

0002

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

785016

ACC

10000/142/572
(VOL. 5)

ALLIED
MAY, JUN

42/572

ALLIED MILITARY COURT CASES, REVIEW, CORRESPONDENCE
MAY, JUN. 1944

0004

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

785010

20

150

ACC/4083/1/L.

vol. 5

FROM No. 568

TO No. 679

SUBJECT : ALLIED MILITARY COURT CASES - NINETEEN

CORRESPONDENCE

6014

SUBJECT : ALLIED MILITARY COURT CASES - REVIEW

CORRESPONDENCE

124

100000 142 572

THIS FOLDER

CONTAINS PAPERS

FROM

Library 44

TO

June 44

CATALOGUE

568	29 May 44	E/ SLO 8th army	04/13	Parenti & Nicola & oth
569	29 May 44	E/ SLO 5th army	208/CA/13	Caruso & Caruso
570	29 May 44	E/ P.O. Salerno	4003/3/8	Notification overrest
571	30 May 44	E/ RLO reg. 3	L/3020	Piccolo & Boscalano
572	30 May 44	E/ RLO reg. 1	RM 013.047/FLV	Lucchesi Carmelo
573	31 May 44	E/ Adj. Reg. 3	L/3029	Transmission of cases
574	2 June 44	T/ RLO Reg. 1		Rope case
575	2 June 44	T/ RLO reg. 1	L/3029	Lucchesi Carmelo
576	2 June 44	T/ RLO reg. 1	" "	Transmission of cases
577	2 June 44	E/ Adj. reg. 3	" "	" "
578	2 June 44	" "	" "	" "
579	2 June 44	" "	" "	" "
580	3 June 44	T/ RLO reg. 3	907/100/CA	Piccolo Pasquale
581	3 June 44	E/ Deputy Ex. Com.		U. S. Court martial.
582	4 June 44	T/ rlo reg. 3		Russo salvatore
583	5 June 44	T/ rlo reg. 3		Enrico Aliano
584	5 June 44	T/ rlo reg. 3		Longo Luigi
585	5 May 44	E/ adj. reg. 3		Transmission of case
586	26 May 44	E/ SLO 5th army	208/CA/45	Mauriello Antonio
587	26 May 44	E/ SLO 5th army	2-8/CA/13	Di Masio Lorenzo
588	31 May 44	E/ adj. reg. 3	L/3020	Transmission of cases
589	1 June 44	E/ SLO 8th army	08/13	Fiorilli Francesco
590	2 June 44	T/ SLO 5th army		Mauriello Antonio
591	2 June 44	E/ RLO reg. 5	R/511/14-	Petitions for review
592	2 June 44	E/ RLO reg. 5	" "	" "
593	2 June 44	E/ Adj. Reg. 3	4003/1/4(15)	Discipline officers.
594	5 June 44	E/ rlo reg. 3	L/3029	Petition for reviews
595	5 June 44	T/ RLO reg. 5		Court martial
596	4 June 44	E/ SLO 5th army	208/CA/13	Zano & Di Pippo
597	4 June 44	E/ Pa to DCC		Luigi Imparato
598	6 June 44	E/ adj. reg. 3	L/3029	Petitions for review
599	6 June 44	T/ rlo reg. 3		Piscitelli & others
600	21 June 44	E/ PLO benevento	Leg/12/51	Rubbo Antonio
601	7 June 44	E/ rlo reg. 5	R5/511/14/C	Petitions for review
602	8 June 44	E/ adj. reg. 3	L/5070	Petitions for review
603	8 June 44	T/ SLO 8th army		Testa Antonio
604	9 June 44	T/ SLO 5th army		Zano & Di Pippo
605	9 June 44	T/ rlo reg. 3		Forino Vincenzo & terr.
606	9 June 44	T/ Pa to Deputy com		Luigi Impeato
607	9 June 44	T/ rlo reg. 3		Dele Donne Anna
608	10 June 44	Notes of CPT. more		ASSANTIA & others
609	3 May 44	E/ Adj. Reg. 3	4003/23	Transmission of doc.
610	11 May 44	(610,611 in 4003/23)	L/5040	
611	16 May 44	RLO Reg. 3		Paviano Francesco
612	9 June 44	SLO 8th army	L/3040	Review of cases
613	10 June 44	Adj. Reg. 3	04/13	Transmission of cases
614	12 June 44	RLO reg. 2	L/3029	Piccolo Salv. & Vello
615	13 June 44	RLO reg. 3		BARRA Elizabetha
616	13 June 44	SLO 8th army		Tes. & Antonio

568	29 May 44	E/ SLO 8th army	04/13	Parenti & Nicola & others
569	29 May 44	E/ SLO 5th army	208/CA/13	Caruso & Caruso
570	29 May 44	E/ P.O. Salerno	ACC/5/8	Notification of arrest
571	30 May 44	E/ RLO reg. 3	L/3020	Piccolo & Sorcalato
572	30 May 44	E/ RLO reg. 1	RLI 013.047/FLV	Lucchesi Carmelo
573	31 May 44	E/ Adjo. Reg. 3	L/3029	Transmission of cases
574	2 June 44	T/ RLO Reg. 1		hope case
575	2 June 44	T/ RLO reg. 1	L/3029	Lucchesi Carmelo
576	2 June 44	T/ RLO reg. 1	" "	Transmission of cases
577	2 June 44	T/ Adj. reg. 3	" "	" "
578	2 June 44	" "	" "	" "
579	2 June 44	" "	" "	" "
580	3 June 44	T/ RLO reg. 3	307/108/CA	Piccolo Pasquale
581	3 June 44	E/ Deputy Ex. Com.		U. S. Court martial.
582	4 June 44	T/ rlo reg. 3		Russo salvatore
583	5 June 44	T/ rlo reg. 3		Enrico Aliano
584	5 June 44	T/ rlo reg. 3		Longo Luigi
585	5 June 44	E/ adj. reg. 3		Transmission of case
586	26 May 44	E/ SLO 5th army	208/CA/45	Mauriello Antonio
587	26 May 44	E/ SLO 5th army	2-5/CA/13	DiDiasio Lorenzo
588	31 May 44	E/ adj. reg. 3	L/3020	Transmission of cases
589	1 June 44	E/ SLO 8th army	04/13	Morilli Francesco
590	2 June 44	T/ SLO 5th army		Mauriello Antonio
591	2 June 44	E/ RLO reg. 5	Re/511/14-	Petitions for review
592	2 June 44	T/ RLO reg. 5	" "	" "
593	2 June 44	E/ Adj.	Adi/3063/1/4(15)	Discipline officers.
594	5 June 44	E/ rlo reg. 3	L/3029	Petition for reviews
595	5 June 44	T/ RLO reg. 5		Court martial
596	4 June 44	E/ SLO 5th army	EX 203/CA/13	Zano & DiPippo
597	4 June 44	E/ Pa to DCC		Luigi Imperato
598	6 June 44	E/ adj. reg. 3	L/3029	Petitions for review
599	6 June 44	T/ rlo reg. 3		Piscivelli & others
600	11 June 44	E/ PLO benevento	Leg/12/51	hubbo antonio
601	7 June 44	E/ rlo reg. 5	RS/511/14/C	Petitions for review
602	8 June 44	E/ adj. reg. 3	L/5070	Petitions for review
603	8 June 44	T/ SLO 8th army		Testa Antonio
604	8 June 44	T/ SLO 5th army		Zano & dipippo
605	9 June 44	T/ rlo reg. 3		Forino Vincenzo & terr.
606	9 June 44	T/ Pa to Deputy com		Luigi impeato
607	9 June 44	T/ rlo reg. 3		Delle Donne anna
608	10 June 44	Notes of conf. more		ASSANTA & others
609	3 May 44	E/ Adj. Reg. 3	4083/23	Transmission of doc.
610	11 in 44	(1010,611 in 44)	L/5040	
611	16 May 44	RLO Reg. 3		Paolino Francesco
612	9 June 44	SLO 8th army	L/3040	Review of cases
613	10 June 44	Adj. Reg. 3	04/13	Transmission of cases
614	12 June 44	RLO reg. 23	L/3029	Piccolo Salv. & Vello
615	13 June 44	RLO reg. 3		BARRA Elizabetha
616	13 June 44	SLO 8th army		Tes. Antonio
617	13 June 44	RLO reg. e		De MARO Giuseppe

