

Z DATA

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

785016

ACC

10000/142/571
(VOL. 4)

2448

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

785016

REVIEW OF AMG CASES
APR., MAY 1944

2/571

2449

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

288

ACC/1082/L/L.

vol. 4

OPENED : 1 May 1944
CREATED : 21 May 1944
No. 482
M. 967

SEARCHED : INDEXED : SERIALIZED : FILED

2450

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

1000 | 142 | 571

THIS FOLDER
CONTAINS INDEXES
FROM 1944
TO 1945
CATALOGUE

80

483	18 Apr. 44	F/ RLO Reg. III	2201/56/G
484	29 Apr. 44	F/ DRLO Reg. V	R5/511/L4
485	1 May 44	PC. Pletti Prov.	No. IV
486	2 May 44	SLO 8th Army	C.O.P./Legal/10
487	3 May 44	RLO Reg. III	208/CA
488	3 May 44	Lt. Col. Phillips	
489	3 May 44	Italian Liaison Section	
491	4 May 44	RLO Reg. III	
492	4 May 44	RLO Reg. III	
493	4 May 44	RLO Reg. III	
494	4 May 44	F/ Adjut. Reg. III	
495	6 May 44	SLO 8th Army	
496	6 May 44	RLO Reg. III	
497	8 May 44	Adjut. Reg. III	
498	26 Apr. 44	F/ RLO Reg. 5	R5/511/14
499	6 May 44	F/SLO 8th Army	C.O.P./Legal/18
501	3 May 44	F/ RLO Reg. III	L/3020
502	5 May 44	F/ RLO Reg. III	CIV/Legal/13D
503	10 May 44	F/ SLO 8th Army	L/3028 A.
506	8 May 44	F/ RLO Reg. III	L/3029
507	10 May 44	F/ Adj. Reg. III	
508	11 May 44	SLO 8th Army	OM/19
509	12 May 44	F/ Adj. Reg. III	L/3029
510	12 May 44	RLO Reg. III	F/511/14
511	13 May 44	RLO Reg. III	HLZ 013.04/FLT
512	14 May 44	RLO Reg. 2	
513	13 May 44	RLO Reg. 2	
514	12 May 44	RLO Reg. 1	
515	17 May 44	RLO Reg. 1	
516	17 May 44	RLO Reg. 3	3/613b/L
517	19 April 44	F/ Adj. Reg. III	4/03/1
519	20 April 44	F/ Lt. Morris, Summary Court	R5/511/14
520	5 May 44	F/ Reg. 5	*
521	6 May 44	F/ Reg. 5	*
522	14 May 44	F/ Reg. 3	L/3029
523	14 May 44	Reg. III	OM/13
524	14 May 44	F/ 8th Army	L/3029
525	17 May 44	F/ reg. 3	L/3029
526	19 May 44	F/ reg. 3	
527	19 May 44	8th Army	
528	19 May 44	8th Army	
529	21 May 44	Reg. 3	
530	21 May 44	Reg. 2	OM/13
531	21 May 44	Reg. 2	
532	22 May 44	SLO 8th Army	
533	25 May 44	RLO Reg. 3	L/3031
534	26 May 44	Adj. reg. 3	L/3029
535	22 May 44	Adj. reg. 3	
536	23 May 44	"	
537	23 May 44	RLO Reg. 3	

2453

Declassified 5.0. 12356 Section 3.3/NND No.

785016

Return of papers.
Lia. CARIGUE
Liaison officielle
Present Government
U.S. - contre - Martials
Fortunato - Frenchini
Receipt of remittants.

561 28 may 44 P.D. Naples
562 20 May 44 suo dth 6/4
563 30 May 44 suo neg. 5
564 30 May 44 P.D. Seleno
565 30 May 44 ROMA sec. 200
566 30 May 44 R.D. 3
567 31 May 44 suo dth 6/4
568 30 May 44 suo dth 6/4
569 30 May 44 suo dth 6/4
570 30 May 44 suo dth 6/4
571 28 May 44 P.D. Naples

2 4 5 4

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

785016

FROM No. 483

TO No. 567

2 4 5 5

Declassified E.O. 12356 Section 3.3/NND No. 785016

785016

31 May 44

Received from General Latella
exhibits in matter of Tortoreto et al,
as described in letter # ACC/4083/1/2, dd 30 May 44,
subject "case of Tortoreto, Boraventura and Marchini
Plowmen".

Carl G. Burns
1st Lt - A.C.
P.L.O., Salerno.

78

2456

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

785016

REGIMENTAL
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 374

/jpl

AGG/A083/1/1

30 May 44

50b

Subject: Case of PONTIAGO Bonaventura
MUSCHINI Domenico

To : Regional Legal Officer, Region 3.

1. Herewith the record in the case of PONTIAGO Bonaventura and
MUSCHINI Domenico. The case has been reviewed and the convictions and
sentences affirmed.

2. To save work the following exhibits.....P-7

P-7A

P-8

P-9

P-10

have been forwarded direct to your P.L.O. at Salerno for action in accordance
with the order of the Court. (Copy Attached.)

Copy to:

Provincial Legal Officer,
Salerno.

Please acknowledge receipt of above named exhibits.

GERALD R. UPTON, Colonel
CHIEF LEGAL OFFICER

77

2457

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

785016

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

AOO/h033/1/L

30 May 44

524

Subject: Case of PIOMBO Giovanni.

To : Provincial Legal Officer, Salerno.

1. The case of PIOMBO Giovanni was reviewed on 26 April 44.
2. Our records show that he was co-defendant with one LANGELO Lorenzo, having been charged with Damaging of wires.
3. On Review, the sentence imposed by the court was affirmed, namely:
LANGELO..... 12 months imprisonment.
LANGELO..... 12 months probation, reporting weekly to O.A.P.C.
4. No Pet. for Pardon has been received: but see Consolidated Instructions Art 33 (3)

GERALD R. UPTON
Colonel
Chief Legal Officer.

76

2458

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

785016

REAR HEADQUARTERS
ALIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

1/jpl

43

AOC/4083/1/L

Subject: Case of M. J. Achille.

30 May 44.

To : Regional Legal Officer, Region 5.

34

In answer to R/511/14, dated 26 May 44

1. The record of this case is not, and never has been, at this H.Q. nor is it known where the record is.

2. It is much regretted that it is not possible to give a more helpful answer.

lc

GERALD R. WIGGINS
Colonel
Chief Legal Officer.

15

2459

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

785016

NEAR HEADQUARTERS
ALLIED COMINCH COMINT RM
Legal Sub-Commission
AMC 394

1/jpl

5bV

AMC/4023/1

3 b m a c y y

Subject: Trial Judge.

To : Senior Legal Officer, AMG 8th Army.

The records of cases tried by Lieut. P. GARIGUE are not generally satisfactory. Would it not be better to have him relieved from trial work?

Copy to: 4083/1

RICHARD H. WILDER
Colonel
Deputy Chief Legal Officer.

action taken
see letter
OA/13 dated 4 June 47
file 4023/2

2460

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

785016

ACO/4083/1/L

RE: HEADQUARTERS
ARMED FORCES COMMISSION
Legal Sub-Commission
AFD 374

/121

30 May 44

561

Subject: Return of Documents.

To : Provincial Legal Officer, Naples.

I "borrowed" the enclosed papers, relating to RUBBO Clotilde and
MALLAND Minzia, from the "Evening Court" some weeks ago at the time I was in
Naples and when you showed me around the Tribunali. I return them so that they
may be returned to keep your records complete. When you return them, will you
please destroy the signed receipt I gave for them.

R

J.G.H. CAMPBELL
Major
Chief Judicial Officer.

73

2461

Declassified E.O. 12356 Section 3.3/NND No. 785016

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

40

ACG/4083/1/L

30 May 44

Subject: Case of FABOZZI Antonio vs Ferdinand

To : Regional Legal Officer, Region 3.

The record of the proceedings against FABOZZI Antonio are returned herewith. Before giving any Decision on Review it is required to know whether or not the Court believed the accused when he said "The pistol did not belong to me; I know nothing of the pistol," or whether the Court was of opinion that the accused himself has put the pistol on the top of the cupboard or at least was a party to its being there.

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

72

2462

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

795016

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

539

ACO/4083/1/L

30 May 44

Subject: MACHACERMANO IN ARRESTO.

To : Regional Legal Officer, Region 3.

1. The Chief Legal Officer has personally reviewed this case and requests that the trial judge be instructed to give information on the following points:

- (a) Was the defendant warned that he need not testify unless he chose to?
- (b) Did the defendant refuse to testify?
- (c) Was the defense counsel permitted to continue after the interruption of his 2nd witness' testimony, or was that all the evidence he had to offer.

2. Please return the record with the information requested and any other particulars which will aid in the review of the case

(C)

71

RONALD R. UGORN
Colonel
Chief Legal Officer.

2463

Declassified E.O. 13556 Section 3.3/NND No. 785016

RECEIVED
REGD. I, MILITARY COMMISSION
A.M.C. 1944.

(656)

1/3029

29 May 1944

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

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

1. Pursuant to appropriate order I enclose herewith the documents listed below relating to Review of Sentences. In each of these cases the sentence exceeded 2 yrs. imprisonment or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Date of Document
1298	Bertoni Giovanni	Sup.Ct.No.5	3 April 44	Appl., Form S
3041	Costantino Aristide Castellamare	"	44	Form S
1382	Affaro Enrico	Sup.Ct.No.1	3 April 44	Appl. Form S in this case has been sent to A.M.C. 2 May 44

For the Regional Commissioner:

John Baker
Adj't., Q.M.C.
Adj'lant.

215/PV

2464

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

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LAW COMMISSION
APO 394

GRU/pa

551

29 May 1944

AOO/4003/L.

SUBJ ACT : Action of P.S. personnel at PIEMONTE.

TO : R.C. and L.G. Section.

