.

3. A copy of your letter has this day
been forwarded to Lt.Col. Cousins.

John W. Chapman

JOHN W. CHAPMAN, . .
Lt.Col., J.A.G.D., 80
Regional Legal Officer.

Long

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.C.C. 394, U.S. Army

413

ETK/pv
3/6136/L

15 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith
the documents listed below relating to applications for Review
of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
865	Moretto Salvatore	Sum.Ct.No.3	29 Feb 44	Form 8, Appl.
866	Venditto Francesco	" " "	2 March 44	" " "
925	Scognamiglio Mario	" " "	6 " 44	" " "
869	Pivato Gino	" " "	4 " 44	" " "
1004	Rescigno Biselio	" " "	17 " 44	" " "
1308	Laudano Giro	Torre Annunziata	27 " 44	" " "
1307	Russo Carolina	Castellammare	7 April 44	" " "
1306	Lauriello Alessandro Airola	" "	18 Mar 44	" " "
620	Menne Mario	Sup.Ct., Naples	18 Feb 44	" " "
1216	Minoprio Mariora	" " "	29 Mar 44	" " "
1161	Diana Gaetano	Benevento	24 " 44	" " "
				84

For the Regional Commissioner:

923		" " " " 4 "	44	"	"	"
869	Pivato Gino	" " " " 17 "	44	"	"	"
1004	Rescigno Biagio	Torre Annunziata	44	"	"	"
1308	Laudano Ciro	Castellennare	7 April 44	"	"	"
1307	Russo Carolina		18 Mar 44	"	"	"
1306	Lauriello Alessandro	Airola		"	"	"
620	Menna Mario	Sup.Ct., Naples	18 Feb 44	"	"	"
1216	Minoprio Marice	" "	29 Mar 44	"	"	"
1161	Diana Gaetano	Benevento	24 " 44	"	"	"

84

For the Regional Commissioner:

R. Campbell
 R. CAMPBELL,
 Captain, ACS.,
 Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

412

ETK/pv
D/6136/L

15 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
✓ 1395	Barba Eduardo	Sup.Ct.No.5	14 Mar 44	Appl., Form 5
✓ 68	Mongillo Angelo	" "	Benevento 14 Jan 44	Appl.
	The above case numbered 68 was affirmed by A.C.C. but request was made by A.C.C. under date of 28 Mar. 44 for additional information. There is attached to said file letter from Major G.G.T. Ainslie which I think complies with the request of the C.L.O.			
✓ 1350	De Nisco Giuseppe	Avellino	5 April 44	Appl.
	Statement of the evidence signed by the trial judge is attached to said application.			
✓ 1349	Celle Armando	Sum.Ct.No.5	6 April 44	Appl.
	I was unable to obtain any additional record in this case except the statement of the judge appearing on the application together with the charge sheet attached thereto.			

For the Regional Commissioner:

G.W. Campbell
G.W. CAMPBELL,
Captain, AUS.,
Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

411

BTK/pv
3/6136/L

15 April 1944

Subject: Transmission of Enclosed Documents relating to
Review: of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
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✓ 1163	Strozzi Vincenzo	Avellino	28 March 44	Appl.
✓ 1162	Penna Antonio	"	21 " 44	"

The above cases were returned to the trial judge at the request of C.L.O., A.C.C. Attached to said cases is a letter giving a complete statement of the trials.

✓ 1347	Criscuolo Vincenzo	Sum.Ct.No.5	17 March 44	Appl.
✓ 1348	Esposito Rocco	" " " "	18 " 44	"

The above cases numbered 1347, 1348, were returned to the trial judges for completion. I have been unable to obtain any records other than those attached to Forms 11.

For the Regional Commissioner:

81

O.W. Campbell
O.W. CAMPBELL,
Captain, AUS.,
Adjutant.

HEADQUARTERS
REGION 3, ARMY CONTROL COMMISSION
A.C.C., 304, U.S. ARMY

410

17 April 1945

3/6136/L

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Palermo.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

File No.	Name	Court	Date of Document
548	Donnero Francis	Sup.Ct. Averea	4 Feb 44 Appl., Page 2
875	Seggio Antonio	" " "	" " " " " "
1764	Arducci Anna	Sup.Ct.No.1	14 Mar 44 " " "
1142	Figliola Carlo	" " "	" " " " " "
1102	Vioratti Antonio	" " "	" " " " " "
572	Abbate Giovanni	Sup.Ct.No.1	9 " 44 " " "

Page 3 in this case was sent to A.C.C. 15 March 44

1775 La Rocca Enrico Sup.Ct.No.1 18 Mar 44 Application
This file was returned to the trial Court 8 April 44
and there is attached hereto the statement of the trial
Judge of the evidence.

For the Regional Commissioner:

81

W. Campbell

Captain, A.C.C.,
Adjutant.

HEADQUARTERS
REGION I, ALLIED CONTROL COMMISSION
A.F.C. 324, U.S. Army

409

12 April 1944

EPK/pv
176136/1

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1130	Fellicano Armando	Aversa	24 March 44	Appl., Form 8
1232	Caputo Virginio	Sup.Ct.No.5	" "	44 Appl., Form 8
1232	Caputo Giuseppe	" "	" "	44 Appl., Form 8
1232	Battinelli Salvatore	" "	" "	44 Appl., Form 8
1168	Gelise Ferdinando	" "	14 "	44 Appl., Form 8

The record in this case was sent to A.C.C. 1 April 44, in the appeal of Ramaglia Giuseppe and Ramaglia Alberto.

For the Regional Commissioner: 

(Handwritten signature)

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Recon- ment
1130	Pellicano Armando	Aversa	24 March 44	Appl., Form 8
1232	Caputo Virginio	Sup.Ct.No.5	"	44 Appl., Form 8
1232	Caputo Giuseppe	"	"	44 Appl., Form 8
1232	Battinelli Salvatore	"	"	44 Appl., Form 8
1168	Calise Ferdinando	"	14	44 Appl., Form 8

The record in this case was sent to A.S.C. 1 April 44, in the appeal of Romaglia Giuseppe and Romaglia Alberto.

For the Regional Commissioner: 

J. C. Campbell
Captain, AUS.,
Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.F.O. 394, U.S. Army

4083/1
2
ETK/ev
3/6136/L

408
8 April 1944

Subject: Transmission of Enclosed Documents
relating to Review of Sentence.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose
herewith the documents listed below relating to applica-
tion for Review of Sentence.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1226	Rainone Enrico	Avellino	21 March 44	Appl.

Complete statement of trial Judge attached.

853 Falanga Giuseppe Sum.Ct.No.1 3 March 44 Appl.,

Application and form 3 sent to A.C.C. 17 March 44.
This additional petition received 7 April 44.
Case now pending before A.C.C.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

(407)

7 April 1944

BTK/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓1219 ✓	Conte Fiore	Sum.Ct.No.3	15 March 44	Appl., Form 8
952	Brancaccio Mario	" " No.2	7 "	44 Appl., Form 8 in this case was sent to A.C.C. 28 March 44, in connection with A.M.G. vs. Russo Giovanni.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

78

PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/guf

406

ACC/4083/1/L

2 April 1944

SUBJECT: Call-up of Italian Military Personnel.
Palumbo, Giovanni, Sgt, 31st Inf. Div.

TO : Army Subcommittee (Lt. Col. QuinSmith)

1. The above mentioned was sentenced on 3.2.44 to 10 months' imprisonment for altering a pass. The case has come to this Subcommittee for review; and it is proposed to affirm the sentence.

2. The appeal on behalf of the accused states that he is under orders to report for military duty on the 17th April 1944.

3. May the appropriate Italian military authority please be informed, if necessary?

4. If it is desired that the sentence be commuted or punishment suspended, may this Subcommittee please be informed immediately?

*Discussed with Army Sub Commission
18/4/44 who state no action necessary
J.M.*

J. MOFF
Captain
for Chief Legal Officer.

78

Legal S. C.
(Rear Ra)

J 1955

(405)

TO : C.L.O. H.Q. A.C.C.
 FROM : R.C. Region 5 A.L.G.
 SUBJECT : Petitions for review.
 REF : R5/511/1A.
 DATE : 6 April 1955.

1. Forwarded herewith are Forms 3 and 11 in the cases of El Pasio
 Salvatore and Pedalino Fernando.

For Regional Commissioner

W. K. BUREN
 Lt. Colonel
 S. L. O.

by A. H. TROELL
 A. H. TROELL
 Major F. A.
 D. R. L. O.

7 enclosures
 ARE/EP

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.F.O. 394, U.S. Army

484

5 April 1944

STK/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose here-
with the documents listed below relating to applications for
Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1144 ✓	Huberti Ascanio	Aversa	20 March 44	Appl., Form 8
1174	Fruttalao Vincenzo	"	6 " 44	Appl. Form 8 and Application were sent to A.C.C. 1 April 44. This application was received 5 April 1944.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

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HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

403

5 April 1944

WEL/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1202 ✓	Di Maio Nicola	Torre Annunziata	25 Feb 44	Appl., Form 8
956 ✓	Parisi Gennaro	SUM.CT.No.2	10 March 44	Appl., Form 8
1045 ✓	Salvatori Ciro	Baria	14 "	44 Appl., Form 8
1194 ✓	Solla Giuseppe	SUM.CT.No.2	29 "	44 Appl., Form 8
1195 ✓	De Gennaro Ciro	Castellammare	10 "	44 Appl., Form 8
1196 ✓	Guarino Eduino	"	1 Jan 44	Appl., Form 8
1197 ✓	Abagnale Giuseppe	Gragnano	3 March 44	Appl., Form 8
1198 ✓	Santoro Vincenzo	Berra	21 "	44 Appl., Form 8
1199 ✓	Bruno Pasquale	Castellammare	17 "	44 Appl., Form 8
1200 ✓	Parico Lorenzo	Berra	29 Feb 44	Appl., Form 8
1201 ✓	Allocca Giacomo	Nola	9 March 44	Appl., Form 8

1202 ✓ Di Maio Nicola Torre Annunziata 25 Feb 44 Appl.,
Form 8

956 ✓ Parisi Gennaro SUM.Ct.No.2 10 March 44 Appl.,
Form 8

1045 ✓ Salvatori Ciro Barra 14 " 44 Appl.,
Form 8

1194 ✓ Solle Giuseppe Sum.Ct.No.2 29 " 44 Appl.,
Form 8

1195 ✓ De Gennaro Ciro Castellammare 10 " 44 Appl.,
Form 8

1196 ✓ Guarino Eduino " 1 Jan 44 Appl.,
Form 8

1197 ✓ Abagnale Giuseppe Giugnano 3 March 44 Appl.,
Form 8

1198 ✓ Santoro Vincenzo Barra 21 " 44 Appl.,
Form 8

1199 ✓ Bruno Pasquale Castellammare 17 " 44 Appl.,
Form 8

1200 ✓ Parico Lorenzo Barra 29 Feb 44 Appl.,
Form 8

908 ✓ Allicca Giacomo Nota 5 March 44 Appl.,
Form 8

1203 ✓ Labella Luigi Sum.Ct.No. 3 15 March 44 Appl.,
Statement of evidence and arrest reports attached
to application and signed by trial judge.