644	9 may 44	F/ adj. Reg. 3	L/3029	Transmission of cases
645	13 June 44	T/ RLO regt 3		Loffredo Francesco
646	13 June 44	F/ RLO 3 reg. 3		Glame Salvatore
647	13 June 44	T/ rlo reg. 3		Cassanti Carlo
648	14 June 44	T/ rlo reg. 3		Barca Armanda
649	19 June 44	F/ adj. reg. 3	L/3029	Transmission of cases
650	20 June 44			
650	(g)			
651	20 June 44	(Charges against Sarna, Ciro & others) Letters to Ex. Com. & RLO 5, & 3.)		Marino Francesco
652	20 June 44	F/ RLO 5	R5/511/14/F	Orlando Conti
653	20 June 44	F/ rlo reg. 1	RLE 013/04/flv	transmission of cases
654	20 June 44	F/ adj. reg. 3	L/3029	"
655	21 June 44	F/ rlo 1.	RLE 013.02/flv	Rope case
656	23 June 44	T/ rlo 5		Tarone antonio
657	23 June 44	T/ rlo 5		Dollisi Cinistra
658	24 June 44	F/ adj. reg. 3	B/3029	Transmission of cases
659	25 June 44	T/ rlo reg. 3		Romand giuseppe et al
660	25 June 44	T/ rlo reg. 1		Rope case
661	25 June 44	T/ rlo reg. 3		Sale no giuseppe
662	25 June 44	T/ rlo reg. 3		Mainardi Severio & al
663	20 June 44	T/ Ex. Comm. (att Brig. Lush)		Sarno, Ciro & others
664	23 June 44	F/ RLO reg. 5	R5/511/19	Torio Vincenzo & et al
665	The original	sent to Region III, (our folio 648)		Barca Armanda
666	19 June 44	Letter from xxxxxx Superior Court Judge to Prov. Legal Officer, forwarded to this H. Q.		
667	20 June 44	F/ RLO reg. 5		Barca Armando
668	26 June 44	T/ PLO Salerno		Transmission of cases
669	26 June 44	F/ Adj. Reg. 3		Sabino Domenico et al
670	27 June 44	T/ RLO Reg. 3	L/3029	Transmission of cases
671	27 June 44	T/ RLO reg. 3		Imperato Luigi
672	27 June 44	F/ RLO reg. 5		Adriano Umberto
673	28 June 44	F/ Adj. reg. 3	R5/511/14/CH	Baron Umberto
674	29 June 44	F/ PLO Salerno	L/3029	Transmission of cases
675	29 June 44	F/ RLO 5	R5/511/14	Sabino Dom. et al
676	29 June 44	F/ H. Q. ACC, Establishment branch	Est0/jun-20	Mandato Angelantonio
677	30 June 44	T/ Estab. Branch	JJA/jmv	
678	30 June 44	T/ RLO, Rome Region		Investigation -Sarno
679	30 June 44	F/ Adj. Reg. 3	L/3029	Trial of allege spies
				Transmission of cases.

0010

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

FROM No. 568

TO No. 679

123

✓(38)

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

L/3029

30 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, A.C.C., Rome.

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.imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
X 3415	Tedesco Vincenzo	Avellino	16 May 44	Appl., Form 8
X 3464	Iervolino Aniello	S. Anastasia	44	Form 8
X 3463	Mozzilo Corrado and Mozzilo Antonio	Frattamag.	25 " 44	Form 8
3462	Saggiano Antonio	Sup.Ct.	6 31 " 44	Form 8
1822	Fabozzi Antonio	Aversa	4 " 44	Form 8
3465	Zito Salvatore	Caserta	4 Mar. 44	Appl.
	Returned at request of A.C.C.			
✓ 3281	Manzo Sabato	Avellino	31 May 44	Appl.
	Appl. and form 8 pending before A.C.C.			

123

For the Regional Commissioner:


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

ETK/pv

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

AGU/R/18/L.

/rlp.
30 June 1944.

SUBJECT : Trial of Alleged Spies.

TO : Regional Legal Officer, Rome Region.

1. Confirming telephone conversation this morning (Maj Hendrickson - Lt Col Campbell) herewith papers in respect of Captain Carlo Barghiglioni and Olga Spera. It is confirmed as follows: case to be tried on Wednesday next, 5th July, Lt Col I.G.H. Campbell will preside. Major Glenn is at your disposal to prosecute or defend if you will require such. Both accused are in the Regina Coeli Prison, Rome.

2. The chief prosecution witness Pasquale Rainone is being brought to the prison and will be available there. Fifth Army did not know yesterday whether he had arrived yet but this can be checked with the prison. Lieutenant Paul J. Paterni who took the statements from the two accused can be found at 59 Via Cecilia, Rome, 4th floor, OSS X 2.

3. Capt. V. A. Abrignani and Marcello Costa who were concerned with the arrest of the accused can be made available through Fifth Army. Wing Commander Dickie will arrange for these two persons to report on Tuesday next to Lieutenant Paterni and further instructions as to them can be left with him. Miali Renigio was only concerned in introducing Rainone to OSS and it does not appear that his testimony is necessary. T/4 Ceradini Monguluzzi is not mentioned in the document so far as appears from a hasty perusal. If he is required, no doubt Lieutenant Paterni will be able to tell you where he is.

I.G.H. CAMPBELL,
Lt. Col.,
Chief Judicial Officer,
for Chief Legal Officer.

Copy to: Senior Legal Officer, AMG 5th Army.

CONFIDENTIAL

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL COUNCIL COMMISSION
A.P.C. 394

GRU/ewp

ACC/4083/1/L

30 Jun 44

SUBJECT: Investigation

TO : Establishment Officer, Hq ACC

1. I refer to your EstO/Jun.29 dated 29 Jun 44.

2. As stated in my ACC/4083/1/L dated 20 Jan 44 addressed to the Executive Commissioner the writer has personally investigated this matter and has spoken both to Col Chapman and Major Holt.

3. Briefly the situation is that SARNO, Ciro was resident in SALERNO and claimed to know nothing of the alleged fraud in which his children and others were implicated in Naples. Nevertheless the Avv. Papi produced him in Naples for questioning by Allied police officials who however failed to obtain evidence against him sufficient to warrant his arrest. In these circumstances Col Chapman asked him to remain in Naples reporting daily to the Avv. Papi.