1. Proceedings against SCAR-I Oriente have recently been before this sub-Commission for review in the normal course. The proceedings took place at Villa Santa Maria, Province of Chiavi on 20 April 44. In the course of review it appeared that two Field Security men or NCOs at Pizzoferrato on 15 March 1944 gave an "authority" to the sindaco to make a census and requisition food and to constitute a committee to fix maximum prices for requisitioned goods. A translation is attached as app. "A". The names of the persons signing the "authority" are not clear but they appear to be MINISTRI, S.t. or Sgt.maj. and SAUCON, Sgt.maj.

2. As a result of such "authority" a committee was formed by the sindaco and its duties defined. See translation at AOO."B".

3. The above is brought to your notice, and a spare copy of Appendices A and B attached, in case you think fit to take up the question of the conduct of the Field Security personnel, whose conduct seems to be most irregular.

(Signature)
GERALD R. UPJOHNS,
Colonel,
Chief Legal Officer.

69

2465

Declassified E.O. 12356 Section 3.3/NND No. 785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

555

ACC/4003/1/L

22 May 41

Subject: SCARCI Oriente.

To : Senior Legal Officer, A.M., 8th Army.

The conviction of SCARCI Oriente has been quashed on the following grounds:

- (a) The charge is under Pro 2, II.(4), which makes it an offence wilfully to disobey an order given under authority of the Allied Forces.
- (b) The particulars do not allege any wilful disobedience of any order, but rely alleges that the accused did not permit the Sindaco to carry out an order.
- (c) Apart from the difficulty on the wording of the particulars (which could have been ignored as the charge itself makes clear the nature of the alleged offence), there was no wilful disobedience of any order; in fact, there was no order in the document signed by the Sindaco and the other members of the committee which could be disobeyed.

S.H.J.
GERALD R. UPJOHN
Colonel, Chief Legal Officer.

File

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/spl

55+

28 May 44

ACC/4083/1/L

Subject: Case of MANZO, DI SILEVPO & others.

To : Regional Legal Officer (thru RC) Region 3.

1. Your attention is drawn to the proceedings against MANZO, LANZETTA, DI MAURO & TUPAIO which is returned herewith.

2. The convictions and sentences have been affirmed.

3. MANZO & LANZETTA are each sentenced to a fine of 50,000 lire (or in default 1 year of imprisonment) and to 2 years of imprisonment suspended during good behaviour for 3 years.

lme

The other 3 accused are each sentenced to a fine of 150,000 (or in default 3 years of imprisonment) and to 3 years of imprisonment suspended during good behaviour for a period of 0 years.

From the facts as they appear on the record these sentences are not appropriate. All the accused were traffickers in blue seal dollars at the rate of 1 dollar to 1,600 lire. Three of the accused also attempted to bribe allied soldiers to release them from arrest.

4. It is considered that imprisonment is the proper punishment for such offences; a fine is inadequate and may tend to encourage other offences with a view to recoupment of the amount of the fine.

Further, to suspend a sentence of imprisonment during good behaviour for a period of 8 years is to say the least of it, unreasonable.

GERALD R. UNJOHN
Colonel
Chief Legal Officer.

b7

2467

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

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/3pl

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ACC/4050/1/L

28 May 64

Subject: Case of RAZIENZA Giuseppe and MASSA Cristina

To : Senior Legal Officer, AGO 8th Army.

The conviction in this case was quashed only with reluctance. The reason for the conviction is as pointed out by Major WILSFORD: namely that RAZIENZA and MASSA were charged with assisting two other Italians in their attempt to cross the R. Sangro. However, the Court (erroneously) acquitted the two other Italians on the ground that there had been no attempt; it follows that RAZIENZA and MASSA could not have assisted in an attempt which never took place.

P. H. G.
GERALD P. UPTON
Colonel
Chief Legal Officer

b5

2468

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

785016

RE A HEARINAY
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/DOB/3/1/L

27 May 44

55V

Subject: Case of BUCINO Federico

To : Regional legal Officer, (thru RG) Region V.

1. Record in the above proceedings returned herewith.
2. It is noticed that on the annexure to form S the sentence imposed on Buccino is 1 year of imprisonment while the form 11 shows that the sentence is 1 year and 20,000 lire fine. Please check and make any necessary amendment.

R.H.G.

GEORGE H. UPTON
Colonel
Chief Legal Officer

Enclo: 1 record.

b7

2469

Declassified E.O. 12356 Section 3.3/NND No. 785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

(55)

ACC/4083/1/L

27 May 44

Subject: Proceedings against CANTIGATO Agostino

To : Regional Legal Officer, (Thru RG) Region 3.

1. The charges in these proceedings are bad for want of particulars:-
charge 1 alleges that the accused "did conspire or advise, assist in or procure the commission of an act constituting an offence...."; it gives no particulars of the act or what offence such act constituted.
Charge 2 alleges wrongful possession of property; it gives no particulars of the property.
Charge 3 alleges that the accused "did act prejudicially to the good order of the Allied Forces or any member thereof"; it gives no particulars of the act.

2. This is by no means the ONLY case seen on review at this R. Q. in which the charges are unsatisfactory; see particularly the proceedings against PIG-MALIA Gennaro. (the subject of another letter)

3. It cannot be permitted that people be brought to trial, especially in Superior Court, without proper charges. It is requested that you will take up the point strongly and ensure that in future charges are properly drawn.

4. In spite of the badness of the charges, it is not wished to quash the case, if this can be avoided. The principal evidence for the prosecution appears to have been a signed statement by the accused (Exhibit 1). This does not appear to be with the papers and it is requested that it may be forwarded with the papers, which are returned herewith.

5. Incidentally, it appears from the judges notes that the prosecution witnesses were in court before giving evidence-see one or the two pages 2 in the record. Will you please check that the practice laid down in Consolidated Instructions Art. 20 (at foot of page 20) is now being followed.

H. H. Upjohn
OSWALD H. UPJOHN
Colonel
Chief Legal Officer,

b

2470

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

785016

Rear Headquarters
Allied Control Commission
Legal Sub-Commission
APO 394

(550)

A/C/4003/1/L

IC/jpl
May 44

27

Subject : PARTE Giuseppe di Nicola & others.

To : Senior Legal Officer, A.A.C., 8th Army.

1. The "record" in this case is in a deplorable condition; indeed it may be said to be non-existent.

2. The charge against some accused is of taking part in a public demonstration or assembly not authorised (Proc. 2 Art. 2 Section 32); and against some others there is an additional "curfew" charge.

In this connection the two following comments arise:-

(a) a charge under Proc. 2, Article 2 Section 32 is not very apt in the circumstances of the case.

(b) If the prosecution's contention was that all the accused took part in the fight, then all or none of them must have been out after curfew.

3. There is no note whatever of any evidence: only a list of prosecution witnesses, without any hint of what evidence they gave either in chief or under cross examination: there is even less information as to evidence (if any) for the defence.

4. In the particular case of PARTE Giuseppe (convicted on by the PLO Campobasso) it is impossible to discover on what reasonable grounds he could be found guilty on the first charge, in view of the Carabinieri report "we think he was also present in this riot but no one saw him": Further, the remarks of the officer who tried the case suggest that he was convicted chiefly for "curfew"; but nevertheless he was sentenced to 6 months - the same as the others.

5. All reasonable allowances are made for operational considerations (when they exist); but this case, one of some seriousness, was tried by a QAO in February. It is realized that the officer who tried the case has been posted elsewhere, and therefore the question cannot be taken up with him; but it is considered that the state of the record is such as to merit the above general comments. Records must be kept properly: this means constant supervision by your R.C., over Provincial Legal Officers, and by Provincial Legal Officers over QAOs.

GENERAL R. W. JOHN
Colonel
Chief Legal Officer.

2471

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
A/C 394

/jpl

(549)

ACC/4083/1/L

27 May 44

Subject: Review of Court Case Bruno Vincenzo et al.

To : Regional Legal Officer (thru Regional Commissioner) Region 3.

1. This case is a serious one, but the record is in very bad shape.

(a) There are no proper charges. The accused took different parts in the alleged offense, but they are all charged in the same way. The charge merely reads "Violation Sec. 2, Art I, Sec 11-30: Paid 50,000 lire for 7,000 lb. of flour Allied Property." Sec 11 is "stealing"; Sec 30 is "uttering speech or words hostile or disrespectful..."

(b) The record is extremely difficult to read. While the difficulty of taking down a full note during proceedings is well realized, judges must be reminded to make their notes legible.

(c) The Record (Form S) does not disclose the venue of the trial, the date, the constitution of the Court (From the Form 11, Major Police), the Interpreter or the Prosecutor.

2. The case as made out in Court was really (a) theft by the brothers Bruno and Imperato aided by Bevino and (b) bribery of soldiers. However in the course of the theft there was a payment of money and the sugar was obtained. Sec 11 referred to in the charge does cover stealing.

3. As no one seems to have been misled by the unusual framing of the charge, the proceedings have been affirmed.

4. Please ensure that the force of the above remarks ^{is} brought to the notice of all those concerned (particularly the Prosecutor's office) and that the Form S is duly completed.

P.W.J.

b1
b2

GERALD H. UNION,
Colonel,
Chief Legal Officer.

2472

Declassified E.O. 12356 Section 3.3/NND No. 785016

✓
HOB3

(548)

HEADQUARTERS
SECTION 3, ALLIED CONTROL COMMISSION
A.C.C., 304, U.S. Army

1/3029

26 May 1944

Subject: Transmission of Enclosed Documents relating to applications for 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 Review of Sentences. All of these cases the sentences exceeded 2 yrs. imp. except one case returned at the request of A.C.C.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1411 ✓	Coppola Salvatore	Sum.Ct.No.3	21 Mar 44	Appl., Form 8
3010 ✓	Camerlingo Francesco	Sup.Ct.No.5	26 Apr 44	Appl., Form 8
3016 ✓	Iorio Vincenzo and Picardi Vincenzo	" "	25 " 44	Form 8
3017 ✓	Delle Donne Anna	" "	5 24 " 44	"
3018 ✓	Perrucci Alfredo	" "	24 " 44	"
3019 ✓	Mauriello Santillo	" "	25 " 44	"
3020 ✓	Giliberti Gennaro	" "	24 " 44	"

61

For the Regional Commissioner:

Walt Baker
W. C. BAKER,
1st Lt., Q.M.C.,
Adjutant.