1193 ✓ Capasso Giorgio Sum.Ct.No.3 13 March 44 Appl.,
Form 8

1204 ✓ Piccolo Giuseppe S.Anastasia 14 " 44 Appl.,
Request of trial judge for authority to change sentence.

1205 ✓ Morra Antonio Sum.Ct.No.5 28 Feb 44 Appl.,
Recommendation of Judge 5th Sum.Ct., Naples that
sentence be reduced to 2 months attached.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.G.,
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.C. 324, U.S. Army

(402)

4 April 1944

ETK/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1192 ✓	Mocena Vincenzo	Sum.Ct.No.3	17 Feb 44	Appl.
1151 ✓	Giacca Genaro	Sup.Court S.Maria C.V.	24 March 44	Appl., Form 8
39 ✓	Dattilo Alao	Sum.Ct.No.1	24 Dec	43 Appl., Form 8
1015 ✓	Falcone Antonio	S.Andrea	28 Feb	44 Appl., Form 8
1108	De Simone Giovanni	Sum.Ct.No.1	21 March	44 Appl., Form 8
1105 ✓	Bellantuono Michele	"	21	44
1108 ✓	Marino Pasquale	"	21	44
1108 ✓	Cotena Vincenzo	"	21	44
940 ✓	Sciabo Pasquale	"	9 March	44 Appl., Form 8
853	Sannino Michele	"	" 3	44 Appl.
	This case is now pending before A.C.C.			
	Sum.Ct.No.1	3 March	44 Appl.	

Legal File No.	Trial	ment
1192 ✓	Mocena Vincenzo	Sum.Ct.No.3 17 Feb 44 Appl.
1151 ✓	Giaccia Gennaro	Sup.Court 24 March 44 Appl., S.Maria C.V. Form 8
39 ✓	Dattilo Alceo	Sum.Ct.No.1 24 Dec 43 Appl., Form 8
1015 ✓	Falcone Antonio	S. Andrea 28 Feb 44 Appl., Form 8
1108	De Simone Giovanni	Sum.Ct.No.1 21 March 44 Appl., Form 8
1108 ✓	Bellantuono Michele	" " 21 " 44
1108 ✓	Marino Pasquale	" " 21 " 44
1108 ✓	Cotena Vincenzo	" " 21 " 44
940 ✓	Sciuto Pasquale	" " 9 March 44 Appl., Form 8
853	Sannino Michele	" " 3 " 44 Appl.
	This case is now pending before A.C.C.	
853	Lubrano and Di Nanno	Sum.Ct.No.1 3 March 44 Appl.
	This case is now pending before A.C.C.	

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER, 95
1st Lt., Q.M.C.,
Assistant Adjutant.

TO CLO-ET AGO
 FROM HQ REGION 5 AGO
 SUBJECT Petitions for review
 REF R5/501/14

(41)
 Wright

2 April 1944

1. Herewith for review summary court cases of DI MATTEO ALBERTO, BUFANO GIOVANNI, SIMONE PAOLO, DIPIELLO GIUSEPPE and MARRASANTINO CESARE.
2. In the case of Di Matteo, the wife who was actually caught trading with the cigarettes received a sentence of 30 days suspended.
3. In the case of Bufano, there is no charge sheet as the accused pleaded guilty to the charges set out in the charge sheet herewith.

For the Regional Commissioner.

Wright

T. J. BISHOP
 Lt-Col
 AGO.

4083/6
v

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

400

ETK/pv
3/6136/L

1 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1176	Todini Olga	Sum.Ct.No. 5	20 March 44	Appl.
X 1177	Palumbo Giovanni	Caserta	3 " 44	"

2. We regret that we do not have additional information in the above cases. Comments of the trial Judges and arrest reports are attached.

For the Regional Commissioner:

71

*Now says he is an Italian A.C.C.
Formerly said he was a deserter
from Italian Army.*

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant ADJUTANT.

Transmittal ?

*At Brindisi
See Capt. ~~Chick~~ Army Lt. ask (1) to verify whether Italian Army
deserter has (2) if so what with what status, e.g. suspended sentence ?*

HEADQUARTERS

REGION 3. ALLIED CONTROL COMMISSION
A.P.C. 394, U.S. Army

399

29 March 1944

ETK/pv
3/6136/LSubject: Transmission of Enclosed Documents relating to
Review of Sentences

To : C.L.C., Allied Control Commission, Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
1158	Grasso Mario	Benevento	22 Mar. 44	Appl., Form 8
234	Stecchi Alberto	Sup.Ct. Naples	3 Feb 44	Appl.,
334	Errichiello Mauro	"	3 " 44	"
884	Gallo Giuseppe	"	3 " 44	"
778	Masini Giovanni	Gen.Ct. Pompei	16 Feb 44	Appl.
832	Pagano Secondino	Caserta	6 Feb 44	Appl., Form 8
299	Orsani Raffaele	Aversa	5 " 44	Form 8, Appl. for Provisional liberty.

These are supplemental Applications received in this office since forwarding Form 8 and Applications to A.C.C., on 20 March 1944. Cases 334 are now pending before A.C.C.

This is supplemental Application. Form 8 and Application sent to A.C.C. 17 March 1944. Case now pending before A.C.C.

70

Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
1158	Grasso Mario	Benevento	22 Mar. 44	Appl., Form 3
334	Stecchi Alberto	Sup.Ct. Naples	3 Feb 44	Appl.,
334	Errichiello Mauro	"	3 " 44	"
334	Gallo Giuseppe	"	3 " 44	"

These are supplemental Applications received in this office since forwarding Form 3 and Applications to A.C.C., on 20 March 1944. Cases 334 are now pending before A.C.C.

773 Masini Giovanni Gen.Ct. 16 Feb 44 Appl.
Pompei

This is supplemental Application. Form 3 and Application sent to A.C.C. 17 March 1944. Case now pending before A.C.C.

832 Pagano Secondino Caserta 6 Feb 44 Appl.,
Form 3

299 Orsani Raffaele Aversa 5 " 44 Form 3,
Appl. for
Provisional
Liberty.

For the Regional Commissioner:

W. C. Baker
WILLIAM C. BAKER,
1st Lt., Q.M.G.,
Assistant Adjutant.

4083/1
✓
HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

APR 1944

28 March 44

Ref: 2201/58/1

SUBJECT:- Review of Case

TO :- Chief Judicial Officer

(398)

PRACTICO, Pasquale

1. Ref your ACC/4083/1/L dated 19 March, unfortunately the Judge in this case left about 3 weeks ago for England.

2. The view taken by this H.Q. of this case was:-

- (a) That cigarettes were not military materials or war supplies, and
- (b) That the point set out in clause 1 (c) of your letter rendered a conviction too dangerous.

D.E.S. Cousins
D.E.S. COUSINS, Lt. Col.
R.L.O.
REGION II

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

30 MAR 1944 2510

Ref: 2201/55/G

SUBJECT:- Review of Cases

TO :- Chief Judicial Officer

28 Mar 44

397

On basis -
located pistol (10 v. 1)
in suitcase

ZAFFINA, Pietro.

Record is enclosed for review. The sentence is considerably stiffer than has recently been given. On the other hand he was carrying the pistol on him, and it is not believed that he had the faintest intention of turning it in. No appeal has been received.

DEL RE, Giuseppe.

Record will Appeal annexed is enclosed. The latter was put in at the last possible moment, giving a nice time within which to think out a defence that was not even suggested at the trial. The consent of this H.Q. to the removal of the accused from Nicastro gaol to Sambiasse gaol was not asked. If it had been, it would have been refused.

Fuller

D.E.S. COUSINS, Lt. Col.
R.I.O.
REGION II

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

396

ETE/pv
3/6136/L

27 March 1944

Subject: Transmission of Enclosed Documents relating
to Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

From : Regional Legal Officer, Region 3.

1. Pursuant to appropriate order, I enclose
herewith the documents listed below relating to applica-
tions for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
736	✓ Riccio Vincenzo	Sum.Ct.No.3	22 Feb 44	Appl., Form 8
1091	✓ Robertucci Antonio	" " " "	28 " 44	Appl., Form 8

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

408311

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

395

26 March 1944

ETK/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating Reviews of Sentences.

To : Chief Commissioner, Allied Control Commission,
Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1073	✓ Giannetta Antonietta Mondragone		4 Feb 44	Application, Form 8
1074	✓ Gallo Paolina	"	4 " 44	Application, Form 8

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

68

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 364, U.S. Army

394

10 March 1944

Subject: Transmission of Enclosed Documents relating Review of Sentences.

To : Chief Commissioner, Allied Control Commission.

1. Pursuant to Directive, there are enclosed herewith the documents listed below relating to Petitions of Appeal. In cases where no Form 6 is enclosed, the plea was guilty according to A.M.S. Court Records furnished this office.

Legal File No.	Name	Court	Date of	
			Trial	Docu- ment
874	Rivituso Salvatore	S. Marin C.V.	23 Feb 44	Appl., Form 6.

For the Regional Commissioner: 65

Legal File No.	Name	Court	Date of Trial	Docu- ment
874	Rivituso Salvatore	U.S. Marin C.V.	29 Feb 44	Appl., Form 8.