4. An entirely wrong and unfortunate impression appears to have got abroad however that SARNO, Ciro was not to be prosecuted before the Italian Courts. Col Chapman has assured me that such is not the case and that he is taking immediate steps to make it plain that SARNO, Ciro is available for questioning by the Judge of Instruction mentioned in para 3 of Major Holt's letter. It may well be however, that Col Chapman will decide that ~~all~~ all the accused will be tried before an A.M. Court.

5. The above really disposes of the substance of the case but I should state that while Major Holt's letter was written in improperly strong terms to his superior officer I am satisfied it was an honest letter and that Major Holt was **seriously worried about** the position especially as to the ~~impersonal~~ (veracious as we know) held by Italian officials as to the position of SARNO, Ciro.

6. The matter should and could have been settled by a brief telephone conversation between Col Chapman and Major Holt but the truth is that these two officers do not and have not for some time got on well together.

In the circumstances I am proposing to transfer Major Holt to another region as soon as I can find a suitable successor with experience of Italian Courts and I recommend that no further action be taken.

G. R. UPJOHN
Colonel,
Chief Legal Officer.

Correspondence
returned
Went

C-O-N-F-I-D-E-N-T-I-A-L 40

HEADQUARTERS ALLIED CONTROL COMMISSION

APO 394

ESTABLISHMENT BRANCH

JJA/jmv

EstO/Jun-29

29 June 1944

Subject: Investigation.

To : Director, Legal Sub-Commission, ACC.

The attached correspondence is referred to you for investigation and report to the Executive Commissioner of the circumstances of the case mentioned in this correspondence. With the report of the circumstances, will you please make recommendation for any action that you believe should be taken by this Headquarters.

John J. Albright
JOHN J. ALBRIGHT,
Colonel, Infantry,
Establishment Officer.

Incls: Basic ltr. 17 June 1944 - "Penal charges against SARNO
Ciro and others.
1st & 2nd indorsements.

*See, file with Col Campbell
but spec copy of our letter
to Brent Garrison is attached*

C-O-N-F-I-D-E-N-T-I-A-L

113

TO C.L.O. REAR H.Q.A.C.C.
 FROM H.Q. REGION 5, A.M.G.
 SUBJECT Case of MANDATO Angelantonio.
 REF R5/511/14.
 DATE 29th June 1944.

Legal

- 5 LUG. 1944

1. The case of MANDATO Angelantonio, now being held in the Riccia jail, has been called to our attention as there is no commitment of record.
2. We do not have any record of this case in the files turned over to us by the Army.
3. P.L.O. CAMPOBASSO advises that the case came to his notice through a verbal complaint made by a peasant woman from Riccia. She stated that the subject was tried early in December, that his original sentence was 1 year but that he was due for release early in June due to a reduction of the sentence on review to 6 months.
4. No documents were produced in support of this claim.
5. Please advise if there is any record of this case in your office.

For the Regional Commissioner:

W. E. BEHRENS
 Colonel
 R.L.O.

by


 A. R. TROXELL
 Lt. Colonel
 D.R.L.O.

ART/EP

Italy Ref

Legal Sub Com

ADVANCED NO ACC

See 4083/116

6 July 44

ALLIED MILITARY GOVERNMENT
SALERNO PROVINCE
LEGAL OFFICE

Ref : ACC/4083/1/L.

Subject: Sabino Domenico et al.

29 June 1944

To: : Legal Sub - Commission H.Q. ACC. (Att:Lt.Col.Campbell)

1. The enclosed file was heretofore forwarded to your office in order that you might decide the petition of appeal of Sabino et al. However you returned the said file without enclosing any opinion or decision.

2. Copies of the correspondence which I am also enclosing will explain the facts involved in this case.

3. I should appreciate your advise in this matter so that I can inform the petitioners of your final decision.

CCB/ga

4 Encls.

Incl. 1. File Sabino et al
Incl 2; Better ref. 66/SIB/A/44/IO
Incl 3. Letter Reg.2 ref.2201/50/G
Incl 4. Letter Reg.2 ref.2201/50/G

dd.II/5/44
dd.21/5/44.

Carl C. Bann
Carl C. Bann
1st.Lt.A.C
Provincial Legal Officer
Salerno Province

cision.

2. Copies of the correspondence which I am also enclosing will explain the facts involved in this case.
3. I should appreciate your advise in this matter so that I can inform the petitioners of your final decision.

CCB/ga

4 Encls.

- | | |
|----------|------------------------------|
| Incl. 1. | File Sabino et al |
| Incl 2; | Better ref. 66/SIB/A/44/IC |
| Incl 3. | Better Reg. 2 ref. 220I/56/G |
| Incl 4. | Letter Reg. 2 bef. 220L/20/G |

dd. II/5/44
dd. 21/5/44.

111

Carl C. Banno
Carl C. Banno
1st. Lt. A.C
Provincial Legal Officer
Salerno Province

spide
4083
5091
4083/1
6 July

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

L/3029

30 GIU. 1944

28 June 1944

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

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

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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 1845	Di Lena Carmine	Frattamaggiore	21 Apr 44	Appl., Form 8
✓ 1837	D'Agostino Michele	Aversa	4 May 44	Appl., Form 8
✓ 3211	Barca Armando	Sup.Ct.No.1	9 " 44	Appl., Form 8
✓ 3392	Mastantuono Attilio	" " "	"26 " 44	Appl., Form 8 in this case sent to A.C.C. 26 June 44
✓ 3231	Castaldo Mario et al	Sup.Ct.731	May 44	Appl. Form 8 in this case sent to A.C.C. 19 June 44
✓ 3281	Ronza Giuseppe	Avellino	31 May 44	Appl. Form 8 in this case sent to A.C.C. 20 June 44
✓ 3409	Ferraro Nunzia et al	Sup.Ct.6	26 May 44	Form 8
✓ 3410	Chianese Nicola	Sup.Ct.1	27 " 44	Form 8

For the Regional Commissioner:

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

ETK/pv

0019

785016

TO
FROM
SUBJECT
REF

V.L.O. REAR H.Q.A.C.C.
H.Q. REGION 5 A.M.G.
PETITION FOR REVIEW.
R5/511/14/CH.

K
Not
enclosed
K J. Lee

(114)
(25)

27th June 1944.

1. BARON Umberto di ~~Ermenegildo~~ was sentenced to 9 months imprisonment for a flagrant and deliberate breach of Proclamation 2, II, 43.
2. It is believed that he lodged a petition and that this was dismissed. If so neither the petition nor the decision can be found. He has however now put in a (second) petition.
3. The petition has not merit except that he claims to be an experienced road engineer in the office of Lavori Genio Militare Rome.
4. It may be that his talents could be more usefully employed on the roads than in Campobasso gaol. If you consider this a ground for a suspension of sentence (I personally do not) perhaps you could investigate his claims and advise.

For the Regional Commissioner:

W. E. HEHRENS,
Colonel,
R.L.O.

WEB/EP

No action will
be taken.

(c)

115

TO U.L.O. REAR H.Q.A.C.C.
 FROM H.Q. REGION 5 A.M.G.
 SUBJECT PETITION FOR REVIEW.
 REF R5/511/14/CH.

K
 Not
 Enclosed
 K. Julek

27th June 1944.