ETM/pv

2473

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

785010

TO	Mr. G. L. Renn	RECEIVED	26-4-1941.
FROM	Mr. B. C. S. O.	RECEIVED	
SUBJECT:	RECEIVED	RECEIVED	
REMARKS:			

THE READING OF THE BIBLE

Mr. Wm. H. Miller, of New York,
has been engaged to speak at the
inauguration of the new building
of the New-York State Normal
School, at Albany, N.Y., on the
15th of October, 1853.

2474

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

785016

Court in Campobasso town and on 3 December 1943 he was sentenced to prison for the wrongful possession of firearms. This information was obtained from the son and it is not known whether there were other charges or not. He advises that his sentence was reduced to 1 year on review.

4. 8th Army HQ... 8th Army HQ... advised that they have forwarded all records to the Province and they do not include this case.

From the date of this case it appears that it was eventually in the jurisdiction of the 15 Army Group and we are interested to learn where the 15th Army records may be found or whether you have any record of this case.

For the Region Commissioner

To whom it may concern
I am a former member of the U.S. Marine Corps
and I am attached to the 15th Army Group
in Italy. I am now in the United States
and I am looking for my records.

by A.H. BROWN
A. H. Brown
Lt. Colonel
D.B.I.C.

APR/21

one copy
place

One copy
place
for papers
Corporal
obligation

14EN 10

STP

2475

RE R HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APR 3/4

546

ACC/403/L

25 May 44

Subject : Proceedings against PIGNALOSA Gennaro & CONTE Anna.

To : Regional Legal Officer, (trru RC) Region 3.

1. The personal attention of the R.L.O. is directed to this case.

2. The record on file face is unsatisfactory. On the form 8 relating to CONTE Anna there is no note of finding or sentence. On the form 8 relating to PIGNALOSA there is a finding of GUILTY and a sentence of 5 years is imposed—but there is nothing to indicate whether this finding and sentence relate only to PIGNALOSA or also to CONTE Anna whose name has been added (obviously in different ink) on the first page of form 8.

The record must be completed properly.

3. The charge against the accused CONTE Anna is that the defendant "did wrongfully have in his (sic) possession.....a quantity of medical supplies (see attached statement)." No list is attached to the charge sheet. There are two lists-exhibits 1 & 2: was the accused charged with possession of the articles in both these lists or only one?

4. What evidence was adduced to prove that the accused CONTE Anna was in possession of any of these articles? Apparently Lt. Roy was told (see page 2) that the stable belonged to one CONTE: the witness SEMONE suggests that the stable was the property of the accused (page 6) but the same witness in cross-examination said that he "did not know who used the stable in which CONTE was used (sic). His stable is about 150 yards from stable where property was found. Until now CARMINE CONTE used stable where property was found."

In this connection it is to be noted further that the accused PIGNALOSA in his evidence (page 7) said that "the stable where the property was found was rented to CARMINO Conte—accused CONTE did not go to the stable."

5. There is nothing to show the identity of this CARMINE Conte: is he the husband of the accused?

6. Apart from the above, there is nothing to show that the accused CONTE was ever in possession of the property.

7. A report is therefore required stating:

- (a) what list was attached to the charge sheet.
- (b) whether CONTE Anna was acquitted or convicted; and
- (c) if she was convicted, what evidence was adduced to prove her possession of the articles.

2476

- 2 -

545

8. As to the proceedings against PIGNALOSA Gennaro, the charge is that he did "assist in or procure the commission of an act constituting an offence under Proc 2 particularly Art. 2 sec. 40 thereof." The charge is bad for want of particulars, in that it does not specify what "act" he is supposed to have assisted in or procured; he is charged separately from CONTRA Anna, so the act cannot even be linked up with the subject matter of the charge against her.

9. In view of the points raised above, the decision on review is postponed until the report asked for in para 7 above and any other comments are received.

RHW

GERALD W. UPHAM
Colonel
Chief Legal Officer.

545

2477

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

(544)

L/3029

3 May 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
Review of Sentences. In each of these cases the
sentence exceeded 2 yrs. imprisonment.

<u>Legal File No.</u>	<u>Name</u>	<u>Court</u>	<u>Date of Trial</u>	<u>Docu- ment</u>
✓ 1616	Marotta Antonio	Sup.Ct., Nola	23 Mar 44	Appl., Form 8
1617	Forlino Vincenzo and Terracciano Luigi	Sul.Ct.	" 23 Mar 44	Appl., Form 8

For the Regional Commissioner:

37
Jeff C. Baker
Jeff C. BAKER,
1st Lt., QMC.,
Adjutant.

ETK/pv

2478

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

785016

Rear Headquarters
Allied Control Commission
Legal Sub-Commission
APO 374

/jpl

ACC/4083/L/L

Subject: Petition for appeal in the case of

- 1.DI IORIO Nicola
- 2.DI IORIO Vincenzo
- 3.DI Marino Angelo
- 4.DI Marino Casillo
- 5.Matsle Vincenzo
- 6.DAHLMI Antonio
- 7.GUGCHIWI Nicola

To : Senior Legal Officer, AMG 8th Army.

26 May 44

543

1. Returned herewith "duplicates" in the above mentioned cases.
2. The cases were reviewed and forwarded to your H. Q. on 21 May 44.
3. A receipt acknowledging the receipt of the records was received at this H. Q. 25 May 44.

/e

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

55

2479

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

785016

ARMED HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/JPL

ACC/4083/1/L

26 May 44

542

Subject : Record of Proceedings against SALENNO Giuseppe

To : Regional Legal Officer, (thru RC) Region 2.

1. Will you please be good enough to forward to this H. Q. the record of the proceedings against SALENNO Giuseppe, sentenced on or about November 1943, in Salerno.

2. Regional Legal Officer, Region 3, has informed this H. Q. that the said record was among a group of cases forwarded to you by the Provincial Legal Officer, Salerno, under date of 17 May 44.

3. Your assistance in this matter will be appreciated.

55

GERALD R. (JPJOHN
Colonel,
Chief Legal Officer.

2 4 8 0

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

785016

DEPARTMENT OF DEFENSE
ALLIED COMINT COMMAND
Legal Sub-Command
APG 3/4

539

ACU/4083/1/L

TO/jpl
22 May 64

Subject : Proceedings against GIAME Salvatore

To : Regional Legal Officer, Region III.

The following information is requested:-

1. The name of the officer or officers who comprised the Superior Court.
2. Who wrote out the "Pleas," "Findings of the Court" and the "Sentence of the Court" on the 4th page of the form A.

Enclo : Record of
GIAME SALVATORE.

GERALD R. UNION
Colonel
Chief Legal Officer.

file

2481

Declassified E.O. 12356 Section 3.3/NND No. 785016

4083

53b

HEADQUARTERS
REGIONAL ARREST CONTROL COMMISSIONER
A.P.C. 194, U.S. ATOM

1/1000

22 May 1944

Subject: Record of Proceedings ... vs.
GALLINO Giuseppe.

To : Chief Legal Officer, Legal Sub-Commissioner, Salerno.

516

1. Reference is made to your communication AGO/4000/1/2, 17 May 1944, relative to the above subject.

2. Under date of 22 May 1944 I received a letter from 1st Lt. Carl C. Bandy, Provincial Legal Officer, Salerno, in which he stated that he had located 216 Court case files at Salerno. In looking over the list of the cases which he located I find the case of the above subject listed among said cases. These cases were forwarded to R.I.O. Region 2, on 17 May 1944.

3. This office is not in possession of any Salerno court case files.

By order of the Regional Commissioner:

John W. Chapman
JOHN W. CHAPMAN,
Col., J.A.C.,
Regional Legal Officer.

DTK/pv

2 4 8 2

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

785016

file
PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

IC/jpl
22 May 44

537

Subject : Case of CIOTOLA ANTONIO di Luigi.

To : Regional Legal Officer, Region III.

1. Your attention is drawn to the record in this case.
2. It is almost illegible; but even when deciphered it does not convey (to any of the officers here who have read it) a reasonable impression of the case. In particular, had the accused really got 5,000 rounds of ammunition when arrested?
3. If any further records are submitted by the officer who presided over this Superior Court in a condition resembling this record, it will be necessary to withdraw his permission to sit alone as a Superior Court.
4. Meanwhile, will you please obtain from him and forward a short statement setting out clearly the important elements of the case.
5. Returned herewith the Record of the proceedings against CIOTOLA Antonio.

Sgd Col. R. E. Wilmer, D.C.L.O.
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

5

2483

Declassified E.O. 12356 Section 3.3/NWD No. 785016

HEADQUARTERS
REGION I, ALLIED COMINT COMMISSION
A.E.C. 174, U.S. Army

(53L)

1/3029

23 May 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
applications for Review of Sentences. In each of
these cases the sentences exceeded 2 yrs. imp.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 1048	Vello Pugliese	Sup.Ct.No.5	1 May 44	Appl., Form C
1079 ✓	De Mauro Alberto	" " "	" 30 Mar 44	Appl.
" ✓	Miranda Carmela	" " "	" 30 Mar 44	"
" ✓	Sinfuso Ambisole	" " "	" 30 Mar 44	"
				Form C in this case has been sent to A.C.C. 19 May 44
1751	Cistola Antonio	Sup.Ct.No.5	21 Apr. 44	Appl.
				This case is now pending before A.C.C.

For the Regional Commissioner:

Neil L. Baker
Capt. U.S. Army
1st Lt.,
Adjutant.

ENR/PV

2484

Declassified E.O. 12356 Section 3.3/NND No. 785016

4083/1

HEADQUARTERS
REGION 3, ALLIED COMINCH COMMISSION
A.P.C., 304, U.S. Army

535

1/3029

22 May 44

Subject: Transmission of Enclosed Documents
relating to applications for Review
of sentences.