For the Regional Commissioner:

65

Neil T. Baker
 NEIL T. BAKER,
 1st Lt., C.M.C.,
 Assistant Adjutant.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

393

ACC/4083/L/L

/jpl
15 April 44

Subject : Case of
1. Bartoli Mauro
Covsila Federico
Cancellieri Luigi
2. Montaldi Bruno.

To : Regional Legal Officer (thru RC) Region III.
1. Reference this H. Q's letter 4083/L (para 5) dated 25 Mar. 44.
2. The records in the above mentioned cases are returned herewith.

Encl: 2 records.

R
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

HS/jpl

14 April 48

4083/1/L

Subject : Case of CAMPOCHIANO Amesto
PAC Antonio.
To : Regional Legal Officer, (thru RO) Region III.

1. Petitions for review and documents in the above cases are returned herewith.
2. Convictions are quashed in both cases, and the accused will therefore be released forthwith.
3. The convictions are quashed owing to the unsatisfactory state of the record in the following respects:-
 - (a) In view of the absence of evidence of identification of the two accused with those who committed the alleged theft, there was no case for the defence to answer under Sec. 27 of Proclamation 2. There might have been a case against the accused CAMPOCHIANO under Section 40, but this was not inquired into, and in any event there was no case against the accused PAC.
 - (b) Some doubt is cast on the story given in evidence by the witness for the prosecution as this conflicts in material respects with statements made by him in the Arrest Reports.
 - (c) The reviewing officer has been denied the advantage of any remarks by the judge in the space provided on Form 11. This should always be completed by the trial judge. The case is particularly unfortunate in view of the allegations made by the accused CAMPOCHIANO in the last few lines of his Petition.

GERALD R. UNIFORM
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

391

AGC/4083/L/L

IG/jml

14 April 44

Subject : Petitions for clemency.

To : Minister of Justice.

1. I have the honour to return the petitions set out in the list below, which are all petitions from Allied Military Courts.
2. As your Excellency is no doubt aware, the record of every case tried by an Allied Military Court is scrutinized by a competent authority whether or not any petition is presented.
3. However, these petitions have been studied by this Sub-Commission and I have to advise you that in our opinion none of them shows any justification for varying the existing sentence.

GERALD H. UPJOHN
Colonel
Chief Legal Officer.

Encl: Petition in favor of:

1. MARAZZO Gioacchino fu Giovanni
2. ACQUARO Giuseppe
3. CATTO Giuseppe
4. RUSCO Salvatore fu Alfio
5. BALMARI Boeco
6. SALESIO Giuseppe
7. SAVINO Antonio fu Giuseppe
8. De SIO Antonio
9. ODDO Giuseppe
10. BAGONE Michele

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

390

IC/jpl
14 April 44

AOC/4083/1/L

Subject : Case of SALENTO Giuseppe.

To : PROVINCIAL LEGAL OFFICER (Iaru Prov. Com.) SALENTO

1. Herewith the record in the proceedings against SALENTO
Giuseppe which you forwarded in answer to our letter
4083/1/L of 28 March 44.

2. No action is being taken on the petition.

Attached : 1 record.

GERALD E. UPJOHN
Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

389

ACC/1063/1/L

/jpl

14 Apr 44

Case of ~~MINNA~~ Vittorio di Antonio

To : Senior Legal Officer, AMG 8th Army.

1. Herewith Form 11 in the above mentioned case.
2. The sentence imposed by the court was affirmed on 6 April 44- Form No. J#3 ..1125.

(signed by Major I. Campbell)

GERALD R. UPJOHN

Colonel

Chief Legal Officer.

DU

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 334

ACC/4032/1/L

IC/jpl
14 April 44

Subject : Case of MUSELLA Gennaro di Salvatore.

To : Regional Legal Officer (thru RO) Region III.

1. This H. Q. requires the use of the record of the proceedings against MUSELLA Gennaro di Salvatore convicted in Salerno on 22 Dec. 43, and sentenced to 1 year's imprisonment and 50,000 lire fine.
2. Please forward the record.

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

MUSELIA Gennaro di Salvatore

Born Salerno 13.5.1925

Sentenced by Trib. Inferiore A.M.G.

22.12.43 to 1 year & Lit. 50,000. fine.

- - - - -

Salerno

yes

~~sentenced~~
7 of us to Allied Forces
Case handed by Lt Davis RN

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

387
IC/IDL

14 April 44

AOC/4083/1/L

Subject : Petition of:

1. Buonsvolonti: Giuseppe
2. Spano: Giuseppe II. (Some Giuseppina petitioner)
3. (a) Zaccariello Giuseppe
(b) Salvatore Antonio
(c) Fioravante Valentino.

To

: REGIONAL LEGAL OFFICER (through RC) Region III.

1. The attached petitions are denied.
2. It is requested that the above mentioned documents be sent to the interested parties.

GERALD R. UPTON
Colonel
Chief Legal Officer.

Attached : 3 petitions.

57

5

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

IC/jpl

14 April 44

ACC/4083/1/L

Subject : SAVARESE Catello di Vincenzo

To : Regional Legal Officer (thru RC) Region III.

The attached petition for commutation is denied;
the existing sentence will stand.

GERALD R. HUNTON
Colonel
Chief Legal Officer.

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HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

14 April 44

JPL/jpl

ACC/4083/1/L

Subject : PETITION for GRAZIA on behalf of Biancardi Giuseppe.

To : Regional Legal Officer (thru HQ) Region III.

1. Returned herewith the petition on behalf of BIANCARDI Giuseppe.

2. The petition for "Grazia" is denied.

(signed by major Campbell)

GERALD R. BYTCHIN
Colonel
Chief Legal Officer

Attached: 1 petition.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

EWK/pv
3/6136/L

12 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
792	Gagliardi Raffaele	Caserta	26 Feb 44	Appl., Form 8
1206	Pellegrino Corrado	Castellammare	31 Mar 44	Appl., Form 8
1206	Masone Guglielmo	"	31 " 44	Appl., Form 8
1206	Cremona Catello	"	31 " 44	Appl., Form 8
1069	Sessa Pasquale	S. Anastasia	14 " 44	Appl., Form 8
971	Capuano Alfredo	Pozzuoli	10 " 44	Appl., Form 8
985	Romolo Altomare	Sup.Ct.No.2 Frattamaggiore	13 " 44	Appl., Form 8
1247	Russo Pasquale	Spaurinise	24 " 44	Appl., Form 8
1248	De Nuccio Rosa	"	24 " 44	Appl., Form 8
1249	Castalda Angelina	Frattamaggiore	28 " 44	Appl., Form 8

792	Gagliardi Raffaele	Caserta	26 Feb 44	Appl., Form 8
1206	Pellegrino Corrado	Castellammere	31 Mar 44	Appl., Form 8
1206	Masone Guglielmo	"	31 " 44	Appl., Form 8
1206	Cremone Catello	"	31 " 44	Appl., Form 8
1069	Sessa Pasquale	S. Anastasia	14 " 44	Appl., Form 8
971	Capuano Alfredo	Pozzuoli	10 " 44	Appl., Form 8
985	Romolo Altomere	Sup.Ct.No.2	13 " 44	Appl., Form 8
1247	Russo Pasquale	Frattamaggiore	24 " 44	Appl., Form 8
1248	De Nuccio Rosa	Speranise	24 " 44	Appl., Form 8
1249	Cestalda Angelina	"	24 " 44	Appl., Form 8
1249	Piscopo Maria	Pretannaggiore	28 " 44	Appl., Form 8
1249	Spezio Antonietta	"	28 " 44	Appl., Form 8
1249	Russo Rosaria	"	28 " 44	Appl., Form 8
1250	Fusco Nicola	Mondragone	28 " 44	Appl., Form 8
1251	Lucci Raffaele	"	10 " 44	Appl., Form 8
1252	Giocondo Antonio	S. Maria C.V.	24 " 44	Appl., Form 8
1253	Graziano Antonio	Sup.Ct.No.1	2 " 33	Appl., Form 8
823	De Simone Emilio	Sup.Ct. Aversa	24 Feb 44	Appl., Form 8
1137	Cimmino Giuseppe	Aversa	24 Mar 44	Appl., Form 8
1175	Coppola Ciro	Sup.Ct., S. Maria C.V.	27 Mar 44	Appl., Form 8

Legal
File No.

Name

Court

Date of
Trial

Document

Legal File No.	Name	Court	Date of Trial	Document
1238	D'Agostino Ferdinando	Carinola	15 Mar 44	Appl., Form 8
1239	Bucciaglia Vitaliano	"	4 " 44	"
1240	Martelle Aldo	Mondragone	2 " 44	"
1241	Sorrentino Domenico	Torre Annunziata	27 " 44	"
1242	Lanna Giacomo	S. Andrea	9 " 44	"
1242	Lanna Angelo	"	9 " 44	"
1243	De Luca Luciano	Mondragone	21 " 44	"
1244	Morcone Concetta	Speranise	24 " 44	"
1245	Abbagnano Emilio	"	24 " 44	"
1246	Palumbo Antonio	"	24 " 44	"
1233	Italiano Pasquale	Torre del Greco	13 " 44	"
1234	Raimo Ciro	Portici	11 " 44	"
1236	Galante Raffaele	Torre Annunziata	27 " 44	"
1237	Broccoli Beniamino	S. Andrea	24 " 44	"
1235	Genevois Marcelle	Torre Annunziata	27 " 44	"
	See case No. 1236 Galante Raffaele.			

For the Regional Commissioner:

W. Campbell
W. CAMPBELL
Captain AUS.,
Adjutant.

Res. Me

15 APR 1944

3060

3812

TO : C.I.C. H.Q. A.S.C.
 FROM : R.L.C. Region 5 A.S.C.
 SUBJECT : Applications for review of sentence Foggia Province.
 REF : RS/511/14.
 DATE : 12 April 1944.