1. BARON Umberto di ~~Emenegildo~~ was sentenced to 9 months imprisonment for a flagrant and deliberate breach of Proclamation 2, II, 43.
2. It is believed that he lodged a petition and that this was dismissed. If so neither the petition nor the decision can be found. He has however now put in a (second) petition.
3. The petition has ~~not~~ merit except that he claims to be an experienced road engineer in the office of Lavori Genio Militare Rome.
4. It may be that his talents could be more usefully employed on the roads than in Campobasso gaol. If you consider this a ground for a suspension of sentence (I personally do not) perhaps you could investigate his claims and advise.

For the Regional Commissioner:

WEB/EP

No action will
 be taken.

W. E. BEHRENS,
 Colonel,
 R.L.O.

115

DEPT. HEADQUARTERS
ALLIED STATES COMBAT ZONE
Legal Info-Coordination
A.O. 594

/apl

ACC/4083/1/1

27 June 64

Subject: Case of Adriano Umberto and GUSTO Giorgio.

To : Regional Legal Officer, Region III.

1. The remarks by Captain BLACKLOCK on enclosed petitions by ADRIANO Umberto and GUSTO Giorgio are dated the 9th June: they were sent to this H.Q. under cover of your letter 1/3029 of 26 June.

2. So that the observations made by Captain BLACKLOCK may be taken into consideration by the Reviewing authority, it is requested that these applications be put with the record and the whole returned for reconsideration.

Enc: Applications.

12
GERALD R. URSCH
Colonel
Chief Legal Officer.

114

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 324

/Jpl

ACC/4083/1/L

27 June 44

Subject: Case of 1 IMPARATO Luigi & others.

To : Regional Legal Officer, Region 3.

Herewith returned for custody is the record in the case of IMPARATO
Luigi & others, which you sent here in answer to our request therefor ACC/4083/1/L
of 13 June 44.

Enc: 1 Record.

lc
GERALD R. UPTON
Colonel
Chief Legal Officer.

113

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

E/3021

26 June 44

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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.imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3155	Loffredo Francesco	Sup.Ct.	7 15 May 44	Appl., Form 8
✓ 3391	Moccia Nicola	"	" 1 26 "	44 Appl., Form 8
✓ 3392	Mastantuono Attilio	"	" " 26 "	44 Form 8
✓ 3393	Ciaravolo Giro	"	" " 26 "	44 " "
3130	Pestiglione Domenico	"	9 4 "	44 Appl., Form 8 in this case sent to A.C.C. 5 June 44
3130	La Monica Gennaro	Sup.Ct.	9 4 May 44	Appl., Form 8 in this case sent to A.C.C. 5 June 44
3363	Raimo Mario et al	Sup.Ct.	1 25 May 44	Appl. Form 8 in this case sent to A.C.C. 24 June 44

For the Regional Commissioner: 11

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

ETK/pv

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 334

/jpl

ACC/4083/1/L

26 June 44

Subject: Documents in the case of Sabino Domenico et al.

To : Provincial Legal Officer, Salerno.

Returned herewith are the papers in the case of Sabino Domenico et al which were forwarded to this office for use of the Legal Sub-Commission.

Enc: 1 Record.

10
GERALD R. UPTON
Colonel
Chief Legal Officer.

11

TO C.L.O. Rear H.Q.A.C.C.
FROM H.Q. Region 5 A.M.G.
SUBJECT Review of Cases.
REF R5/511/14/F.

20th June 44

Herewith are forwarded for review the Superior Court cases of:-

DI BISCEGLIA Natale ✓
VITALE Ettore
TRAVISONNI Vito.

For the Regional Commissioner;

WEB/EP

W. E. BEHRENS,
Colonel,
R.L.O.

110

URGENT

PROVINCIAL LEGAL OFFICE

PROVINCE OF NAPLES

APO 394

AT/HOJ

Date 19 June 1944

SUBJECT : Case of Barca Armando.

TO : Provincial Legal Officer Municipio.

Recd 22-6

3-31

648

1. On receipt of letter dated 14th June from Chief Legal Officer. I immediately looked into the records of this case. There has been an error and the explanation is as follows:

The remarks on the Form 11 apply NOT to the case of Barca Armando but to that of Boccia Vincenzo (Superior Military Court No.1 N.48 of 18 Feb.44)

2. The remarks column in the case of Barca should therefore read "No comments".
3. In view of the fact that Boccia Vincenzo has probably unsuccessfully applied for a Review of his Conviction and Sentence, authority is sought please to re-open his case in the light of the information that has come from the prison to the effect another prisoner has confessed.
4. If such authority be given I will personally pursue enquiries and submit a new Form 11, should the information be substantiated.
5. File returned herewith.

Capt.
Officer Presiding
Sup.mil. Ct.No.1.

101

SUPERIOR COURT MIL No 1 OF

HQ. REGION III. ACC.

15 JUN 1944

Time 11:15:30

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

Ref 18-6

ACC/4083/1/L

SUPERIOR COURT FOR No. 14 June 44

Subject: Case of BARCA Armada.

303/

To : Regional Legal Officer, Region III.

1. This case raises questions of some difficulty.
2. The main charge is that BARCA stole or attempted to steal a certain truck. There is evidence that BARCA was in the truck-he admits that. There appears to be no evidence that he stole the truck (which was still in the pool); any attempt to steal the truck would have to be spelt out of his conduct i.e. entering the pool, getting into the truck, starting the engine coupled with his subsequent lying.
3. Captain BLACKLOCK on the Form 11 talks about the possibility of "mistaken identity" and a confession by another person. This is not understood. The accused was recognised in Court by Lieut. GARRETSO as the man who made the statement (exhibit 3) and the person who made the statement admits his name is BARCA Armando and that he was in the truck.
4. The record in this case is in such Summary Form that it is difficult for the Reviewing Authority to get an impression of the Case. It is therefore requested that Captain BLACKLOCK, in view of his very serious point and recommendation, be asked to amplify his note.

Enc: 1 Record.

1 Captain Gen
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

108

File

TO C.L.O. Rear H.Q.A.C.C.
FROM H.Q. Region 5 A.M.G.
SUBJECT Case of TORIO Vincenzo and another
REF R5/511/19

23 June 1944

595

1. The delay in replying to the request of D.C.L.O. in letter ACC/4083/1/L of 5 June 1944 is regretted.
2. The matter was referred immediately to 12 Air Force, but they advised this H.Q. that the cases referred to were not tried by them but that they had communicated with the H.Q. concerned for the information.
3. I have to-day spoken on the telephone to J.A.G. 12 Air Force who assured me that had not yet received a reply but that he understood it to be in course of post.
4. You will be informed as soon as possible.

For the Regional Commissioner:

W. E. BEHRENS
Colonel
R.L.O.

10

WEB/EP

RHY

8146

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

663
GRU/gar

✓
AGC/4083/1/1.

2. Jun 44

SUBJECT: Charges against Sarno, Ciro and others.

TO : Executive Commissioner (Attn. Brig. Lush).

1. You may be receiving in a day or so from R.C. Region 3 a letter addressed by Major Holt to Col. Chapman in the above matter for your comments.

2. I have investigated this matter fully and have spoken to both officers and trust that you will speak to me personally before taking any further action.

G. R. URJOHN, Colonel
Chief Legal Officer.

See 676
677

ICE

REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 Legal Sub-Commission
 APO 394

/jpl

ACC/4083/1/L

25 June 54

Subject: Case of MAINARDI Severio & others.