To : Chief Legal Officer, Legal Sub-Commission,
A.P.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 sentences exceeded 2 years.

Legal File No.	Name	Court	Date of Trial	Docu- ment
2044 ✓	Barbuto Espedito	Sup.Ct.	5 May 44	Appl., Form 3
2043 ✓	Monaco Bruno	" " "	5 20 Apr 44	Appl. and Form 3
1911 <i>placed with records 5/1</i>	Liongostri Giuseppe	" " "	17 " 44	Appl. Form 3 in this case has been sent to A.P.C. 17 May 44.

*joined with
case* 1452 This case is now pending before A.P.C.

For the Regional Commissioner:

51

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

MK/PV

2485

Declassified 2.0. 12356 Section 3.3/MND No.

785016

X08311

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

534

L/3029

20 May 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
applications for review of sentences. In each of
these cases the sentences exceeded 2 yrs. imp.

Legal File No.	Name	Court	Date of Docu- ment Trial
1452✓	Palmisano Damiano & Maria and Petrone Virg. O.V. cenzo	18 Apr. 44	Appl., Form 8
2040✓	Rozza Tommaso Mondragone	9 May 44	Appl., Form 8
1022✓	Faziozzi Antonio Aversa	4 " 44	Appl., Form 8
1300✓	Improto Giuseppe Sup.Ct. I	8 " 44	Appl., Form 8

read
ord weller
25/ma/44

For the Regional Commissioner:

5

Victor Baker
Victor C. Baker,
Lieut Lt., U.S.A.,
Adjutant.

LTA/pv

2486

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 354, U.S. Army

533

W^O 82
L-3031

15 May 1944

Subject: Case of JAVARONE, DAVIDO (IOVANA, DAVIDO).

To : C.L.O. Legal Sub-Commission, A.C.C.

1. The a/m case was tried on 13 April 1944 by Superior Court No. 11 Naples Province resulting in sentence of four years imprisonment.

2. I have had occasion to investigate the case independently and the facts are substantially as herein set out. The family of the accused lived in the house in which the firearms were found but had left prior to the invasion. The accused was not living at home but made his residence in Naples for approximately a year. Under these circumstances he exercised only a superficial supervision of the property. He is the youngest son of the family. The firearms belonged to an older brother who is also in German occupied Italy. The house was searched during a general search for stolen property.

3. The accused and his family are people of good standing and excellent reputation.

4. I recommend, that, in view of the circumstances, the sentence be suspended. 11

For the Regional Commissioner:

John W. Chapman
JOHN W. CHAPMAN,
Lt.Col., JAGD,
Reg.legal Officer.

JWC/mo

Encl -

Court record.

Done by
order of
24 May
K-

2487

Declassified E.O. 12356 Section 3.3/MND No. 785016

SUBJECT:

NEBRIA ALDO

HQ AMG
Rear EIGHTH ARMY

OA/13

TO: HQ Allied Control Commission (Rear)
(Attn: Chief Legal Officer)

12 MAY 44

532

Re: Attached is record of proceedings in subject case tried before
FLO CHIETI on 23 Mar 44.

2. On about 24 Apr 44, Form 11 on said case was forwarded by FLO CHIETI
to me without record of proceedings as ~~same~~ had previously been forwarded
to me.

3. At my request, you returned the attached record of proceedings to me.

4. I have no record of what became of Form 11. If you have same, you now
have all papers necessary for ~~same~~. If you do not have same, please
return record to me so that new Application for Review may be prepared.

5. I have respectfully come to the conclusion that I must keep records
of transmission of applications and of receipt of decisions and will under-
take to do so in the future. Any assistance which you can give me in this
endeavour from your end will be appreciated.

Edwin J. Mercer

EDWIN J. MERCER, Maj Ord,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
HQ EIGHTH ARMY,

3. At my request, you returned the attached record of proceedings to me.

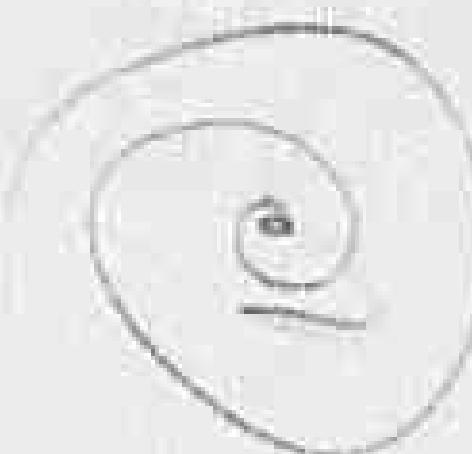
4. I have no record of what ~~you~~ ^{you} of Form 11. If you have same, you now have all papers necessary for ~~review~~. If you do not have same, please return record to me so that new application for Review may be prepared.

5. I have regrettfully come to the conclusion that I must keep records of transmission of applications and of receipt of decisions and will under take to do so in the future. ANY assistance which you can give me in this endeavour from your end will be appreciated.

Calvin Mercer

KIRWIN J. MERCER, MAJ O&R,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AGC EIGHTH ARMY.

→ Unusual responsibility for letter



2489

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

785016

REAR FM COMMANDERS
ARMED COMB'D C MMISSION
Legal Sub-Commission
APO 394

521

AOC/4053/1/1

LC/jpl
21 May 44

Subject : Record of Cases.

To : Sen or Legal Officer, A&O, 8th Army.

Ref. copy of 12 May, para 5, as to keeping records of cases forwarded.

1. Consolidated Instructions Article 30, 6 (a) provides(in effect) that records for review will be forwarded to this H. Q. when (and only when) a petition for review has been received by you or when the time for petition has expired.
2. If this instruction is complied with (and it must be complied with strictly) the problem of Records (Form 3) and Petitions (form 11) getting separated between our respective Headquarters cannot arise.
3. It is suggested that you keep a very simple register of cases forwarded in which can be entered the decision on Review when received from this H. Q. You will bear in mind that the decision is now on the Record and not on a separate form.
4. It is our wish here to do all possible to help reduce "paper work"; but it is felt that some such record as suggested (which could be kept quite easily in an ordinary exercise book) is probably essential to enable you to keep track of cases forwarded to, and returned by, this H. Q.
5. If there is any further help we can give, please write and say what it is.

k

OSWALD R. UPTON
Colonel
Chief Legal Officer.

44

2490

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

785016

REAR HEADQUARTERS
ARMED FORCES OF ITALY
Legal Sub-Commission
ATT. JUN

AOC/403/1/L

10/JPL
21 May 44

530

Subject : Proceedings against Caporino Giuseppe

To : Regional Legal Officer, Region 2.

1. This R. Q. requires the use of the Record of the Proceedings against CAPORINO Giuseppe (tried at CHIAGGIO on 12 Feb. 44.)
2. May the same be forwarded to that R. Q., please.
3. Region 3 consider removing this record.

(e)

CHARLES H. UNION
Colonel
Chief Legal Officer.

40

2491

JL
RX

PERJ: HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APR 3/4

529

ACO/1083/1/L

IC/jpl
21 May 45

Subject : Proceedings against SARMO DOMENICO and
DI PAOLI ANTONIO.

To : Regional Legal Officer, Region III.

1. It appears from the correspondence now attached to the Petition that both Region 3 and Region 2 deny possession of the record in this case.
2. It also appears from No. 2 Region letter 2201/56/C of 11 May that the Petition was not considered at the time of Review.
3. The record is not at this H. Q. having been forwarded with the decision on Review and a receipt is held. It is, therefore, necessary that the record be found and the Petition considered.
4. I understand from RLO No. 2 Region that your H. Q. is holding records of Salerno Province.
5. Will you please take further efforts, if necessary in conjunction with No. 2 Region, to locate this record and then forward it (with enclosures hereto) to this H. Q.
6. In order to prevent similar troubles in the future, will you please confirm that you agree with my understanding as set out in para 4 above.

Copy to : Regional Legal
Officer, Region III.

CHALD R. U. JOHN
Colonel
Chief Legal Officer.

45

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
ACO 394

ACO/jwl
19 May 44

528

ACO/4083/1/L

Subject : Case of Lt. GERALDO SEVERIO

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

1. The conviction in the proceedings against Lt. GERALDO Severio has been quashed. The following, in brief, are the reasons:-

(a) The first charge is "making a false statement." The allegation being that, in effect, the accused said "this document which I now hand you is a denunciation prepared and signed by ZACCAGNI."

On this charge the Court acquitted the accused: a course it was quite properly entitled to take.

(b) The second charge is "advising---" i.e. advising ZACCAGNI to make a false denunciation. On this charge the accused was found guilty. The "advice" consisted only in one remark by the accused to ZACCAGNI: "When it is a case of making a denunciation of this kind, it is necessary to tell even a bit more than the truth." To hold that, by the use of such words, the accused "advised the commission" is going too far: no advice was tendered, although no doubt the accused was trying to implant in ZACCAGNI's mind the idea of making a denunciation which would not be "the truth, the whole truth and nothing but the truth."

2. The conviction is therefore quashed.

[Signature]
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

11

2493

Declassified 2.O. 12356 Section 3.3/NND No.

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

Acc/4003/1/L

10/jpl
19 May 44

621

Subject : Case of FIGORI Francesco

To : Senior Legal Officer, AMG, 8th Army

1. The record in this case is unsatisfactory.
2. The accused was charged under Prosecution 2(10) with the wrongful possession of a considerable quantity of stores.
3. The Plea was "Not Guilty."
4. There is no evidence tendered by the prosecution that the goods were property of the allied Forces. While in some cases it might be a case of "res ipsa loquitur"-eg. in the case of the tinned article- this does not apply to tea, sugar etc.
5. There is no record of any evidence for the defence.
6. The petition alleges that the greater part of the goods were of Italian origin and the accused's own property.
7. On the record as it stands at present, a proper review of the case is impossible, and it is requested that further information be supplied as soon as possible.