1. Enclosed will be found applications for review of sentence from Foggia Province in the following cases.

- ✓ (a) No 498 MARINELLA Giuseppe, Violation Proc. 2 Art. II Para. 40, plead guilty 10 March 1944. There is no Form 8. Facts may be had from enclosure.
- ✓ (b) No 563 FERRIZIO Gastone, Violation Proc. 2 Art. II Para. 27 sentenced to six months imprisonment on 24 March 1944.
- ✓ (c) No 564 ALPIERI Vincenzo, Violation Proc. 2 Art. II Para. 27 sentenced to five months imprisonment on 24 March 1944.
- ✓ (d) No 565 RICHIOI Pietro, Violation Proc. 2 Art. II Para. 27 sentenced to six months imprisonment on 24 March 1944.
- ✓ (e) No 566 RICHIOI Pasquale, Violation Proc. 2 Art. II Para. 27 sentenced to six months imprisonment on 24 March 1944.

For Regional Commissioner

W. E. Roberts

W. E. ROBERTS
 Lt. Colonel
 R. L. C.

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2413

✓
407/2

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

(386)

ETK/pv
3/6136/L

12 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose here-
with the documents listed below relating to applications for
Review of Sentences.

File No.	Name	Court	Date of	Document
818	Gennaro Trosisi	Sup.Ct.Aversa	24 Feb 44	Appl., Form 8
825	Maggio Antonio	" " "	4 " 44	" " "
1064	Arbucci Anna	Sum.Ct.No.1	14 Mar 44	" " "
1102	Pignatone Carlo	" " "	20 " 44	" " "
1102	Fioretti Antonio	" " "	20 " 44	" " "
922 ✓	Abbate Giovanni	Sup.Ct.No.2 Aversa	9 " 44	" " "

Form 8 in this case was sent to A.C.C. 13 March 44

1255 La Rocca Nunzio Sum.Ct.No.3 18 Mar 44 Application
This file was returned to the trial Court 4 April 44
and there is attached hereto the statement of the trial
Judge of the evidence.

For the Regional Commissioner:

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O. W. Campbell
O. W. CAMPBELL,
Captain, AUS.,
Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.F.C. 394, U.S. Army

379

ETK/pv
3/6136/L

11 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose here-
with the documents listed below relating to applications for
Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1138	Pellicano Armando	Aversa	24 March 44	Appl., Form 8
1232	Caputo Virginio	Sup.Ct.No.5	22 " 44	Appl., Form 8
1232	Caputo Giuseppe	" " " "	22 " 44	Appl., Form 8
1232	Battinelli Salvatore	" " " "	22 " 44	Appl., Form 8
1168	Calise Ferdinando	" " " "	14 " 44	Appl., Form 8

OK

The record in this case was sent to A.C.C. 1 April 44,
in the appeal of Ramaglia Giuseppe and Ramaglia Alberto.

For the Regional Commissioner:

J. W. Campbell 50
J.W. CAMPBELL,
Captain, AUS.,
Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

376

4083/1

ETZ/RY
3/6071/L

11 April 1944

Subject: Case of CAMPOCHIANO Ernesto.

To : Chief Legal Officer, Legal Sub-Commission,
A.S.C., Salerno.

1. Reference is made to your communication ACC/4083/1/L, 8 April 1944, in which my attention has been directed to the last few lines of the Appeal of CAMPOCHIANO Ernesto and request is made for my comments thereon.

2. With some misgiving I offer the following comment: I do not believe the statement of the accused contained in the last few lines of the Appeal.

John W. Chapman

JOHN W. CHAPMAN,
Lt.Col., J.A.G.D.,
Regional Legal Officer.

4083/1

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

317

ETK/pv
3/6071/L

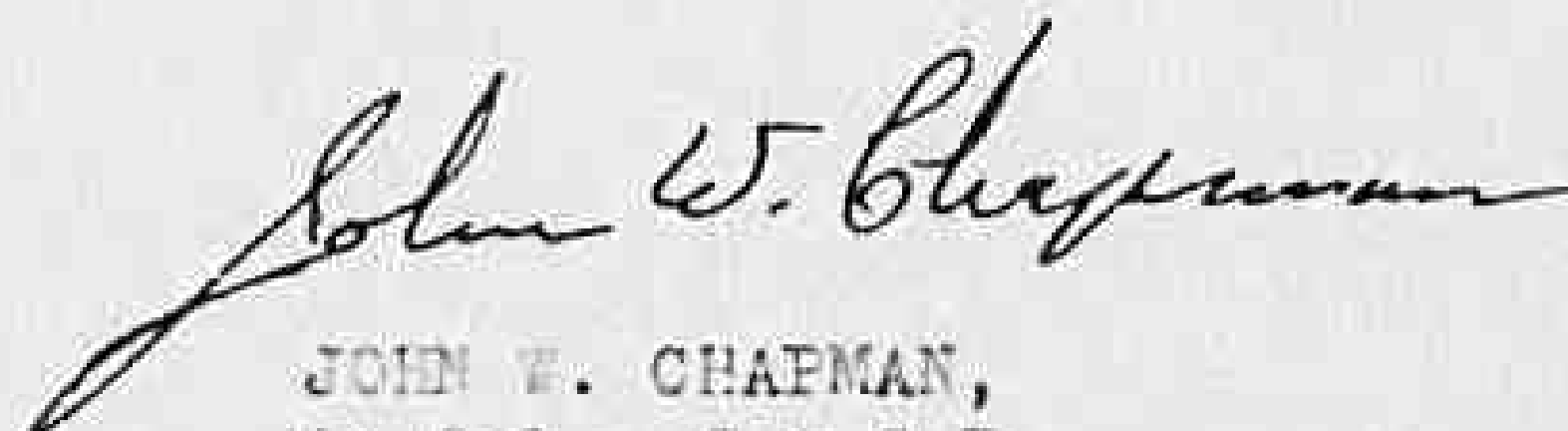
11 April 1944

Subject: Cases of PUNZETTI Anna, VALENTINO Maria,
ABBATE Giovanni.

To : Chief Legal Officer, Legal Sub-Commission,
A.C.C., Salerno.

1. Reference is made to your communication
ACC/4083/1/L, 6 April 1944, relative to the above
subject.

2. The only records of the trial in the
cases of PUNZETTI Anna and ZANI Carla were forwarded
to A.C.C. 18 and 28 March 44. There are no additional
records in this office.



JOHN W. CHAPMAN,
Lt. Col., J.A.G.D.,
Regional Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission

376

IC/1PI

13 April 44

ACC/4083/1/L

Subject : Petition for conditional Liberty

To : RLO (thru RC) Region III,
for Procuratore del Re.

At the request of the Italian Court I order that the
petition for conditional liberty by ANDRUSO MATTEO be
granted forthwith.

GERALD R. UPTON
Colonel
for Chief Commissioner
Allied Control Commission.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

375

AOC/4083/1/L

HE/jpl

Subject : Case of Lunetta Baldassare.

13 April 44

To : Senior Legal Officer, AMC, 8th Army.

1. Herewith petition for review and other documents in the case of Lunetta Baldassare.
2. The conviction and sentence are quashed, and the accused will be released forthwith.
3. As the accused was on trial for breach of a P.O.W. parole agreement it is not understood how the judge ever thought he had jurisdiction to try the case, in view of Proclamation 4, Article II, Section 2. It is imperative that all judges presiding over A.M.G. Courts be clearly instructed that in no circumstances do they have jurisdiction to try Prisoners of War.
4. The delay in forwarding these proceedings is most unfortunate, since the result has been that a man, over whom the Court had no jurisdiction, has been detained now for nearly 5 months. A further explanation of this delay will be obtained and forwarded to this H. Q.

H. Q.

fr. GERALD R. DEJOHN
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

374

AOC/4083/1/L

HW/jpl
12/8/44

Subject : Scali Camillo di Domenico

To : RLO. (thru RG) Region III.

1. Petition for Review and documents in above case are returned herewith.
2. The conviction and sentence are affirmed, and the order of the Reviewing officer provides for the further periods of imprisonment to be served in default of payment.
3. From a perusal of the evidence and the judge's comments in this case it appears was one which should more properly have been tried by a Superior Court. The punishment inflicted-the maximum that a Summary Court could inflict, having regard to the additional period of imprisonment in default of payment- is considered to be inadequate on the facts proved. This should have been apparent to the judge who tried the case.
4. Please bring the above comment to his notice.

HW.

for
GERALD R. UPTON
Colonel
Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

373
HR/jpl
12 April 44

MOG/4083/1/L

Subject : Case of Petilio Aniello di Michele

To : RLO (thru RC) Region III.

1. Petition for Review and documents in the above case are returned herewith.
2. The sentence is reduced to 3 months, which means that the accused will be released forthwith.
3. The above is the only possible course in the interests of Justice in view of the following facts which are brought to your notice:-
 - (a) The charge or charges are not stated in an intelligible way on Form 8, and no charge sheet is attached.
 - (b) Form 8 does not show how the accused pleaded to the charges or charges.
 - (c) There is no record of the Court's findings on individual charges-only a general finding of "guilty."
 - (d) There is no record of the evidence, nor any note by the judge as to the circumstances of the case.
 - (e) Form 8 and Form 11 were not received at this H.Q. until 27 March 1944. It appears from the statement of the lawyer on Form 11 that the papers had previously been filed and mislaid. No explanation of this has been offered. The petition is dated 16 Jan. 44.
4. It is practically impossible to do justice after so long a delay and the procedure of Review becomes an idle formality.
5. Please take steps to ensure that in future the records of cases submitted for review are in proper shape and that they reach H. Q. without such unreasonable delay.

Sw.
for GERALD R. UPTON
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

JPL/jpl

9 April 44

372

Subject : Iandolo Armando (case of)

To : RLO (thru RC) Region III.

1. The conviction and sentence in the above mentioned case were affirmed on 16 March 1944. J. 93 form 967.
2. A further appeal lodged on behalf of Iandolo Armando presents no new facts to warrant a change of position.
3. Herewith please find the respective papers.

J. 93
Case
for Chief Legal Officer.

R.H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

HEADQUARTERS
 100TH AIRBORNE DIVISION
 100TH AIRBORNE DIVISION
 100TH AIRBORNE DIVISION

370

STL/14
 3/6/56/L

4 April 1956

Subject: Transmission of Enclosed Documents
 relating to Review of Sentence.