To : Regional Legal Officer, Region III.

1. The convictions against MAINARDI Severio, ARDENITO Ciro, CURCI Ferdinando and LA MONICA Genaro are quashed.

2. It is evident from the record that no evidence existed on which any Court could reasonably convict the above accused of the particular offences charged.

3. The "opinion" of the Court setting out its reasons for its verdicts does not in any way alter the above impression-vid sub-para 7 ibid "CURCI Ferdinando-was found guilty (i.e. for stealing sugar) and sentenced to three years with one year suspended, as in his written confession he admitted he was at the place of the crime for the purpose of buying contraband."

4. As regards the remaining accused:-

(a) POSTIGLIONE Domenico.....Sentence affirmed.

(b) MASCA Vincenzo.....Sentence is hereby reduced to
 5 (five) years imprisonment.

(c) PICCOLI Giuseppe.....Sentence is reduced to 2 (two)
 years imprisonment.

Enc: 1 Record.

13
 GERALD R. UPTON
 Colonel
 Chief Legal Officer.

105

DEAR HEADQUARTERS
ALLIED OFFICERS' COMMISSION
Legal Subcommittee
APO 394

/gnt



AGC/4583/23/1

25 Jun 44

SUBJECT: Pardon. (SALIZZO Giuseppe).

TO : HQ Region 5 (for personal attention of acting AG).

1. A petition for clemency was recently submitted to the Ministry of Grace and Justice (and by then forwarded to this Subcommittee) by an inmate of the Salerno prison, asking for release from prison having reached "half time" and alleging that a similar application by one SALIZZO Giuseppe had recently been granted.

2. It so happened that this Subcommittee had considerable knowledge about the case of SALIZZO Giuseppe, great pressure having already been brought to bear - special enquiries by avvocati, a visit from an American Air Force Officer and a personal intervention by a Colonel on the staff of this HQ.

3. The grounds upon which it was suggested that SALIZZO Giuseppe should be released were:

- (a) Sickness of his father.
- (b) Having served half his sentence.
- (c) Friendliness with the American Air Force.

4. When I saw the allegation to which referred to in para 1, I doubted its truth, and therefore asked your Provincial Legal Officer to check.

5. I have now received from him a copy of your letter 15070 of 5 June stating that "at the request of the Regional Commissioner, Region 5, it is ordered that the petition for pardon in the case of the below mentioned accused (SALIZZO Giuseppe) be granted forthwith".

6. Consolidated Instructions Art. 55 (11) states that "there is no provision for pardoning offenders convicted by an Allied Military Court" (111) of the same article imposes on Regional Commissioners the duty to consider and dispose of such applications and therefore implicitly gives the Regional Commissioner some discretion in acceding to such applications, a discretion which obviously should only be exercised very sparingly.

7. The case of SALIZZO Giuseppe is already being cited as a precedent: and if other similar applications are not acceded to it will be thought (quite erroneously, of course) that SALIZZO Giuseppe received preferential treatment owing to the pressure brought to bear on this HQ and because his family are friendly with Allied officers.

- 2 -

8. None of the grounds disclosed to this Subcommittee disclosed any justification for granting SALVATORE GILSEPPE a pardon. It is assumed that the pardon was granted by the Regional Commissioner upon the advice of his legal staff, and it is requested that this Subcommittee be informed of the grounds upon which such advice was tendered.

le

C. R. DEAN, Colonel
Chief Legal Officer.

Papers returned, (supplied by
P.L.O. Salerno) by endorsement

By order of
Lt Col Campbell
Capt. Joe. Fitch

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

25 June 44

Subject: The Pope Case.

To : Regional Legal Officer, Region 1.

1. This Sub-Commission is grateful for your letter RLE 013.02/MLV of 21st June, which clears up many points which did not appear from the record.

2. It ^{was} ~~is~~ not proper to put people on trial on general charges in the hope "that as the evidence developed in Court, the charge would be made to conform with the evidence" or "with view of amending and making the charges more specific as the evidence developed." The Court, of course, has power to direct the charges to be amended or new charges to be added and to grant an appropriate adjournment to enable the accused to prepare their defence. But the record does not show that this step was ever taken.

3. The convictions and sentences have been affirmed.

Enc: 1 Record.

1C
GERALD R. URJOHN
Colonel
Chief Legal Officer.

111

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/3p1

ACQ/4002/1/L

25 June 44

Subject: Case of ANTONIO Gennaro et Al.

To: Regional Legal Officer, Region III.

1. This case has been reviewed and the following points arise:-

(a) Charges

(i) Charge II reads "Defendant on or about 22 March 1944 and at other times did acts prejudicial to the good order of the Allied Forces." This charge is bad for want of particulars, and all convictions on that charge have been quashed.

(ii) It is undesirable that charges should be added at the close of the defence. If, however, this is done the Court should show on the record that it has offered the defence an adjournment to consider the new situation.

(b) Judgment

There appears to be no evidence against PERONE. The Court, however, convicted him on charges 2 & 4 and sentenced him to "2 years jail suspended"-which is no punishment at all. This appears to be a "compromise" by the Court. If the Court thought that he were guilty it should have inflicted some punishment; if not, it should have acquitted him.

(c) Sentences

(i) The hearing concluded on the 18th May, i.e. after the coming into force of the new Rules of Procedure, but Rule 15 (b)-separate sentences on different charges was not followed. Perhaps you will be good enough to see that this point is not being overlooked generally.

(ii) The practice of imposing sentences such as "7 years jail-2 years suspended," as done three times in this case, is pointless. If the Court considers 5 years in prison the proper punishment, it should pass sentence accordingly.

(iii) The evidence against ABATE Gennaro is that he met the party at the unloading point and helped to unload. On this, the Court was justified in convicting him under charge 3 and 4 (the fact he was convicted on charges 2, 3 and 4.) The sentence imposed on him was "two years jail suspended." There may be special reasons, such as age (18 yrs old) or family coercion, justifying this sentence; if so, they should be stated on the record.

2. If it is realized that the officer who tried this case is no longer in Region 3: but as some of the points are of general application will you please bring them to the attention of those concerned.

Enc: 1 Record.

GERALD E. HUGHES
Colonel
Chief Legal Officer

4083/1

158

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

L/3029

24 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3362	Esposito Carlo et al	Sup.Ct.1	24 May 44	Appl., Form 8
✓ 3363	Raimo Mario	" "	" "	25 " 4 Form 8
3274	Esposito Gioacchino	" "	" "	18 " 44 Appl. Form 8 in this case sent to A.C.C. 19 June 44
3275	Serino Giuseppe	Sup.Ct.No.1	20 May 44	Appl. Form 8 in this case sent to A.C.C. 19 June 44.

sent
June

For the Regional Commissioner:

ok
J

EMM/pv

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

100

PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpi

ACC/ 4083/1/L

23 June 44

Subject: Case of Donato Donato
GIMESTRA Giovanni

To : Regional Legal Officer, Region V.

1. To save time, enclosed herewith are the papers in the proceedings against DONATO and GIMESTRA who were tried in CHIETI province when under 5th Army.

2. You will observe that the sentences are suspended with effect from receipt of Decision on Review by P.L.O. CHIETI.

GERALD H. UPTON
Colonel
Chief Legal Officer

Copy to: Senior Legal
Officer, 8th Army

and: 1 record.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 34

/101

656

ACC/4083/1/L

23 June 44

Subject: Case of TAVONE Antonio

To : Regional Legal Officer, Region V.