(C)

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

45

2494

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

(526)

I/3020

19 May 1944

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

To : Chief Legal Officer, Legal Sub-Commission,
A.P.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 sentences exceeded 2 yrs. imp. or or 30 days have expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓1904	Pesca Vincenzo and Roselli Ersilia	Sup.Ct., Avellino	3 May 44 Appl., Form 8	
1980✓	Castricato Agostino	Sup.Ct. 5	20 Apr 44 Appl., Form 8	
1979✓	Manno Giuseppe and 4 other accused	" "	30 Mar 44 Form 8	
1914 <i>[initials]</i> <i>[initials]</i>	Troise Luigi	" "	27 Apr 44 Appl., This case is now pending before A.P.C.	
1332 <i>[initials] with Case</i>	Ragnante Giovanni	Sup.Ct.No.1	3 Apr 44 Appl., This case is now pending before A.P.C.	

For the Regional Commissioner:

4

Neil G. Baker
1st Lt., U.S.A.
Adjutant.

EIK/pv

2495

Declassified E.O. 12356 Section 3.3/MND No. 785016

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

(525)

L/3029

17 May 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
Review of Sentences. In these cases the sentences
exceeded 2 yrs. imp.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1914	Troise Luigi and Basilic Angelo	Sup.Ct.No.9	27 Apr 44	Appl., Form 8
1913 ✓	Dura Giovanni	" " " 6	13 "	44 Appl., Form 8
1912 ✓	Pignelose Giacomo	" " " 5	20 "	44 Appl., Form 8
1911	Nesi Enzo	" " " "	17 "	44 Appl., Form 8
✓ 1210	Busiello Vincenzo	" " " 3	31 Mar 44	Appl. This case is now pending before A.C.C.
1812	Bruno Gennaro	Sup.Ct.No.1	24 April 44	Appl. This case is now pending before A.C.C.
1746	Russo Salvatore	Sup.Ct.No.5	21 April 44	" This case is now pending before A.C.C. 41
1747	Accardo Pasquale and 11 others accused	Sup.Ct.No.7	14 Apr 44	Appl. This case is now pending before A.C.C.

ed. bldg

dictated
joint
use

For the Regional Commissioner:


 W.H. BAKER,
 1st Lt. Adjutant.

DTK/PV

2496

Declassified E.O. 12356 Section 3.3/NND No. 785016

Legal (B)
J 1602

SUBJECT :- Cases of MONACO Armando
& MONACO Angelo.

40831
✓
HQ AMG
Rear EIGHTH ARMY.

04/13
14 May 44.
524

TO :- HQ Allied Control Commission (Rear)
attn C.L.O.

1. In answer to your ACC/4083/1/L of 29 Apr 44, the information has been furnished by the trial court and is attached & returned to you with forms 11.

2. It is not as complete or satisfactory as could be wished, but it is probably sufficient. C.L.O. 15 Army Group agreed with me that spearhead C.A.O.s would not be required to keep records of cases heard by them other than the records forwarded which should have attached thereto all papers having a bearing on the case.

3. The permission was given at a time when the spearhead officers were moving swiftly. These reasons do not obtain in the static conditions prevailing when these cases were tried.



Edwin J. Mercer

EDWIN J. MERCER, Maj. Ord.
Senior Legal Officer,
for Group Captain, ¹
Officer Commanding,
AMG EIGHTH ARMY.

2497

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

52b

AOC/4083/1/L

HW/jpl

14 May 44

Subject : Case of 1. AUFINO Vincenzo
 2. Di Lorenzo Luigi
 3. Ciglin Antonio
 4. Suseello Vincenzo

To : Regional Legal Officer, Region III.

1. Petitions and documents in the case of AUFINO Vincenzo and 3 others are returned herewith.
2. The decision is affirmed in all cases, ^{no} sufficient reason being shown in the petitions for interfering with the sentence imposed by the trial judge.
3. Although the decision in these cases is affirmed, it is considered that there may well be suitable cases to submit for re-review when the time comes for transferring this territory to the Italian Government. It may be the by that time the reasons which at present necessitate such severity of sentence will have disappeared.

(C)

GERALD R. UPTON
Colonel
Chief Legal Officer.

311

2498

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

522

L/3029

6 May 1944

Subject: AGCETTO Arturo ✓

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

1. Reference is made to your letter ACC/4003/1/L,
4 May 1944, relative to the above subject.

2. I hand you herewith Form 8 and application
for review. It would appear that this application
for review was sent direct to Salerno rather than
coming thru this office.

For the Regional Commissioner:

John Baker
John C. Baker,
1st Lt., Q.M.C.,
Adjutant.

BTM/PV

36

John Baker
I am sorry for the inadvertent

2499

Declassified E.O. 12356 Section 3.3/NND No. 785016

TO CLO REAR HQ ACC
 FROM HQ REGION V AND
 SUBJECT Review of cases
 PER 6/11/44

6 MAY 1944

RECEIVED

6 May 1944

54

1. Herewith are forwarded for review the cases of 9 men tried by Capt McMurtry, sitting as a Superior Court, on 17 April at Belate, Province of Campobasso.

2. The accused are:-
- | | | |
|------------------------|---|----------------------------------------------------------------------------------------------|
| CARDIN LUIGI X |) | 1 year for possession of telephone wire, to
det. from 16/3/44; suspended from trial date. |
| DE SANTIS LUIGI X |) | |
| BRACCONE GI VANNE X |) | |
| RICCIUTI ANTONIO X |) | |
| DE SANTIS COSTANTINO X |) | 1 year for theft of telephone wire. |
| DE SANTIS ANGELO X |) | 1 year for possession of telephone wire. |
| DI PAOLA ANTONIO X |) | 5 years for cutting and theft of telephone wire. |
| DE SANTIS GIOVANNI X |) | |
3. Petitions for review from the last-named accused are enclosed herewith.
The first 4 who in effect received suspended sentence have not appealed.
4. The record is the same for all cases and is attached to the documents of De Santis Giovanni.
5. The case, particularly against De Santis Giovanni, is serious one, but the trial was not conducted to the satisfaction of the court.
6. In the first place although the court was present throughout the trial, and then started to hear this case without any indication of his charge or status. It will be observed that the petition for De Santis Giovanni suggests that the judge exceeded his jurisdiction as a summary court.
7. Secondly the record is not in a satisfactory form and the charges are not properly drawn. There are no charge sheets.
8. It is not clear to H.Q. on the basis of what evidence some accused were found guilty only of ~~theft~~ possession while others were found guilty of theft.
9. The evidence against DE SANTIS COSTANTINO and ANGELO appears to have been the statement made to the Marasciullo of CC.RA. by the accused Potente.

The first 4 who in effect received suspended sentence have not appealed.

4. The record is the same for all cases and is attached to the document of De Santis Giovanni.
5. The case against Giovanni, the sentencing Giovanni, is a serious one, but the trial was not so serious.
6. In the first place it is important to note that the accused was found guilty and then started to bear this case without any indication of his challenge of status. It will be observed that the petition for De Santis Giovanni suggests that the judge exceeded his jurisdiction at a summary court.

7. Secondly the record is not in a satisfactory form and the charges are not properly drawn. There are no charge sheet.
8. It is not clear to PLO on the basis of what evidence some accuse ~~were~~ found guilty only of ~~high~~ possession while others were found guilty of theft.
9. The evidence against DE SANTIS COSTANTES and ANGELO appears to have been the statement made to the Moreciello of CC.RR. by the accused Costante.
10. The evidence against all the accused, except Di Paula in whose house wire was found, consisted solely of statements made by themselves or someone else to the Moreciello during interrogation. In this connection there are forwarded to you letters which have passed since the trial between the trial judge and the PLO.
11. Purely as a matter of form it is not understood on what ground or for what purpose evidence in rebuttal was admitted.

For the Regional Commissioner

lunghi.

LHRENS

R.L.O.
394

2501

4683 // 2706
TO : C.L.O. H.Q. A.C.C.
FROM : H.Q. Region 5 A.M.G.
SUBJECT : Petitions for Review.
REF : RS/511/14.

5 May 1944.

1. Herewith is forwarded petition for review in case of VALENTINO Bisigio.
2. The case is undoubtedly serious but the sentence appears somewhat heavy.

For Regional Commissioner

Behrens.

E BEHRENS

COL.

O.

Case opened
Sentence reduced
to 2 1/2 years



Received May 9
cpl. Bureau

3874

2502

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

785016

TO : C.L.O. H.Q. A.C.C.
FROM : H.Q. Region 5 A.M.C.
SUBJECT : Petitions for Review.
REF : R5/511/14.

5 May 1944.

1. Herewith is forwarded petition for review in case of VALENTINO Bisigio.
2. The case is undoubtedly serious but the sentence appears somewhat heavy.

For Regional Commissioner

1146

520

(or affidav)

Sentence varied
to 2 1/2 years



W. E. BEHRENS

C.L.

O.

Received May 9
cpl. file

3874

ARMED CONTROL COMMISSION
AMERICA

(519)

APR 29 1944

ACC/4083/1/L

SUBJECT : Case of Ruberti Ascanio

TO : Chief Legal Officer; thru Regional Legal Officer

It is impossible to answer accurately paragraph 3 and 4 of letter dated 20 April 1944 without giving a complete report of this case, therefore a chronological statement of this case is made based on recollection, records in this office and papers attached.

Following the arrest numerous applications were made to the court with representation on defendants behalf, the statement being made that as a gentleman he must not be jailed but should be permitted to pay a heavy fine.

On his arraignment in Summary Court the defendant was present with his attorney. The charge was read. Defendant admitted the goods were in his possession in his home. The lawyer then asked to have defendant sworn and said that he would also address the court. The court stated that the answer of the defendant had been interpreted as a plea of guilty and inquired if that was the lawyers understanding, or if some issue was intended to be raised. The lawyer replied in defendants presence that he had the same understanding but wished to address the court on defendants behalf. A discussion ensued in which it was pointed out that under this plea anything said would be considered only on the question of sentence. The attorney said he understood this.