To : Chief Legal Officer, A.S.C., Salerno.

1. Pursuant to appropriate order, I enclose
 herewith the documents listed below relating to applica-
 tion for Review of Sentence.

Legal File No.	Name	Court	Date of Trial	Docu- ment
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100	Salerno Enrico	Avellino	21 March 44	Appl.
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Complete statement of trial Judge attached.

893	Salerno Giuseppe	Dist.Ct.No.1	3 March 44	Appl.
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Application and form 5 sent to A.S.C. 17 March 44.
 This additional petition received 7 April 44.
 Case now pending before A.S.C.

For the Regional Commissioner:

FRANK C. WALKER,
 1st Lt., A.S.C.,
 Assistant Adjutant.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

8th April, 1944.

REFERENCE : ACC/4083/1/L.
SUBJECT : Case of SPINOLA Carlo fu Antonio
TO : S.L.O., A.M.G., 8th Army.

With further reference to the letter of Ident. Lesse, C.A.O. dated 27 March 1944 and covering note of Major Velaford the conviction and sentence in this case were affirmed by the Chief Legal Officer on 27 March 1944.

2. It is to be assumed that the sentence given by the Trial Judge was fair and reasonable under the circumstances and on such basis the conviction and sentence were affirmed.

3. From paragraph 4 of Ident. Lesse's letter it would appear that there is some desire to modify this sentence now that certain military personnel were not being punished for their participation in the general affair. While it is unfortunate that the military authorities may not have proceeded with the punishment of their personnel nevertheless this is not a justification for the redemption of a sentence of an Italian civilian. Courts must constantly guard themselves against undue pressure in cases of this kind.

4. There would seem to be no reason why the S.L.O. should not get into touch with the Military authorities and bring to their attention the fact that the involved military personnel have not been punished and the adverse affect thereof on the civil population.

5. The papers in the matter are returned herewith.

KENNETH H. WILDER.
Lieutenant-Colonel
Deputy Chief Legal Officer

HEW/wcw.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 904

ACC/4083/1/L

JW/jpl

Subject : Case of

8 April 44

1. FURZETTI Anna
2. VALENTINO Maria
3. ARNATI Giovanni

To : RLO (thru RC) Region III

1. The letter of 27 March 1944 addressed to you by Lt. Col. OGLETHORPE has been received at this H. Q. and the general position is appreciated.
2. C.I.G. however is still without records of trial in the case of FURZETTI Anna and 2 MI Carlo. May these please be forwarded? If they cannot be found say this please be definitely stated?

J. M. MORE

Captain
For Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

MHW/jpl
8 April 44

ACC/4083/1/L

Subject : CASE of PAGLIAZZO Pasquale and others
To : RLO (toru RC) Region III.

1. The record in this case is returned for completion.
2. Except for statements appearing in the petition for review submitted by the attorney for one of the accused there would not be even the most informal record of conviction or sentence. The records must show conviction and sentences.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

RHW/jpl
8 April 44

Subject : Case of Russo Giovanni

To : RLO (tara RC) Region III.

1. This case is returned for completion of the record.
There is no charge sheet in the papers submitted.

RICHARD H. HILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

RHW/jpl
8 April 44

ACC/4083/1/L

Subject : Case of Ianniello Andrea fu Giuseppe

To : RLO (thru RC) Region III

In view of the statement of American Soldier as to the ownership of the pistol and ammunition the conviction and sentence in this case are quashed in accordance with the recommendation accompanying the petition for review.

RICHARD H. WILDER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HQ. JANTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
MIO 34

ACC/1063/1/L

RHM/jul

Subject : Case of SANTAPANO Gerardo di Domenico

8 April 44

To : RLO (thru RC) Region III.

1. The conviction and sentence in this case have been affirmed.
2. Inasmuch as the trial judge in finding the accused guilty must have been convinced of his guilt. He was clearly too lenient in his sentence. This looting of Allied Property is not going to be stopped by the imposition of light sentences.

RICHARD H. WILSON
Lt. Col. C.A.C.
Deputy Chief Legal Officer

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25

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

ACW/jpl

8 April 44

Subject :: Case of CAMPOCHILAO Ernesto

To : HLO (thru RC) Region III.

1. Reference your letter ETK/pv . dated 27 March 44.
3/6136/L

2. Attention is drawn to the allegation made in the last few lines of the appeal. Your comments will be appreciated.

3. Enclosed herewith the record in the above named case.

J. M. More
Captain
for Chief Legal Officer.

35.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 39A

ACC/4083/1/L

RHW/JPL

Subject : Case of Gazzillo Mario

8 April 44

To : RLO (thru RC) Region III

1. This case is returned for completion of the record.
2. There is no record of evidence findings and sentence. There is a statement on page 2 of form 8 showing that the accused did file a plea of guilty.

RICHARD H. WILSON
Lt. Col. GAC
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

RHW/jpl
8 April 44

Subject : Case of Romano Vincenzo

To : RLO (thru RC) Region III

The conviction and sentence in this case are quashed for the record contains no proof whatever that the sugar^{up} property of the Allied Forces. The charge is based on Proclamation No 2, ~~Dec. 1940.~~

Sec 90.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

REH/jpl
8 April 44

ACC/4083/1/L

Subject : Case of Gandelli Nicoletta

To : RLO (through RC) Region V.

1. The conviction and sentence in this case are quashed as recommended by you.
2. It is noted that the accused was charged in somewhat general terms with solicitation and the records contains no evidence of solicitation. I suggest that instructions be given as to the proper framing of charges and consequent prosecutions.

RICHARD H. WILDER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

351

REFERENCE : ACC/4083/1/L.

8 April, 1944.

SUBJECT : Case of FULIO, Carlo,
DI VECCHIO, Margherita fu Nunzio.
MASTROFRANCESCO, Carolina.
FIGURAITE, Giovanni.

TO : S.L.O. (thru S.C.A.O.), A.M.G., 8 Army.

- ... 1. The records in the above cases are returned herewith.
2. Action taken on the petitions for review is in accordance with the recommendations of Major Boyd-Carpenter, P.S.L.O., namely :-

FULIO, Carlo.	Affirmed.
MASTROFRANCESCO, Carolina.	Affirmed.
FIGURAITE, Giovanni.	Affirmed but balance of sentence suspended.
VECCHIO, Margherita fu Nunzio.	ditto.

RICHARD H. WEIMER.
Lieutenant-Colonel GAC.
Deputy Chief Legal Officer.

REW/vwv.

4083/1- 4083/9

HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION
APO 464 U.S. ARMY.

(243) (358)

6 April 1944.
208/CA/13.

SUBJECT : Acknowledgement of Review.

TO C.D.O., Legal Sub-Commission,
HQ. ACC.

1. With reference to your letter of 19 March (ACC/4083/1/L), the S.C.A.O. did not sign the decision on review in view of the fact that the area in question had become 8th Army area.

2. The director of the prison in which the accused are incarcerated and each accused has been notified, and this letter may be taken as an acknowledgement of receipt of Decision on Review.

for Henry L. Martin, Capt VTAGO
H.M. DICKIE, S/Ldr., R.A.F.
S.L.O., AMG 5 Army.

4083
✓
HEADQUARTERS
AMG 5TH ARMY
LEGAL DIVISION
A.P.O. 464 U.S. ARMY

Filed
357

6 April 1944
208/CA/76

Subject : Death Sentences.

To : Chief Legal Officer,
Legal Sub-Commission,
HQ ACC.

1. In compliance with your request of 25 March (ACC/4083/L), I am transmitting to you herewith a record of all cases in which the death sentence has been imposed in 5 Army area. The remaining blanks may be filled in your office on review.

Henry L. Green
Capt 1AG12
for H.M. DICKIE, S/Ldr, R.A.F.
S.L.O., A.M.G. 5 Army.

File

Lygar (Reas)
U-3436

TO : G.L.C. R.C. Allied Control Commission.
 FROM : H.Q. Region 5 A.L.C.
 SUBJECT : Receipts for decisions on review.
 REF : 85/311/1L.
 DATE : 5 April 1944.

1. Enclosed herewith are Form No. 34 covering cases your serial No.'s 892 to 895 both inclusive, 897 to 908 both inclusive and 1054.

For Regional Commissioner

W. E. HENNESSY
 Lt. Colonel
 R. L. C.

A. E. THURSELL
 Major F.A.
 D. R. L. C.

17 enclosures

ART/EP

HEADQUARTERS
REGION I, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

IRK/pv
3/6135/2

5 April 1944

Subject: Transmission of Enclosed Documents Relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1202	Di Maio Nicola	Torre Annunziata	25 Feb 44	44 Appl., Form 8
956	Parisi Gennaro	SUM. CT. No. 2	10 March 44	44 Appl., Form 8
1045	Salvatori Ciro	Barra	14 "	44 Appl., Form 8
1124	Solia Giuseppe	SUM. Ct. No. 2	29 "	44 Appl., Form 8
1125	De Gennaro Ciro	Castellammare	10 "	44 Appl., Form 8
1126	Guarino Leonardo	"	1 Jan 44	44 Appl., Form 8
1127	Abagnale Giuseppe	Cragnano	3 March 44	44 Appl., Form 8
1128	Santoro Vincenzo	Barra	21 "	44 Appl., Form 8
1129	Bruno Pasquale	Castellammare	17 "	44 Appl., Form 8
1200	Tanico Lorenzo	Barra	23 Feb 44	44 Appl., Form 8
908	Allocca Giacomo	Nota		

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File No.	Defendant	Sum.Ct. No.	Date	Appl. Form	Notes
1202	Di Maio Nicola	Torre Annunziata	25 Feb 44	44 Appl. Form 8	
956	Parisi Gennaro	SUM.Ct. No. 2	10 March 44	44 Appl. Form 8	
1045	Salvatori Ciro	Barra	14 "	44 Appl. Form 8	
1194	Solla Giuseppe	Sum.Ct. No. 2	23 "	44 Appl. Form 8	
1195	De Gennaro Ciro	Castellammare	17 "	44 Appl. Form 8	
1196	Guarino Leonardo	"	1 Jan 44	44 Appl. Form 8	
1197	Abagnale Giuseppe	Gragnano	3 March 44	44 Appl. Form 8	
1198	Santoro Vincenzo	Barra	21 "	44 Appl. Form 8	
1199	Bruno Pasquale	Castellammare	17 "	44 Appl. Form 8	
1200	Panico Lorenzo	Barra	29 Feb 44	44 Appl. Form 8	
908	Allocca Giacomo	Mola	3 March 44	44 Appl. Form 8	
	Form 8 is now pending before A.C.C. in the case of Sgarbiati Arturo sent to A.C.C. 31 March 44				
1203	Lacolla Luigi	Sum.Ct. No. 3	18 March 44	44 Appl. Form 8	Statement of evidence and arrest reports attached to application and signed by trial judge.
1193	Carpaso Giorgio	Sum.Ct. No. 3	11 March 44	44 Appl. Form 8	
1204	Piccola Giuseppe	S. Anastasia	14 "	44 Appl. Form 8	Request of trial judge for authority to change sentence.
1205	Morra Antonio	Sum.Ct. No. 5	28 Feb 44	44 Appl. Form 8	Recommendation of Judge 5th Sum.Ct., Naples that sentence be reduced to 2 months attached.