1. The Chief Legal Officer has reviewed the proceedings against TAVONE Antonio and has quashed the conviction.

2. The trial appears to have been most unsatisfactory; the Court spent a great deal of time in internal disputation e.g. as to whether Exhibit 2 was or was not in evidence; veiled insinuations as to TAVONE's past were introduced by the prosecution on the alleged and entirely unfounded ground that to ask questions as to friendliness or otherwise of TAVONE towards Canadians amounted to the introduction of evidence of character: the suggestion that the prosecution witness LIBERATORE was "hostile" because he was a brother-in-law of the accused; further, the correct order of addresses to the Court after the close of the case for the defence was not observed, the prosecution having an extra "innings": see Rules of Procedure (d).

3. The soldiers involved in the episode were very drunk; that is quite clear from their own evidence. It is clear that TAVONE was justified in intervening to help IAROCCHI against these 3 drunk men; whether he would have been justified in using a knife merely for that purpose is a different question, but there is a considerable body of evidence that that he only used his knife after he himself had been punched and knocked down and after the shouts of IAROCCHI's son.

4. It is regretted that the Court has not recorded on what grounds they differed as to judgment.

IC.

CERALE R. UPJOHN
Colonel
Chief Legal Officer.

Enc: 1 Record.

98

file

14/6
 Legato S.C. 155
 42543
 ALLIED CONTROL COMMISSION
 SICILY REGION HEADQUARTERS
 APO 394

File: RLE 013.02/FLV

SUBJECT: The Rope Case.

TO : Chief Legal Officer, A.C.C. HQ.

1. This office is in receipt of your communication ACC/4083/1/L concerning the above subject matter.

2. This case was prepared and presented by Lt. (jg) V.J. Claffey USNR in behalf of the Shore Patrol. Lt. Claffey is a lawyer by profession, with considerable court experience and the court was well aware of the numerous difficult problems presented by this case. The case dealt with a series of thefts from a U.S. Naval Warehouse by a large group of persons over a period of time. All the persons involved in the theft in one way or another were not caught at the scene of the crime, but were arrested from time to time as bits of information were received. The case had its origin with the arrest of MEGNA ANDREA who was transporting in a cart some U.S. rope whereupon he was immediately placed in custody. During the investigation and interrogation of this large group of people, many were released because no evidence could be found against them, and many were held with very little evidence to go to court on. However one thing was certain that many of these persons formed a group or groups independent of one another who had in one way or another participated in these thefts, but it was very difficult to procure the evidence to prove actually what part each accused took in the theft.

3. For the reasons stated in paragraph 2, the charge against MANNOIA(two), GAETA, MERCURIO, COSENZA, ORLANDO, PANARA, MEGNA, MINEO, and ONORATO and others had to be of a general nature, with hope that as the evidence developed in court, the charge would be made to conform with the evidence. Although the charges were general in their nature no injustice resulted, nor was any request on the part of the advocates made for further particulars. The court was compelled to take a broad view in this case in order to

custody. During the investigation and interrogation of this large group of people, many were released because no evidence could be found against them, and many were held with very little evidence to go to court on. However one thing was certain that many of these persons formed a group or groups independent of one another who had in one way or another participated in these thefts, but it was very difficult to procure the evidence to prove actually what part each accused took in the theft.

3. For the reasons stated in paragraph 2, the charge against MANNOIA(two), GAETA, MERCURIO, CCSENZA, ORLANDO, FANARA, MEGNA, MINEC, and ONORATO and others had to be of a general nature, with hope that as the evidence developed in court, the charge would be made to conform with the evidence. Although the charges were general in their nature no injustice resulted, nor was any request on the part of the advocates made for further particulars. The court was compelled to take a broad view in this case in order to protect Allied interests and still do substantial justice to those being tried.

4. With respect to MARTINO, SIRIANNI, CALDERARO and AGOSTINO who are members of the police force, the charges were of a general nature with view of amending and making the charges more specific as the evidence developed.

CALDERARO a Brigadier of the C.C.R.R. was found guilty of selling sequestered rope belonging to the Allied Government for the sum of 3000 lire. However the amount of money received is in dispute, but there is sufficient evidence to prove that he received some compensation.

SIRIANNI a carabinieri of the C.C.R.R. was found guilty for the same crime as CALDERARO as they jointly committed the offence.

File

MARTINO a carabinieri of the C.C.R.R. was found guilty of accepting 100 lire which he admitted receiving from SIRIANNI knowing that it was intended that he should keep silent about the sale of rope.

AGOSTINO a member of the "Pubblica Sicurezza" was found guilty of accepting 500 lire which he admitted he received from the accused SALTITA, which sum was intended for the purpose of not disclosing any information concerning the theft of rope.

5. With regard to MEGNA ANDREA the court found as a fact that he only acted as a carrier and not as an actual participant in the theft. The accused admitted the possession of the pistol and on the basis of these findings of fact the court was of the opinion that 2½ years was a fair sentence.

6. With regard to Polizzi, the court dismissed the charge because it was satisfied that the fact that he was found walking on the sidewalk near a cart driven by another, was not sufficient evidence which would warrant a finding of guilty. POLIZZI satisfied the court that his signed statement had been made under duress, and therefore the court did not give much credence to this statement. The same is true with regard to the statement of GALIFFI, GULLI and CALCAGNI. As to RENDA COSTANTINO he was examined, found insane and sent to an insane hospital.

7. MINEO FRANCESCO was found guilty of aiding in the disposition of stolen Allied Property, in that he arranged the deal between CALDERARO, SIRIANNI and LO IACONO who was the purchaser of the sequestered rope. The court felt that 4 years was an adequate sentence. MINEO has a past criminal record.

8. CALDERARO received a sentence of 4 years because he was found guilty of selling and disposing property which he, as a brigadier, had in his custody. He has no previous record, but being a policeman he had a greater responsibility to protect sequestered property.

9. This office calls to your attention that the court experienced a greater deal of difficulty in making findings of

found insane and sent to an insane hospital.

7. MINEO FRANCESCO was found guilty of aiding in the disposition of stolen Allied Property, in that he arranged the deal between CALDERARO, SIRIANI and LO IACONO who was the purchaser of the sequestered rope. The court felt that 4 years was an adequate sentence. MINEO has a past criminal record.

8. CALDERARO received a sentence of 4 years because he was found guilty of selling and disposing property which he, as a brigadier, had in his custody. He has no previous record, but being a policeman he had a greater responsibility to protect sequestered property. *yi*

9. This office calls to your attention that the court experienced a greater deal of difficulty in making findings of fact in this case, because the U.S. SHORE PATROL used rather harsh methods in obtaining statements from the accused. Many of the accused were quite severely beaten up and some required medical aid. This type of treatment was denied by the Shore Patrol, but the court was satisfied that some bodily punishment had been inflicted in obtaining the signed statements. The court could not entirely disregard the statements, but received them for whatever value the court cared to give them.

10. This office has attempted to answer all the inquiries of your letter, but is unable to get the view of the other Judge who participated because he is no longer connected with this office.