Defendant was sworn and testified that friends had given him the flour and that the other items had been given to him or left in his house at various times by officers and men billeted there, and that no one had been billeted there at the time of his arrest.

At the conclusion of this statement the attorney offered to produce witnesses and a certificate that military personnel had been billeted at this house at various times. The court inquired if anything more than the fact of billeting would be proved by such evidence. The attorney said not. The court stated that such evidence need not be produced but it would be accepted as fact that officers and men had been billeted in the house. No further testimony, evidence or offers of proof were made.

The attorney then addressed the court. The burden of this discussion was that defendant was wealthy and a gentleman. That

ACC/4083/1/I Ruberto Ascanio

519

The could pay a heavy fine but should not be imprisoned. This plea concerned itself with the small quantity of clothing and toilet articles but made no reference to the flour or rations. The offer of proof on the billeting of personnel was repeated and a further discussion took place. Again the lawyer said it would show that military had been billeted there and nothing more. The court repeated that if anything further than billeting was to be proved the evidence or testimony should be produced but that the court would accept without proof the statement that there had been such billeting. The attorney then continued his discussion.

No offer of proof was made concerning the flour or rations. The only evidence on this point was the testimony of defendant that the flour had been given to him and the rations given to him or left in his house. No testimony was given or offered that soldiers were there living in his house, in fact it was stated that they were not there at the time of arrest.

It must be said that the bulk of the attorneys statement concerned itself with the defendants social position, his friendliness to the Allies and inconveniences he had suffered from billeting army personnel. The statement made by defendant included only the matter set forth in the form 8 and this report.

Some further comments may be of value to reviewing authorities. Since receipt of request for this report I have been advised by Sgt. Casale of 2651st M.P.Co. that the search resulting in this arrest was made because two British deserters had been arrested and were found to have been living in this house.

Thomas A. Morris

THOMAS A. MORRIS

3

2nd Lt.C.M.P.

Summary Court

2505

Declassified E.O. 12356 Section 3.3/RND No. 785016

CL 183/1

(517)

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

ETK/pv
3/6136/L

19 April 1944

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 application for Review
of Sentence.

Legal File No.	Name	Court	Date of Trial	Document
1294	Marsullo Catello	Castellammare	7 April 44	Appl., Form 88
1296	Boccia Vincenzo	"	7 " 44	Form 8

See b4003/1 7 20/4 For the Regional Commissioner:

3

See b4003/1 7 20/4
Held trial 10 May
in case previously
brought by the
parties. H.M.

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

to be signed
by Marsullo only
or other

2506

Declassified E.O. 12356 Section 3.3/RND No. 785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

5/6

ACU/4483/1/L

/jpl
17 May 44.

Subject : Record of proceedings .

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

Will you please be good enough to forward to this
H.Q. the record of the proceedings of Giuseppe Salerno sentenced
on or about November 1943, in Salerno.

lc

GEORGE R. UPTON
Colonel
Chief Legal Officer

32

2507

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

785016

REAR HEADQUARTERS
LAND CONTROL COMMISSION
Legal Sub-Commission
AMC 30K

AGC/408/1/L

IG/jpl
17 May 44

515

Subject : Review of cases under Executive Memorandum No. 7.

To : Regional Legal Officer, Region I.

In answer to your letter RL2 013.05/ELN of 12 May 44.

Action will be taken on the cases you refer to and it is hoped that it will be possible to take such action soon.

(Q)

GERALD R. UPTON
Colonel
Chief Legal Officer.

J

2508

4083/1

1520

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

514

File : RLE 013.04/FLV

12th May 1944

SUBJECT : Review of Cases under Executive Memorandum No.7.

TO : Legal Sub-Commission, A.C.C. Headquarters.

1. The former Regional Legal Officer submitted under reference RLE 013.04/HD dated 10th March 1944, a list of 45 individual cases, which appear to justify re-consideration.

2. Can it now be stated whether any action is likely to be taken in respect of these cases?

For Colonel A.N. HANCOCK :

Frank L. Vecchiglia
FRANK L. VECCHIGLIA,
Major, JAGD.
Regional Legal Officer.

js.

31)

2509

TO : C.L.C. Rear H.Q. A.G.C.
FROM : H.Q. Region 5 A.M.G.
SUBJECT : Petitions for Review.
REF : R5/511/14.
DATE : 13 May 1944.

✓
408311

513

1. Herewith are the records in the cases of GITTO FRANCESCO , PASSERI RICCARDO and PAPI ANGELO together with petitions for review in the cases of Passeri Riccardo and Gitto Francesco.
2. These cases were tried by a Superior Military Court in Campobasso Province.

For Regional Commissioner

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

by A. R. TRICKEL 23
A. R. TRICKEL
Major F.A.
D.R.L.C.

11 enclosures
ART/EP

2510

W.M. HEAD-LAWTON
ALLIED CONTROL COMMISSION
Legal Sub-Commission
ARC 34

ACG/40 3/1/L

GHO/jpl
11 May 64

Subject : Case of D'AGUILLE vivo

To : Regional Legal Officer (thru RC) Region 5.

1. The sentence of 10 years appears to be excessive under the circumstances of this case. It does not appear that this is the type of case in which a final review or reconsideration at a later date should be made.

2. In order that there may be a present final disposition of the case, I would appreciate it if you would advise me of what you would consider a normal sentence in the case.

3. The file is returned herewith.

GERALD R. UPHORN
Colonel
Chief Legal Officer

28

2511

REUR HS DIAUNITED
ARMED CONTROL COMMISSION
Legal Sub-Commission
AMC 394

(S)

ACO/4083/1/L

10/JUL
15 May 44

Subject : Case of Patierno Francesco.

To : Regional Legal Officer (Peru R.C.) Region III.

1. The Record and particularly the Reasons for Judgement (PP 3 & 4) in the General Court Case of PATIERNO disclosed a most unsatisfactory state of affairs.

2. The accused was arrested on 25 Jan; he came before a Summary Court on 8 Feb; he came before the General Court on 22 March; even then an adjournment was necessary because the accused had not been afforded proper opportunity of preparing his defence. As a result of this delay, one vital witness was not available at the trial. The Court has put it on record that this delay and the general inadequacy of the preparation of the case (e.g. the failure to inform the prosecuting officer of the existence of Vice-Brig. SABATINO until late in the case and after the close of the case for the prosecution) "rendered the task of the Court a great deal more difficult than it need have been."

3. Please make enquiry as to how the above state of affairs came about and submit a report to this H.C.

4. The decision on Review is being held pending receipt of the Report above called for.

GERALD H. UPJOHN

27

Colonel
Ch. of Legal Officer.

2512

Declassified E.O. 12356 Section 3.3/NND No. 785016

4083/1

R.D.

HEADQUARTERS
MAJOR J. APPLIED & MILIT. COMMISSION
U.S. 334, U.S. Army

(510)

L/3029

12 May 44

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 Review of Sentences. In each of these cases the sentences exceeded 2 yrs. imprisonment.

<u>Legal File No.</u>	<u>Name</u>	<u>Court</u>	<u>Date of Trial</u>	<u>Docu- ment</u>
✓ 1012	Bruno Gennaro, Bruno Vincenzo and Sup.Ct.No.1 23 Apr 44 Appl. Imperato Luigi Scirino Giacomo			Form 8
✓ 1050	Lettando Luigi Garcia Ciro, and Torre Antoni-29 Mianato Nicola	" 44 Appl., Mata	"	Form 8
✓ 1062	Coppola Salvatore Sup.Ct.No.1 3	" 44 Appl.		
	and 3 others			
	Form 8 has previously been sent to A.C.C. 2			
	May 1944.			
✓ 720	Scognamiglio Gaetano Torre del 26 Jan 44 Appl. Greco			
	Returned at request of A.C.C..			

26

For the Regional Commissioner:


 Major Baker
 1st Lt., U.M.C.,
 Adjutant.

DRE/PV

2513

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

785016

Legal (See back)

7259

581

SUBJECT: Application for Review of Sentence:

DI PAOLO LUIGI ✓
DI MENNA OTTAVIO ✓
ARCERE GIOVANNI ✓
CORRAO GIOVANNI ✓

HQ AMG
Rear EIGHTH ARMY

OA/13

TO: HQ Allied Control Commission (Rear)
(Attn: Chief Legal Officer)

12 May 44

Forwarded for review.

Erwin J. Mercer
ERWIN J. MERCER, Maj Ord,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG EIGHTH ARMY.

case #
2050
51
52

Bill

23

2514

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4003/1/L

/jpl
11 May 44

508

Subject : Review of Sentences.

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

503

1. Reference the Provincial Commissioner's letter CM/LEGAL/135, dated 6 May 44 and forwarded by the 8th Army's, AMG, Senior Legal Officer on 10 May 44.

2. The cases of CASTRO, Cesare, Cericola Carlo and CIVITARESE Bruno were reviewed and affirmed.

- (a) CASTRO, was affirmed on 28 Feb. 44. Please see J. form 629.
(b) CIVITARESE' was affirmed on 28 Feb. 44. Please see J. form 627
(c) Cericola' was affirmed on 27 Mar. 44. Please see J. form 1063.

b fm HQ

3. The receipt of the decision on review was forwarded by the Regional Legal Officer, Region V, with letter R/5/511/A, bearing no date, a copy of which is attached herewith.

IC

Gerald R. Upjohn
Colonel
Chief Legal Officer.

21

2515

✓
408311

50^

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

L/3029

10 May 1944

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

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

forms 11
joined with
cases.

1. I hand you herewith three applications
for Review of Sentences. These cases are all now
pending before A.C.C. having been forwarded 8
May 1944. I also hand you herewith letter and
certified copy of docket in the case of A.M.G.
vs. PALUMBO Antonio. A request was made by the
Legal Sub-Commission 24 April 1944, for this
information.

For the Regional Commissioner:

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

ETK/pv

21

2516

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

785016

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

Legal S C
(Rear HQ)
506 16915
4346

L-3028 A.