For the Regional Commissioner:

118
 M. C. Sgarbiati, Jr.
 2nd Lt., U.S.A.
 Assistant Adjutant.

HEADQUARTERS
REGION 3, UNITED STATES COMMISSION
A.F.O. 394, U.S. Army

354

BTX/pv
3/6/46/L

5 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.F.O., Salerno.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1144	Ruberto Luciano	Aversa	20 March 44	Appl., Form 8
1174	Ernesto Vincenzo	"	6 "	44 Appl. Form 8 and Application were sent to A.F.O. 1 April 44. This application was received 5 April 1944.

For the Regional Commissioner:

WILL C. BAZEK, JR.
1st Lt., A.F.O.,
Assistant Adjutant.

27

28

RECEIVED
 SECTION 3, ABILITY TO SERVE COMMISSION
 U.S. Army
 3/63

DATE/PV
 1/51/67

Subject: Transmission of Enclosed Documents Relative to Review of Sentences.

To : Chief Legal Officer, S.C., Salerno.

1. Urgent to appropriate court, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Date of Review
1192	Mosena Vincenzo	Sub. Ct. No. 1	17 Feb 44	Appl.
1157	Giacca Gennaro	Sub. Ct. No. 1	24 March 44	Appl.
39	Enrico Alce	Sub. Ct. No. 1	24 Feb 44	Appl.
1073	Falcoche Antonio	Sub. Ct. No. 1	20 Feb 44	Appl.
1170	De Simone Giovanni	Sub. Ct. No. 1	27 March 44	Appl.
1108	Bellocchio Vincenzo	"	"	"
1178	Marino Pasquale	"	"	"
1106	Costa Vincenzo	"	"	"
940	Scialo Pasquale	"	"	"
854	Tommaso Giovanni	"	"	"

This case is now pending before S. C.

Sub. Ct. No. 1, Salerno, 14 April 44

25 26

1192	Mocena Vincenzo	Gen. Of. No. 1	17 Feb 44	Appl.
1197	Giacca Genaro	Sub. Court	74 March 44	Appl.
		Gen. Of. No. 1		Form 8
1198	De Vito Alvaro	Sub. Court	14 May 44	Appl.
				Form 8
1195	Palumbo Antonio	Gen. Of. No. 1	25 Feb 44	Appl.
				Form 8
1196	De Vito Giovanni	Gen. Of. No. 1	21 March 44	Appl.
				Form 8
1198	Salvatore Vincenzo	"	21 "	44
1198	Marino Pasquale	"	21 "	44
1198	Correa Vincenzo	"	21 "	44
1198	Scialo Pasquale	"	2 March 44	Appl.
				Form 8
851	Scialo Pasquale	"	21 "	44
	This case is now pending before S.C.			
853	Scialo Pasquale	Gen. Of. No. 1	2 March 44	Appl.
	This case is now pending before S.C.			

For the Regional Commissioner:

1198
 Gen. Of. No. 1
 1st Lt. ...
 Assistant Secretary

4983/1

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

352

BTX/PV
3/6136/L

2 April 1944

Subject: Transmission of Enclosed Document relating to
Review of Sentence.

To : Chief Legal Officer, A.C.C., Salerno.

Pursuant to appropriate order, I enclose herewith
the documents listed below relating to application for
Review of Sentence.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1121	Consigliari Maria	Avellino	16 March 44	Appl., Form 8

For the Regional Commissioner:

Afferri
Rozz

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 114, U.S. Army

File
10 95
351

STB/ST
3/31/30/L

1 April 1944

Subject: Transmission of enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.P.O., Palermo.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
X 1176	Fodini Olga	Int.Ct.No. 5	27 March 44	Appl.
1177	Paluspo Giovanni	Casserta	-3 " 44 "	"

X 2. We regret that we do not have additional information in the above cases. Comments of the trial Judges and arrest reports are attached.

For the Regional Commissioner:

REIL C. DALLA *DB*
1st Lt., *DB*
Assistant Adjutant *DB*

20 March

1 month + £ 5,000

in default & 2 mos. in default
DB

TO : C.I.G. H. 1. A.C.C.
 FROM : H. 1. Region 5 A.C.C.
 SUBJECT : Petitions for review.
 REF : R5/511/14.
 DATE : 31 March 1944.

W. E. BEWERS
 (350)

1. *affirm* *no* Herewith petitions for review in the case of Gaudelli Nicoletta and Scioscia Giro.
2. In the case of Gaudelli Nicoletta the accused was in fact free from disease. In these circumstances, as discussed with C.I.G. it appears that she was wrongly convicted. She has been provisionally released pending appeal.

For Regional Commissioner

W. E. BEWERS

W. E. BEWERS
 Lt. Colonel
 R. I. C.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. ARMY

ETK/pv
3/5136/L

1 April 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To Chief Legal Officer, A.C.C., Salerno.

Pursuant to appropriate order, I enclose herewith
the documents listed below relating to applications for Review
of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
909 ✓	Provitiero Raffaele	Nola	7 March 44	Appl., Form 8
910 ✓	Rubinaoccia Francesco	"	9 " 44	Appl., Form 8
1174 ✓	Fruttaldo Vincenzo	Aversa	6 " 44	Appl., Form 8
1040 ✓	Visciano Giuseppe	"	13 " 44	Appl., Form 8
1141 ✓	Reppucci Emilio	"	20 " 44	Appl., Form 8
1031 ✓	Stea Anna	"	17 " 44	Appl., Form 8
1021 ✓	Omara Teresa	"	15 " 44	Appl., Form 8
904 ✓	Branceccio Pasquale	Torre An- nunziata	9 " 44	Appl., Form 8
1071 ✓	Scali Camillo	Torre del Greco	13 " 44	Appl., Form 8
1168 ✓	Ramaglia Giuseppe	Sup.Ct.	14 " 44	Appl., Form 8
1168 ✓	Ramaglia Alberto	"	14 " 44	Appl., Form 8

909 ✓	Provitiero Raffaele	Nola	7 March	44	Appl., Form 8
910 ✓	Rubineccia Francesco	"	9	44	Appl., Form 8
1174 ✓	Fruttalò Vincenzo	Aversa	6	44	Appl., Form 8
1340 ✓	Visciano Giuseppe	"	13	44	Appl., Form 8
1141 ✓	Reppucci Emilio	"	20	44	Appl., Form 8
1031 ✓	Stea Anna	"	17	44	Appl., Form 8
1021 ✓	Omera Teresa	"	15	44	Appl., Form 8
904 ✓	Brancaocio Pasquale	Torre An- nunziata	9	44	Appl., Form 8
1071 ✓	Scali Camillo	Torre del Greco	13	44	Appl., Form 8
1168 ✓	Ramaglia Giuseppe	Sup.Ct.	14	44	Appl., Form 8
1168 ✓	Ramaglia Alberto	"	14	44	Appl., Form 8
1173 ✓	Stomponato Armando	"	Feb	44	Appl., Form 8
389 ✓	Gollia Vittorio	S. Andrea	21	44	Appl., Form 8
387 ✓	Di Lorenzo Francesco	Mondragone	4	44	Appl., Form 8
386 ✓	Merenda Antonio	"	24	44	Appl., Form 8

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER, JR.
1st Lt., Q.M.C.,
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

4083/1 ✓
ETK/pv
3/6138/L

31 March 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.O., Salerno.

Pursuant to appropriate order, I enclose herewith
the documents listed below relating to applications for
Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1164 ✓	Ascione Nicola	Portici	18 March 44	Appl., Form 8
1165 ✓	Perfetto Giuseppe	"	19 Feb 44	Appl., Form 8
1166 ✓	Terracciano Francesco	Resina	29 Jan 44	Appl., Form 8
1167 ✓	Scotto Giuseppe	Torre del Greco	6 March 44	Appl., Form 8
1153 ✓	Signorini Pietro	Castellammare	17 " 44	Appl., Form 8
760 ✓	Sabatino Felice	Nola	25 Feb 44	Appl., Form 8
760 ✓	Castaldo Luigi	"	25 " 44	Appl., Form 8
760 ✓	Merona Luigi	"	25 " 44	Appl., Form 8
760 ✓	Sabatino Giuseppe	"	25 " 44	Appl., Form 8
908 ✓	Sgarbati Arturo	"	9 March 44	Appl., Form 8

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File No.	Applicant	Portici	Date	Appl.	Form
1164 ✓	Ascione Nicola	Portici	18 March	44	Appl., Form 8
1165 ✓	Perfetto Giuseppe	"	19 Feb	44	Appl., Form 8
1166 ✓	Torrecciano Francesco	Resina	29 Jan	44	Appl., Form 8
1167 ✓	Scotto Giuseppe	Torre del Greco	5 March	44	Appl., Form 8
1153 ✓	Signorini Pietro	Castellammare	17 "	44	Appl., Form 8
760 ✓	Sabatino Felice	Nola	25 Feb	44	Appl., Form 8
760 ✓	Castaldo Luigi	"	25 "	44	Appl., Form 8
760 ✓	Merona Luigi	"	25 "	44	Appl., Form 8
760 ✓	Sabatino Giuseppe	"	25 "	44	Appl., Form 8
908 ✓	Sgarbati Arturo	"	9 March	44	Appl., Form 8
1027 ✓	Olivo Amedeo	Aversa	17 "	44	Appl., Form 8
834 ✓	Genoio Sabino	Barra	15 Jan	44	Appl., Form 8
861 ✓	Capozzi Antonio	Sup.Ct.Naples	17 Feb	44	Appl., Form 8
861 ✓	Tufarelli Eduardo	"	17 "	44	Appl., Form 8
861 ✓	Candurra Giovanni	"	17 "	44	Appl., Form 8
848 ✓	Vecchione Ciro	"	17 "	44	Appl., Form 8

Only from 11 For the Regional Commissioner:

Neil C. Baker

NEIL C. BAKER
1st Lt., Q.M.C.,
Assistant Adjutant.