For Colonel A.N. HANCOCK:

Frank L. Vecchiolla
FRANK L. VECCHIOLLA,

Major, JAGD.,
Regional Legal Officer.

sf

Encl: Rope Case Record File

SENTENCE OF THE COURT

<u>NAME</u>	<u>CHARGE</u>	<u>PLEA</u>	<u>FINDING</u>
1. Coccia Guarino	) Violation of Proc.2, Art.2,	N.G.	Charge
2. Caravaggi Armando	) Sec. 45. Aiding and Abetting	N.G.	Allied
3. Santerò Giuseppe	) in the sale and disposition of sequestered property, namely, rope belonging to the Allied Govt.	N.G.	by the
4. Renda Costantino	Theft or participating in theft of Allied Govt. Property, namely, rope.		This ac to be i The cha prejudi
5. Marasa Paolo	Harboring a fugitive	N.G.	Charge evidenc
6. Palamara Domenico	) Same as (1,2 & 3) above	N.G.	Dismiss
7. Romeo Francesco	) Same as (1,2 & 3) above	N.G.	"
8. Pecoraro Salvatore	) Same as (4)	N.G.	"
9. Cernigliaro Eugenio	) Same as (4)	N.G.	"
✓ 10. Calderaro Giuseppe	Viol. Proce.2, Art. 2 Sec. 45. Selling and disposing for a consideration sequestered rope, ppty of the Allied Govt.	N.G.	GUILTY
✓ 11. Sirriano Giuseppe	" " " " " " "	N.G.	GUILTY
✓ 12. Agostino Giuseppe	Viol. Proc. 2, Art. 2, Sec. 45. accepting money to withhold information concerning the theft of Allied Govt. ppty.	N.G.	GUILTY

SENTENCE OF THE COURT

	<u>PLEA</u>	<u>FINDING</u>	<u>SENTENCE</u>
Art.2, Abatting position of y, namely, e Allied Govt.	N.G. N.G. N.G.	Charge withdrawn without prejudice to the Allied Military Government. (Request made by the Prosecutor and granted by the Court.	
ing in theft erty, namely,		This accused was mentally examined and found to be insane, and sent to an insane asylum. The charge against him was withdrawn without prejudice to the Allied Military Government.	
e	N.G.	Charge was withdrawn as there was no evidence presented to the Court.	
ove	N.G.	Dismissed for insufficient evidence	
ove	N.G.	" " " "	
	N.G.	" " " "	
	N.G.	" " " "	
2	N.G.	GUilty	4 Years
a disposing sequestered Allied Govt.			
" " "	N.G.	GUilty	4 Years
2, Sec. 45. withhold ning the theft ty.	N.G.	GUilty	1 Years

NAME	CHARGE	PLEA	FINDING
13. Martino Pietro	Viol. Proc. 2, Art. 2, Sec. 45 accepting money to withhold information concerning the commission a crime	N.G.	GUILTY
14. Calcagni Giuseppe	" " " " " "	N.G.	Charge with Allied Gov
15. Grilli Tommaso	" " " " " "	N.G.	" "
16. Polizzi Giuseppe	Aiding in the theft of ppty of Allied N.G. Govt., namely, Rope.		Dismissed
17. Galiffi Angelo	" " " " " "	" N.G.	" "
<u>MINORS</u>			
18. Mannoia Giuseppe	Aiding in the theft of ppty of Allied Govt., namely, Rope.	G.	GUILTY
19. Onorato Giuseppe	" " " " " "	G.	Guilty
20. Mineo Filippo	" " " " " "	G.	"
21. Megna Francesco	" " " " " "	G.	"
22. Fanari Vincenzo	" " " " " "	G.	"
23. Orlando Giovanni	" " " " " "	G.	"
24. Saitta Giuseppe	" " " " " "	G.	"
25. Mineo Francesco Paolo	Aiding and abetting the disposition of ppty of Allied Govt. namely, Rope G.		"

	<u>PLEA</u>	<u>FINDING</u>	<u>SENTENCE</u>
c. 45 old infor- mation	N.G.	GUILTY	9 Months
" "	N.G.	Charge withdrawn without prejudice to Allied Govt. (Request by Prosecutor granted by the Court)	
" "	N.G.	" " " " " "	
pty of Allied N.G.		Dismissed for insufficient evidence	
" " N.G.		" " " " " "	
pty of	G.	GUILTY	12 Months probation
pe.	G.	Guilty	12 Months probation
"	G.	"	" " " "
"	G.	"	Sent to re-education school for indefinite period. (Has previous record).
"	G.	"	5 Years) considered the ringleaders of the theft.
"	G.	"	" " " "
"	G.	"	4 Years) Considered the ringleaders of the theft.
the disposition namely, Rope G.		"	4 Years

<u>NAME</u>	<u>CHARGE</u>	<u>PLEA</u>	<u>FINDING</u>
26. X Iacono Giuseppe Battista	Receiving stolen ppty of Allied Govt. namely, Rope.	N.G.	GUILTY
27. 4 Megna Andrea	1. Aiding and abetting the theft of Allied ppty., namely, Rope 2. Possn. of a loaded pistol	N.G.	GUILTY) GUILTY)
28. X Bisignano Giovanni	Aiding and abetting the theft of ppty of Allied Govt. namely, Rope.	N.G.	GUILTY
X 29. Trapani Salvatore	" " " "	" N.G.	GUILTY
X 30. Zimmardi Simone	" " " "	" N.G.	GUILTY
X 31. Cosenza Francesco	" " " "	" G.	GUILTY
X 32. Mannoia Rosario	" " " "	" N.G.	GUILTY
X 33. Sgalatta Vincenzo	" " " "	" N.G.	GUILTY
X 34. Ingrassia Vincenzo	" " " "	" G.	GUILTY
X 35. Mercurio Giuseppe	" " " "	" G.	GUILTY
X 36. Gaeta Antonino	" " " "	" G.	GUILTY

<u>NAME</u>	<u>CHARGE</u>	<u>PLEA</u>	<u>FINDING</u>
26. Lo Iacono Giuseppe Battista	Receiving stolen ppty of Allied Govt. namely, Rope.	N.G.	GUILTY
27. 4 Megna Andrea	1. Aiding and abetting the theft of Allied ppty., namely, Rope 2. Possn. of a loaded pistol	N.G.	GUILTY)) GUILTY)
28. + Bisignano Giovanni	Aiding and abetting the theft of ppty of Allied Govt. namely, Rope.	N.G.	GUILTY
29. Trapani Salvatore	" " " "	" N.G.	GUILTY
30. Zimardi Simone	" " " "	" N.G.	GUILTY
31. Cosenza Francesco	" " " "	" G.	GUILTY
32. Mannoia Rosario	" " " "	" N.G.	GUILTY
33. Sgalatta Vincenzo	" " " "	" N.G.	GUILTY
34. Ingrassia Vincenzo	" " " "	" G.	GUILTY
35. Mercurio Giuseppe	" " " "	" G.	GUILTY
36. Gaeta Antonino	" " " "	" G.	GUILTY

	<u>PLEA</u>	<u>FINDING</u>	<u>SENTENCE</u>
olen ppty vt. namely,	N.G.	GUILTY	3 Years
abetting the lied ppty., e	N.G.	GUILTY))	2 1/2 Years
loaded pistol		GUILTY)	
abetting the theft Allied Govt. namely,	N.G.	GUILTY	1 Years
"	" N.G.	GUILTY	1 Years
"	" N.G.	GUILTY	9 months
"	" G.	GUILTY	9 months
"	" N.G.	GUILTY	6 months
"	" N.G.	GUILTY	6 Months
"	" G.	GUILTY	6 Months
"	" G.	GUILTY	6 months
"	" G.	GUILTY	6 months