6 May 1944.

Subject: Case of Marino Pasquale and others.

To : C.L.O. Legal Sub-Commission, A.C.C.

421

1. Reference is made to your letter ACC/4063/I/I dated 20 April 1944, subject as above.

2. Forwarded herewith is copy of our letter L-3028 A dated 24 April 1944 and Indorsement thereto of Chief Liaison Officer P.B.S. dated 6 May 1944.

3. For your information.

For the Regional Commissioner:

John W. Chapman
Lt. Col., JAGD,
Reg. Legal Officer.

JWC/mo

21

Enclos-

1. our letter L-3028 A dated 24 April 1944 (copy)
2. Indorsement dated 6 May 1944.

See further action
Mo 11 May

HEADQUARTERS

- MAY 1944

A. C. C.

2517

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

SOS

L-3028 A

24 April 1944.

Subject : Third Degree Methods of Obtaining Evidence.

To : C.O. 21st General Hospital (thru Liaison
Officer P.B.S.)

1. Reference the attached Record of the Proceedings in the case against De Simone Giovanni, Bellantuono Michele, Marino Pasquale, and Cotena Vincenzo and the letter ACC/4083/L dated 20 April 1944.
2. Attention is invited to Para. 3 of the letter.
3. After taking such action as may be considered proper, will you please return all documents and advise me of your action?

For the Regional Commissioner:

Encl:

Letter ACC/4083/I/L
Proceedings of AMG Court.JOHN W. CHAPMAN,
Lt. Col., JAGD,
Reg. Legal Officer.

JWC/mo

21

2518

- 2 -

504

Basic: Ltr, Hq Reg 3, AGC, L-3026A, "Third Degree Methods of Obtaining Evidence", dated 24 Apr 44.

DJL/grf

1st Ind.

HEADQUARTERS PENINSULAR BASE SECTION, Chief Liaison Officer, APO 782, 6 May 1944.

TO: Regional Commissioner, Region 3, AGC, APO 394, U. S. Army.

1. Upon investigation made by the CO, 21st General Hospital, it was found that Sgt Michael Giannesco of that unit had acted improperly in the case above referred to. He was severely reprimanded by his commanding officer under the 104th Article of War, and was summarily reduced to the grade of private.
2. Documents and original papers are returned to you herewith.

For the Commanding General:

DONALD J. LEENEY,
Colonel, G. S. C.
Chief Liaison Officer

Incls: n/o

- 1 - Ltr, AGC/4083/L, dtd 20 Apr 44.
2 - AMG Court Proceedings.
3 - SO #115, Hq 21st Gen Hosp, dtd 3 May 44.

21

2519

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

785016

109 I

CH/ Legal / 135

503

Subject: Review of sentences

To H.Q. A.M.C. 8th Army

Applications for Review of Sentences by the persons mentioned below were forwarded by me on the dates shown. Can enquiry be made please from C.L.O. with regard to them as decisions on review are usually received back in about 6 weeks?

Castorà Cesare	16 February 1944
Cericola Carlo	9 "
Civitarese Mauro	20 "
Guarnieri Ferdinando	27 January

6 May 1944

J. M. Balsford
Major for
Lt. Col. P.C. Chieti

C.L.O. H.Q. A.M.C. (Re)

I forwarded for your information

Edwin J. Mercer, Maj. G.C.
EDWIN J. MERCER, Maj. G.C.
SENIOR (TGS) OFFICER AND DRAFT

Sgt. S. S. S.

SC

19

2520

HEADQUARTERS
ARMED FORCES HIGH COMMISSION
A.P.C. 394, U.S. ARMY

(502)

L/3020

5 May 1944

Subject: GUICCI Antonio and PRIZZI Lamberto.

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

1. Reference is made to your communication
ACC/4003/L/I, 3 May 44, relative to the above
subject.

2. Application for Review of Conviction and
Sentence of the above accused was made to this office
subsequent to 20 April 1944. The cases have
accordingly been reviewed by me and the conviction
and sentence were set aside and the defendants
ordered released upon the ground and for the reason
that they had not violated any provision of the
Proclamations. They were charged with having absented
themselves from work.

John W. Chapman

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

LTM/pv

18

*NFA
P. Wm. M.*

2521

AR HEADQUARTERS
ALLIED COMINT COMMISSION
Legal Sub-Commission
APO 394

(501)

AOC/5003/L/L

IC/jpl
3 May 44

Subject : Case of GUACCI ANTONIO

To : Regional Legal Office, Region III.

1. I enclose a letter from ADV. Stefano RICCI relating to the case of GUACCI Antonio. You will notice that he says that he has had information that the Petition for Review in this case has gone astray and he sets it out in full in his letter.
2. Will you please refer to the record and see whether the Petition for Review was before the Reviewing authority at the time of Reviews. If NOT, please ensure that there is a speedy and careful review of this case in the light of the Petition for Reviews. The writer does not know the facts of the case, but it appears from the Petition that GUACCI is a young doctor having recently taken his degree, that the other man involved (FRIZZI) is a University Student, and they they have both been sentenced to imprisonment for one year.

17

(P-)

GERALD R. UPJOHN
Colonel
Chief Legal Officer

2522

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

785016

✓ 65
13

Legal (Rev.)

Ref. C.R./LEGAL/18
1st May 1944

SAC

SUBJECT: Case of PRIBETI Michele (in Unicongo) through SLO, 5th Army.
TO : P.L.O. Legal Sub-Commission, HQs A.C.C
FROM : P.L.O. Campobasso Province.

499

Reference decision on review in above case (Serial Number 1322, dated 26/4/44) and forwarded by S.L.O. 5th Army on 27/4/44.

It has been ascertained that this man has already been released as the result of SIC, 5th Army's letter 208/CA/13 dated 5/4/44 addressed to Superintendent of CAMPOBASSO gaol, and stated to be result of a decision on review. As the possibility can't be excluded that the person dealt with in S.L.O. 5 Army's letter is another person of somewhat similar name, fact is reported in order that any inquiries which may be thought necessary may be made. ~~Man~~ concerned is described in 5th Army's letter as PRIBETI. Arrangements have been made that future orders for release of persons in custody in CAMPOBASSO gaol made by authorities outside this Province shall be passed through this office.

1st 2nd 6/5/44

P.L.O. H.Q. A.C.C (Rev.)

1. Forwarded for action

John Mercer

EDWARD J. MERCER, Maj. Ord
PROVINCIAL OFFICER AND 5TH ARMY

Major, R.A.M.C.
Sects Guards.
Provincial Senior Legal Officer 16
Campobasso Province.

2523

✓ H083/1 file 6 legal
TO : C.L.O. REAR H.Q. A.C.C.
FROM : H.Q. REGION V A.M.G.
SUBJECT : Petitions for Review.
REF : R5/511/14.
DATE : 26 April 1944.

(498)

1. Herewith is forwarded for review the General Court case of D'ACHILLE Vito sentenced for wire-cutting to 10 years imprisonment.
2. The Court was satisfied at the trial of the guilt of the accused for the following main reasons: -
 - (a) The knife of the accused bore unmistakeable marks of insulating material with wire streaks, which were identical with those produced in court by cutting the telephone wire with a knife.
 - (b) The accused was found "rolling up wire".
 - (c) The accused stated to the A.P.M. that he was looking for wire.
3. In justice to the accused it should be stated that the Arrest Report which is included with the papers was not in evidence at the trial. That report shows that the arrest took place 20 yards from the road, a fact which corroborates the story of the accused and is directly contrary to the evidence of Cpl. Stevens. The sentence in the record is ambiguous but Cpl. Stevens stated that the road was 500 or 600 feet away.
The Arrest Report also says that the wire was "coiled at his feet".
4. On the question of sentence, the sentence of the Court was imposed ^{for} policy reasons. It is suggested that it be reduced in due course, in any event.

For Regional Commissioner

W E BEHRENS

1st COL.

R.L.O.

Affm

Copy reduced to 3 pages

2524

(49)

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

L/3029

8 May 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 applications for Review of Sentences. In each of these cases the sentence exceeded 2 yrs. imp. or 50,000 lire fine. Where no application for review has been filed, 30 days have expired since the conviction and sentence imposed by the Court.

<u>Legal File No.</u>	<u>Name</u>	<u>Court</u>	<u>Date of Trial</u>	<u>Docu- ment</u>
1746 X	Russo Salvatore	Sup.Ct.No.5	28 Mar 44	Form 8
1745 X	Morro Biagio, Deccia Biagio, and Cartina Domenico	" " "	26 " 44	" "
1744 X	Giamè Salvatore	" " "	6 15 Apr 44	" "
1743 X	Granata Tommaso	Pozzuoli	8 " 44	" "
1741 X	Belardo Salvatore	"	8 " 44	" "
1742 ✓	D'Alterio Salvatore	"	8 " 44	" "
1338 X	Zagarrio Vincenzo	Aversa	30 Mar 44	" " and Appl.

For the Regional Commissioner:

W.H. Baker
W.H.C. BAKER,
1st Lt., Q.M.C.,
Adjutant.

ETK/pv

252.5

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

785016

ADD/403/2/1

REAR HEADQUARTERS
1st U.S. Cavalry, Command
Loyal Sub-Commission
Aug 9 1924

10/3/1
6 May 19

To : Regional Legal Officer, Region III.

PROBLEMS ARE NOT DISCUSSED HERE

1. Record returned herewith.
 2. Conviction and sentence affirmed.
 3. It appears from the medical certificates attached to form A that DeStefano is 40 years old, nearly blind and is suffering from Angina Pectoris.
 4. Please have the case investigated in accordance with Article 36 (3) of the Commonwealth Instructions (copies of which were issued at Legal Conference on 1 May) and if necessary have action taken in accordance with para 2 thereof.

GEO. L. W. UPHAM
Colonel
Chief Legal Officer.