4083

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

347

31 March 1944

ETK/pv
3/6136/L

Subject: Transmission of Enclosed Document relating
to Application for Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose
herewith the documents listed below relating to applica-
tion for Review of Sentence.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 385	Andreozzi Tommaso	Sup. Court Acerra	1 Feb 44	Appl., Form 8

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.A.C.,
Assistant Adjutant.

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a from p. 10

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

346

222/pv
3/6136/L

31 March 1944

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith
the documents listed below relating to applications for Review
of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 1121	Pennella Gerarda	Sup.Ct., Avellino	16 March 44	Appl., Form 8
✓ 1121	Strazza Maria	" " "	16 " 44	Appl., Form 8
✓ 1163	Strozzi Vincenzo	Sum.Ct. "	28 " 44	Appl., Narrative statement of the evidence signed by the Judge appears on Application.
✓ 1162	Penna Antonio	Sum.Ct. Avellino	21 March 44	Appl., Narrative statement of the evidence signed by the Judge appears on the Application.
✓ 778	Aprile Maria	Pompei Sup.Ct.	26 Feb 44	Appl., Form 8 in this case was sent to A.C.C. 17 March 44 in the Appeal of Masini Giovanni. The appeal of Aprile Maria was received in this office 31 March 44.

For the Regional Commissioner:

NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

345

ETA/pv
3/6136/L

30 March 1944

Subject: Transmission of Inclosed Document relating to
Review of Sentence.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose herewith the document listed below relating to application for Review of Sentence.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1159 ✓	Iacono Raffaele	Sup.Ct., Naples	31 Jan 44	Form 8
1159 ✓	D'Abundo Leonardo	" " "	31 " 44	" "

2. The above case was tried before Lt. Col. John W. Chapman on 31 Jan. 1944. More than 30 days have expired since the date of the trial and no application for Review has been filed. Lt. Col. Chapman feels that this case should be reviewed by the C.L.C., A.C.C. as he does not desire to review his own decision.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., G.S.C. 92 18
Assistant Adjutant.

Affirmed
R.H.

4083/1

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

344

29 March 1944

ETK/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating
to Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

1. Pursuant to appropriate order, I enclose
herewith the documents listed below relating to applications
for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
767 ✓	Parmigiano Gennaro	Nola	25 Jan 44	Appl., Form 8
680 ✓	D'Orazio Cesario	Aversa	14 Feb 44	Appl., Form 8

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C. 96
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

28 March 1944

ETK/pv
3/6136/L

Subject: Transmission of Enclosed Documents relating to
Review of Sentences.

To : Chief Legal Officer, A.C.C., Salerno.

From : Reg. Chief Legal Officer, Region 3.

1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
1111	Caputo Pasquale	Aversa	15 Feb 44	Appl., Form 8 <i>no further comments</i>
987	Falcone Francesco	Sup.Ct.No.2 S.Maria C.V.	11 Mar.44	Appl., Form 8 <i>no further comments</i>
1112	Garavello Roberto	S.Maria C.V.	14 " 44	Appl., Form 8 <i>Set</i>
824	Ianniello Andrea	Aversa	21 Feb 44	Appl., Form 8 <i>Quick</i>
1051	De Stefano Amedeo	Sum.Ct.No.1	18 Mar.44	Appl., Form 8 <i>Quick</i>
771	Romano Vincenzo	" " "	24 Feb 44	Appl., Form 8 <i>Quick</i>
936	Vozzo Salvatore	" " "	10 Mar.44	Appl., Form 8 <i>Quick</i>
952	Russo Giovanni	" " " No 2 7	" 44	Appl., Form 8 <i>Quick</i>
1098	Gazzillo Mario	" " " No.1	16 Feb 44	Appl., Form 8 <i>Quick</i>

From : Reg. Chief
1. Pursuant to appropriate order, I enclose herewith the documents listed below relating to applications for Review of Sentences.

Legal File No.	Name	Court	Date of Trial	Document
1111	Caputo Pasquale	Aversa	15 Feb 44	Appl., Form 8
987	Falcone Francesco	Sup.Ct.No.2	11 Mar.44	Appl., Form 8
		S.Maria C.V.		
1112	Garavello Roberto	S.Maria C.V.	14 " 44	Appl., Form 8
824	Ianniello Andrea	Aversa	21 Feb 44	Appl., Form 8
1051	De Stefano Amedeo	Sum.Ct.No.1	18 Mar.44	Appl., Form 8
771	✓ Romano Vincenzo	" " "	24 Feb 44	Appl., Form 8
936	Vozzo Salvatore	" " "	10 Mar.44	Appl., Form 8
952	Russo Giovanni	" " "	No 2 7	44 Appl., Form 8
1098	✓ Gazzillo Mario	" " "	No.1 16 Feb 44	Appl., Form 8
781	Punzetti Anna	S.Maria C.V.	21 " 44	Appl. 16
1090	Zani Carla	" "	16 " 44	Appl.
1067	✓ Zuccarino Luigi	Sum.Ct.No.1	13 Mar 44	Appl., Form 8
57	Palumbo Antonio	Sup.Court	21 Dec 43	Appl., Form 8

Information requested by A.C.C. attached.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

ETK/pv
3/6136/L

27 March 1944

Subject: Transmission of Enclosed Document
relating to Review of Sentence.

To : Chief Legal Officer, A.C.C., Salerno.

From : Regional Legal Officer, Region 3.

1. I hand you herewith Application
of RAO Antonio. Form 8 in this case was forwarded
to you 17 March 1944 in the Appeal of CAMPOCHIARO
Ernesto.

2. Since this Application was received
in this office subsequent to the mailing of
Form 8 in connection with the other Appeal above
mentioned, same is now delivered to you for
consideration.

For the Regional Commissioner:

Neil C. Baker
NEIL C. BAKER,
1st Lt., Q.M.C.,
Assistant Adjutant.

HEADQUARTERS

SECTION 2, ALLIED COMBAT COMMISSION
A.P.O. 194, U.S. Army

3411

17 March 44

SUBJECT: Transmission of Inclosed Documents relating Review
of Sentences.

TO : ~~Chief Commission~~ Allied Control Commission.

I. Pursuant to appropriate order, I enclose herewith
the documents listed below relating to applications for Review
of Sentences.

Legal File No.	Name	Court	Date of Trial	Docu- ment
396	Giuseppe Lino	Aversa	12 Feb 44	Appl., Form 8
976	Salvatore Giovanni	Fulciano di Gerinole	1 March 44	Appl., Form 8
974	Guarino Antonio	Aversa	28 Feb 44	Appl., Form 8
804	Andreassi Stefano	"	21 "	Appl., Form 8
795	Vaccalini Raffaele Caserta and Natali Antonio	"	26 "	Appl., Form 8
795	Ponticelli Carmine	"	26 "	Appl., Form 8
893	Tolanga Giuseppe	Sua. Ct. No. 1	3 March 44	Appl., Form 8
975	Brimaldi Giuseppe	Spartanice	25 Feb 44	Appl., Form 8
798	Indolo Armando	Sua. Ct. No. 2	17 "	Appl.

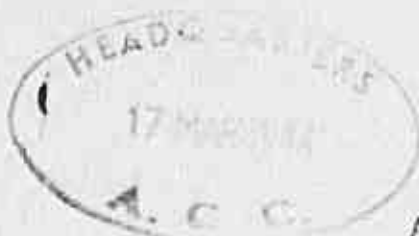
This case is now pending before A.C.C.

Legal File No.	Name	Court	Date of Trial	Docu- ment
396	Campolungro Emileto	Aversa	12 Feb 44	Appl., Form 8
976	Salomone Giovanni	Falciuno di Carinola	1 March 44	Appl., Form 8
974	Guzzino Antonio	Aversa	28 Feb 44	Appl., Form 8
834	Andronetti Stefano	"	21 " 44	Appl., Form 8
795	Vacchiarini Rutilio Jacopo	"	26 " 44	Appl., Form 8
793	and Natale Antonio	"	26 " 44	Appl., Form 8
795	Papicelli Carmine	"	26 " 44	Appl., Form 8
953	Palanga Giuseppe	San. Ct. No. 1	3 March 44	Appl., Form 8
975	Grimaldi Giuseppe	Sperandio	25 Feb 44	Appl., Form 8
758	Indolo Armando	San. Ct. No. 2	17 " 44	Appl., Form 8
	This case is now pending before A.C.C.			
773	Giovanni Marino	Pompei	16 " 44	Appl., Form 8
770	Federico Marino	"	16 " 44	Appl., Form 8

For the Regional Commissioner:

Walter Baker

1st Lt., Q.M.C.
Assistant Adjutant.



4023

U-1786
Legal

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 394

TO : C.L.O., Legal Sub-Commission, A.C.C.
(through S.L.O., A.M.G., 5th Army)

FROM : Colonel H.G. Willmer.

SUBJECT : Trial in Camera.

REFERENCE : R4/LE/Reg/J/6.

DATE : 17 March 1944.

1. I have to report that the trial of De Santis, Vincenzo, and Puccia, Antonio, on charges of espionage, was held in closed Court at Santa Maria, on 10, 11, 13 and 14 March 1944.
2. This was done on the application of the prosecuting officer, for the same reasons as were put forward in the case of Ricci, Renato, as set out in my letter of 10 March 1944, reference as above.
3. Having heard the evidence I am satisfied that it was in fact necessary to sit in closed Court in this case.

H.G. Willmer

Colonel,
President, General Military
Court.

cl B. Mook

HEADQUARTERS
AMG 5th ARMY
A.P.O. 464 U.S. ARMY
Legal Division.

339

208/CA/45.
16 March 1944.

Subject : Case of Ernesto Frinzi.

To : C.L.G., A.G.S. H.Q. Rear.

126

1083/1/2

1. With reference to your letter AGC/4033/1/L dated 28th February 1944. I return the acknowledgement of the decision on review of the above case.

2. The document referred to in the second paragraph of your letter was compiled by the C.A.G. in charge of the Communes where the 35 FS of 38th Div operated. The officer who was in command of that section has now been transferred from the Division, and as the relations between the security sections and AMG in X Corps are not very satisfactory I request no further action be taken in this case.

J. M. Shields
Lt. Col.

J.V.M. Shields.
Lt. Col.,
Senior Legal Officer.
A.M.G. 5th Army.

Copy to 208/CA/13.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

14 March 44

Ref: 2201/58/1

SUBJECT:- War Treason

TO :- C.J.O. Legal Subcommittee ACC - SALERNO -

1. Following upon investigations to be completed with the SIB at Salerno, Capt. Moodie CAPO Calabria will shortly call on you regarding the prosecution of what might be a very serious case at Catanzaro, of conspiracy against the Allied forces.
2. It is submitted that the case could not suitably be tried even by an Italian Military Court, but it is feared it could not be tried by AMG. Court either, so that trial will almost certainly have to be by Court Martial and based on MML. Amendment 12 Section 445.
3. May instructions please be given after you have discussed the case with Capt. Moodie?

DSK
D.E.S. COUSINS, Lt. Col.
R.L.O.
REGION II

TO G.L.O. HQ AGO.
 FROM HQ Region 5 A.M.G.
 SUBJECT Petitions for review
 REF R5/511/14
 DATE 21 March 1944

1 Herewith petitions for review from 6 accused who were tried jointly at Lucera, Foggia Province, on 26 Feb. The accused are Bartolino Mario, D'Impero Emilio, Pescara Paolo, Pescara Mario, La Cava Michele and De Vito Vincenzo.

2 The Form 8 was completed by RLO from Summary Court Record Book.

3 There appeared to be no substance in the appeals, although there was no evidence at the trial to show the value of the tyres.

For Regional Commissioner

W. E. Reynolds

W. E. REYNOLDS
 Lt. Col.
 R.I.O.

4. Also herewith a similar petition from Siano Ferdinando, completed as in para 2 above.

14

23 MAR 14

2174

2199

336

19 March 44

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref: 2201/55/G

SUBJECT:- Review of Cases

TO :- Chief Judicial Officer
Legal Sub-Commission Salerno.

8-2
1085
8-2
1084

SANTOPOLI, Francesco	}	(C/L/15 - Feb 11)	✓
ARCIDIACONO, Orazio			
GALLUZZO, Rocco		(C/L/14 - Feb 11)	✓

Case Records, with petitions annexed, are enclosed for review by you.

or
Jackman
 D.E.S. COUSINS, Lt. Col.
 R.L.O.
 REGION II

TO CEC HQ ACC
 FROM HQ Section 5, A.M.G.
 SUBJECT Petitions for review.
 REF RS/511/14
 DATE 18 March 1944

(335)

- 1 Herewith for review cases from Cerignola, Foggia Province:
- | | |
|------------|-----------|
| PORTABELLO | Francesco |
| VERCHIO | Antonio |
| LO STAGLIO | Nicola |

2 The case of Lo Staglio was forwarded on 6 March when I stated that GERS showed he had pleaded guilty. The Form 8 herewith records a plea of not guilty.

W.D. Reimers

W.D. REIMERS
 Lt. Col.
 A.M.G.

R

TO CDO HQ ACC
FROM HQ Region 5 A.M.G.
SUBJECT Petitions for review.
REF E5/511/14
DATE 18 March 1944

335

- 1 Herewith for review cases from Cerignola, Foggia Province:

POSTALIZZO	Francesco
VIRCHIO	Antonio
LO STAGLIO	Nicola

2 The case of Lo Staglio was forwarded on 6 March when I stated that GORB showed he had pleaded guilty. The Form 8 herewith records a plea of not guilty.

W. E. BEHRENS

W. E. BEHRENS
Lt. Col.
R.I.C.

8

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

K/jpl

5 April 44

334

AOC/4083/1/L

Subject : Matera grain cases.

To : RLO. (thru RC) Region II

1. In accordance with the procedure agreed upon your recent visit to this H.Q., (April 4, 1944) sentences in the Matera grain cases have been suspended on payment of fine irrespective whether an appeal has been taken or not.

2. The records are returned herewith.

GERALD R. UPTON

Colonel.
Chief Legal Officer.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

GRU/Jpl

5 April 44

ACC/4083/1/L

Subject : Captain DOMINICI, CONR.

To : Executive Commissioner.

1. Reference your letter 352/42/CA, dated 2 April 44.
2. Herewith copy of our letter ACC/4083/1/L dated 27 Feb. 44.
3. No doubt you have received letter from Region II, 2201/55/A, dated 28 March 44 with reference to para 1 thereof this case was referred to this H. Q. by Region II for a decision as to the proper tribunal and with no hint that any particular decision would for local reasons be desirable. On the contrary Colonel Pollock of this Sub-Commission discussed the matter with the officers on the spot and on receiving his verbal report it was decided in pursuance of the usual policy that Italian Army Officers should normally be tried by their own tribunals, to hand the case over to the Public Safety Sub-Commission for transmission to CCPR. One factor that influenced this decision was the delay of over two months in handling the case by local AMG officers before referring the matter to HQ, A.C.C., coupled with the restoration of territory. It is not understood how handing the matter over to an Italian Tribunal can possibly be used as a ground for supposing that AMG were trying to hush the matter up, the reverse must inevitably be the case.

GERALD R. UPJOHN

Colonel
Chief Legal Officer.

Encl: 1 letter.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

332

Ref/352/42/CA.

2 April 1944

SUBJECT: Capt. Dominici, CCRR

TO : V.P. Admin. Section (for Legal Sub-Commission)

1. This Headquarters has no record of your letter ACC/4083/1/L of 27 February 1944, relative to to the above named person.
2. Will you please supply us with a copy of same.

for
Norman E. Fiske
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

RHQ/jpl

1 April 44

ACC/4083/1/L

Subject : Case of MALONE, Giuseppe di Pietro
To : SLD, AMG, 8th Army.

1. Reference P.S.L.O.'s letter C.P./LEGAL/18, dated 22 Mar. 44 and forwarded by SLD 27 Mar. 44.
2. The conviction and sentence in this case are quashed.
3. The brother (TITO) admits to having taken the wire, attached it to the yoke, and left it where found. There appears to be no evidence that the house belonged to the accused more than the rest of the family.
4. In these circumstances it is not clear why he was not acquitted and his brother arrested and charged in his place.
5. Also note the various spellings of the name of the accused as found on the attached papers.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

RHW/jpl

Subject : Case of FIOHITTO Alfonso fu Carlo.

1 April 44

To : SLO, AMG, 8th Army.

1. Reference P.S.L.O.'s letter C.P./LEGAL/12, dated 24 Mar. 44 forwarded by SLO 28 March 44.
2. The conviction and sentence in this case are quashed and a new trial is ordered.
3. The file contains no synopsis of evidence and the trial judge appears to have acted largely on intuition.
4. The entire case should be examined and new charges should be properly prepared and served on the accused. It may be found that the charges will warrant trial by a Superior Court.
5. The remarks of the S.L.O. concerning the fact that the trial judge in this case does not possess judicial temperament and that it is desirable that his judicial efforts be limited to Summary Court cases have been noted. If the officer lacks judicial temperament it is highly questionable whether the should try any cases at all for an unsuitable Summary Court judge, sitting alone, has within his power wide opportunity for error, even more than the same individual sitting as a Superior Court with on other officer who could be a stabilizing influence. The S.L.O. will have to make the final decision in this matter.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

RHW/jpl
1 April 44

Subject : Case of 1. FALASCA Elia
2. DI FRANGIA Nicola.

To : SLO, AMG, 8th Army.

1. Reference P.S.L.O.'s letter C.P./LEGAL/18, dated 22 Mar. 44 and forwarded by the SLO 27 March 44.
2. The conviction and sentence in the first case are confirmed, ~~by~~ the unserved balance of the sentence is suspended. This is done at the suggestion of the Trial Judge, the P.S.L.O.
3. As to the second case, the conviction and sentence are confirmed but the sentence of imprisonment is suspended after three months shall have been served. This action is taken at the suggestion of the P.S.L.O.
4. The trial judge after sentencing these two accused persons recommends reduction. This practice is not encouraged. Particularly where sentences are for comparatively short periods and no question of urgent security is present trial judges should give what they think are proper sentences to begin with.

RICHARD H. WILDER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

FHW/jpl

ACC/4083/L/L

1 April 44

Subject : Case of LAZZARO Matteo di Antonio

To : SLO, AMG, 8th Army.

1. Reference P.G.L.O.'s letter C.P./LEGAL/13, dated 24th March 1944.
2. The conviction and sentence in this case are affirmed although the record as a whole is not entirely satisfactory. There is included a statement of one MOROSO Leonardi the purpose of which is not clear or in a persuasive form. First it does not relate to the accused and second it is entirely in English, it appearing only that it was translated in Italian to the witness before he signed the statement. Unless people signing statements readily understand English the statement should be in Italian with translation attached.

RICHARD H. WILMER
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

327

ACW/jpl

1 April 44

ACC/4083/1/L

Subject : Case of Patricelli Pietro di Orazio

To : RLO (thru AC) Region III

1. The sentence and conviction are affirmed.
2. The sentence in this case appears to be very lenient in view of the fact that the accused stole the potatoes from the Army truck which he was employed to drive.
3. The attention of the Judge should be called to this fact.

A.C. WRIGHT
Major
for Chief Legal Officer.

2446