2526

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

785016

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(495)

ACC/4003/L

/jpl

6 May 44

Subject : Case of Pellicciotta Giuseppe

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

1. Returned herewith Petition for Review on behalf of the above named defendant.

2. The decision of the Court was affirmed on Review-26 April 44; please see J...Form....1336 .

(C)

GERALD R. UPJOHN
Colonel
Chief Legal Officer

12

2527

4083/1

474

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

L/3029

4 May 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 applications for Review of Sentences. In each of these cases the sentence exceeded 2 yrs. imp.

<u>Legal File No.</u>	<u>Name</u>	<u>Court</u>	<u>Date of Trial</u>	<u>Docu- ment</u>
✓ 1422	Torino Bernardo	Sup.Ct.No.1	7 Mar 44	Appl., Form 8
✓ 1683	Guerra Umberto	Frattamaggiore	13 Apr 44	Appl., Form 8
1382	Riccio Domenico and 3 other accused	Sup.Ct.No.1	3 April 44	Appl. Form 8 now pending before A.C.C.

*Send with
case to
Murray &
others*

For the Regional Commissioner:

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

ETK/pv

25.28

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED CONTROL CO - ISSION
Legal Sub-Commission
APO 394

ACC/4083/L/L

10/jpl
4 May 44

493

Subject : File of cases.

To : Regional Legal Officer, Region III.

1. "Enclosed are a bundle of files relating to CALABRO Province when in Region 2.

2. The Regional Legal Officer, Region 2 tells me that you are keeping the other records of the province during that period, and I am therefore sending these to you for your retention.

(C)
GERALD R. OR JOHN
Colonel
Chief Legal Officer.

2529

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

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

492

ACC/4083/1/L

IC/jpl
4 May 44

Subject : Case of ANTONIO BARNATI

To : Regional Legal Commissioner, Region III.

The enclosures hereto were found amongst the papers in the case
of BARNATI Francesco, forwarded with your letter HK/pv of 2 April 44.

(P)

GERALD R. MURPHY
Colonel
Chief Legal Officer

5

2530

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

(491)

ACC/4083/1/L

10/jpl
4 May 44

Subject : Case of ACCETTO Arturo fu Giuseppe

To : Regional Legal Officer, Region III.

1. It appears from the attached petition by ACCETTO Arturo that he has been sentenced to 2 years imprisonment for being in possession of a gun.

2. There is no indication in the petition as to any material dates.

3. There is no record of the case having been reviewed at this U. O.

4. In view of the length of sentence imposed, it is important that the proceedings should be reviewed. If there has been no Review, please forward the Record. If there has been a Review, this petition discloses no ground for any variation of sentence and no further action is required.

(P)

3

GEORGE H. WILSON
Colonel
Chief Legal Officer.

2531

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 374

(189)

ACC/4083/L/L

IC/jpl

3 May 44

Subject : Decisions on Review.

To , Italian Liaison Section.

1. With further reference to Lt. GROTTANELLI'S visit to my office the other day, I have to inform you as follows:

- (a) REUGGI Emilio: These proceedings have been reviewed and the findings and sentence affirmed.
- (b) LIVERNOGO Anna: Any information on this case should be sought from REGIONAL LEGAL OFFICER, Region III, the PREFETURA, Naples. No records exist here.
- (c) CALINDA Emilio: As to the query as to where to present a petition for grace, I confirm what I told to Lt. GROTTANELLI, namely that all proceedings are reviewed by competent authority irrespective of whether or not the accused files a petition for review; that no machinery exists for granting "grazie" except in the most exceptional circumstances.

1

GERALD R. UNION
Colonel
Chief Legal Officer.

2532

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
AMG FIFTH ARMY
LEGAL DIVISION
AFQ 464, U.S. ARMY.

4083/1

3 May 1944.
208/CA/

(488)

SUBJECT : Case of Petrella Carlo.

TO : C.L.O., ACC.

466

1. Ref ACC/4083/1/L dated 27 April 1944.

2. I return the documents herewith with Form 11,
completed.

John Wilkins

Affirm
Lt. Col., R.A.

b

2533

Declassified E.O. 12356 Section 3.3/NND No. 785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4083/1/L

IC/jpl
3 May 44

(B7)

Subject : Re-review of cases.

To : Regional Legal Officer, Region II.

Reference 2201/56/0 of 18 Apr. 44

483

1. The Chief Legal Officer has considered the case of GUASCO Vincenzo and is of opinion that no variation of the sentence, as already affirmed, is required.
2. The record is returned herewith.

(P)

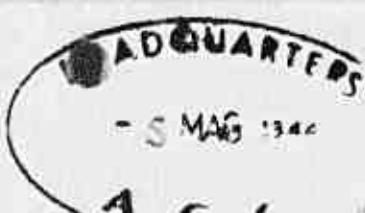
GERALD R. UPJOHN
Colonel
Chief Legal Officer

5

2534

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

785016



4083/1 Legal (Rea)
Ref: P.L./LEGAL/18
2nd May 1944

4083/1

486

Arc

SUBJECT: Case of STABIERA Rino di Luigi.
TO : C.L.C. Legal Sub-Commission, HQs (through SIC, AMG, 8th Army)
FROM : P.G.L.O. Campobasso Province

434

Reference your ACC/4083/I/L dated 22nd April.
It is confirmed that above man was vetted by P.S.S. before trial.

J.A. Rydell Major.
Scots Guards.

C.L.C. HQ, A.C.C. (Rey) 4/5/44 Provincial Senior Legal Officer.
Campobasso Province.

1. Forwarded.

Tolson Murray.

EDWARD L. TOLSON
SENIOR LEGAL OFFICER



HSS/dy

HEADQUARTERS REGION 4
Allied Military Government
AFC 394

(485)

TO : Legal Sub-Commission, Rear H.Q. ACC

FROM : Lt. Col. Robinson, H.Q. Region 4

SUBJECT: Case of Bellotta Giovanni

DATE : 1 May 1944

(Wb)

Complying with your request of 27 April 1944, reference
ACC/4083/1/I, it is reported that:

1. Upon receipt of a peremptory order from Lt. Col. Maclean, CIC Region 3, I handed over the Court Record Book, which I originated, to Major H. Hershenson together with all documents, trial notes, etc., pertaining thereto. As these are not available to me here for reference, my comments on the case are therefore made from recollections of the evidence given at the trial held over four months ago.
2. The exhibits of stolen clean powder bags (blue and white), plainly printed in English as to their contents, obviously belonged to the Allied Forces.
3. Two extensive ammunition dumps were dispersed throughout the NOLA district.
4. The accused was stopped while on the move with a cart and the bags were found hidden under the load of lumber.
5. Sabotage and theft of Allied ammunition was a serious problem in this area and upon the weight of evidence at the trial, I considered the sentence merited.

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4
5. Sabotage and theft of Allied ammunition was a serious problem in this area and upon the weight of evidence at the trial, I considered the sentence merited.
6. The "MOTIV" submitted by this avvocato Testa contained many statements which were not supported by the evidence at the trial. In fact, some are definitely contrary to the sworn evidence.
5
7. Both Major Hershenson and the writer considered recommending that he be disbarred from practising in AMG Courts, and he was so warned.

H. S. Robinson
H. S. Robinson, Lt. Col.
PC Dieti Frov.

Papers returned herewith.

2537

TO : G.I.C. TEAM NO. 4000.
 FROM : L.A. SECTION V.A.M.D.
 SUBJECT : Montefalco Case - Petitions for Review.
 REF : RG 511/14.
 DATE : 28 April 1944.

Herewith are enclosed the remaining records of accused in the Montefalco Case. We are forwarding these to you on the next rule as these persons were tried jointly and their sentence of more than 2 years was entered. No petitions for review were filed for the accused listed below.

PAGLIAROLI Niccolò maria fu Antonio
 L. TIVOLI Carmine
GARZIANO Ida di Giovanni
PETRAZZI Gemma
DALESSANDRINI Domenico
PATRICKELI Enrico di Salvatore
PALMA Annibale di Luigi
BONINACIO Peder di Pasquale
A CHETTI Marianna di Francesco
ASSOLUO Rosina fu Angelo Maria
CISTERNARI Maria di Angelina
DE RENZI Bruno di Renzo
DE PENIS Silvio di Pierino
COLACE Eugenio di Antonio
POELATS Emilio di Antonio
PETRI Sofia di Samuele
MANGILI Elia fu Giuseppe
LATTI Marchetta fu Samuele
DE FILIPPI Ada fu Giovanna ad

For Regional Commissioner

2

 W. B. BEERS
 Lt. Col.
 RLD

2538

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

785016

2

For Regional Commissioner

W. S. HUMES
Lt. Col.
RLO

by A. H. Procell
A. H. Procell
Major FA
DMD

1 2 ENCLOSURES
AFT/BS

Open all

737

TELEPA Cermine fu Domingo
P. ALESSALI Elviro fu Salvatore
R. AMB. Antina di Luigi
BUNNACIO Fedorn di Francesco
A. CECUTI Montano di Francesco
PASSALACCO Rosina fu Angelo Maria
CISTERNI Maria fu Angel Maria
DE GENNIS Bruno di Bruno
DE GENNIS Silvio di Pierino
FOLLAZI Eugenio di Antonino
POMARE Emilio di Antonio
P. ZETTI Sofia fu Samuele
MANZINI Elia fu Giuseppe
ZETTI Barbara fu Salome
DE FILIPPI Adelina fu Giovanna

2539

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

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

16 April 44

Ref :- 2201/56/G

Subject :- Record of Case

To :- Chief Judicial Officer.

487

SLR

1. The only case, in addition to that of Ferlato already sent to you, which in the opinion of this H.Q. requires re-review is that of Guasco, Vincenzo, whose Record, S/S/117 A, is enclosed herewith.
2. It is suggested that the first offence of which he was convicted and sentenced to 3 years' imprisonment, is not one which he could have known was an offence under so general a clause as Proc.2 Art II (45), seeing that under Italian law no offence whatever was committed by him. To an Italian therefore the question is merely one of morals.

D. E. S. COUSINS, Lt. Col.

R. L. O.

Region II