(633)

HEADQUARTERS
REGION 3, MILITARY GOVERNMENT COMMISSION
A.P.O. 396, U.S. Army

I/3029

21 June 44

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

To : Chief Legal Officer, Legal Sub-Com-
mission, A.G.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. imp.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3313	Iettiga Vincenzo	Sup.Ct.No.1	5 June 44	Appl., Form 3
✓ 3314	Palinese Francesco	" " "	30 May 44	Appl., Form 3
✓ 3315	Puccillo Aniello	" " "	5 24 " 44	Appl., Form 3
✓ 3234	Abbate Carlo and Abbate Augusto	" " "	6 17 " 44	Appl. Form 3 in this case sent to A.G.C. 15 June 44
✓ 3233	Caserta Gaetano	Sup.Ct.No.5	12 May 44	Appl., Form 3 in this case sent to A.G.C. 15 June 44

For the Regional Commissioner:

OK
Ad.
Ind.

Niel C. Baker
Niel C. Baker,
1st Lt., G.M.C., -
Adjutant.

ETE/pv

4083/1

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

(53)

L/3023

20 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
3282 ✓	Pandolfi Gino	Sup.Ct.No.1	15 May 44	Form 3
3281 ✓	Manzo Sabato	" "	Avellino 31" 44	Appl., Form 8

For the Regional Commissioner:

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

BTK/pv

91

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

652

File: RLE 013.04/FLV

20 June 1944

SUBJECT: Case of ORLANDO Conti.

TO : C.L.O., A.C.C. HQ.

Reference your letter ACC/4083/1/L dated 16 June 44.

1. Attached herewith is the acknowledgment receipt of the above mentioned case.

For Colonel A.N. HANCOCK:

sf

Encl. Ackn. Receipt. *VR*

Frank L. Vecchiolla
FRANK L. VECCIOLOLLA,
Major, JAGD.,
Regional Legal Officer.

TO C.L.O. Rear H.Q.A.C.C.
FROM H.Q. Region 5 A.M.G.
SUBJECT REVIEW OF CASES.
REF R5/511/14/F.

20th June 1955.

1. Herewith for review Superior Court cases of MARINO Francesco.
2. Your attention is drawn to the remarks of the Court on the mental condition of the accused.

For the Regional Commissioner:

W. E. BEFFENS
W. E. BEFFENS,
Colonel,
R.L.C.

WEB/EP

*Reduced to
1 year in probation*

10

89

7749

REAR HEADQUARTERS
ALLIED CORPUS COMMISSION
Legal Subcommittee
APO 394

108A
GRI/GRF

ACC/4083/1/1

20 JUN 44

SUBJECT: Charges against Sarno, Ciro and others.

TO : Executive Commissioner (Attn. Brig. Gen.).

1. You may be receiving in a day or so from H.C. Region J a letter addressed by Major Holt to Col. Chapman in the above matter for your comments.
2. I have investigated this matter fully and have spoken to both officers and trust that you will speak to me personally before taking any further action.

C. B. HUGHES, Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED OFFICIAL COMMISSION
Legal Subcommittee
APO 324

CML/gmc

107A
65V
F

ACC/LCC/2/L

20 Jan 44

SUBJECT: Region 3.

TO : RLO (Area 3) Region 3.

Continuing our conversation (Col. Upjohn - Col. Chapman) yesterday

1. Personnel matters are I hope for the time being settled and you will only lose Christians and Woodward.
2. Regional Order 18 will forthwith be rescinded if this has not already been done.
3. Admin. Order No. 5 (refascistization) will be soft peddled and ultimately superseded by the Italian decree. You confirmed that it was a judicial body and dismissals are not automatic merely because a person now holds a certain office and was formerly a fascist of a certain grade.
4. We are considering some amendments to Regional Order No. 57.
5. I shall arrange an exchange of duties for Major Holt in the near future.
6. You confirmed that Otto Sarro was entirely at the disposal of the Italian Judicial authorities for prosecution subject only to this - that all the accused may be tried in an A.M. Court if the facts warrant it.
7. Inflation is a knotty problem!!

G. R. UNGER, Colonel
Chief Legal Officer. 81

Copy to: Files ACC/LCC/2/L
ACC/LCC/1/L

HEADQUARTERS

CONFIDENTIAL

REGIO 3, ALLIED CONTROL COMMISSION
APO 194, U.S. ARMYNaples, Italy
17 June 1944

RCH/LC

SUBJECT: Penal charges against SARNO Ciro and others.
TO: Regional Legal Officer REGION III.650
E

1. Reference is made to your letter of 12 May 1944 L - 4040 subject: Black market offenders, addressed to: P.L.O. (Thru P.O.) Naples, Att. Prosecuting Officer, copy of which was handed to me with verbal instructions to report on those cases referred to the Italian Courts for trial, and to my letter of 22 May 1944 para. 2 sub-para. (3.) on this subject.

2. The following persons accused with SARNO Ciro of having committed the crimes referred to in my letter of 22 May 1944 have been in custody since the date of their respective arrests:

SARNO Raffaele di Ciro.
SARNO Adele di Ciro.
MIGLIACCIO Gaetano fu Aniello.
GROCCO Cesare di Saverio.
PEPPINO.....(First name and paternity unknown).

GIUNA Vincenza has been granted provisional liberty by the appropriate Italian authority. DI PIETRO Concetta is still at large but there is a warrant out for her arrest.

3. The local Questura has informed the Instructional Judge Cav. Leone D'ALESSANDRO that he has no power to execute the warrant issued for the arrest of SARNO Ciro, because the accused having presented himself to the Allied Military Government at the local Prefettura has been released by the said command on the personal guarantee of the avvocato Papi.

86

4. This case has received considerable notoriety through the press and radio, and the fact that SARNO was a one time fugitive from justice has been widely advertised through the medium of placards offering a reward of L. 20,000 to the person responsible for his apprehension.

5. Whatever may have been the motive for granting preferential treatment to SARNO Ciro over the other accused persons in this case, the impression made upon the public in general and the local Bar in particular is to be regretted.

6. I wish to put my self on record as never having been consulted or advised as to the action being taken in this case, which had been referred in the normal manner by the Central Prosecuting Office to the office of the Procuratore del Re for trial by an Italian Court.

- 2 -

7. As I am nominally the officer i/c of Italian Courts in this Region, and as I consider that the a/h release of SARNO Wire is a flagrant example of abuse of authority on the part of some officer or officers in this Headquarters, I must respectfully request that the matter be thoroughly investigated at a level higher than this Region, and that disciplinary action be taken against those persons responsible should the circumstances warrant it.

M.C. HOLT Major
Officer i/c. Italian Courts
A. C. C. REGION III.

650
D

85

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

MCH/LC

8/HQ
Naples, Italy
22 May 1944

SUBJECT : Black market offenders.
TO : R. L. O., REGION III

1. Reference is made to your letter of 12 May 1944, I - 4040 of the a/m subject addressed to P.L.O. (Thru P.C.) Naples. Att. Prosecuting, copy of which was supplied to this office.

2. The following is a report upon these cases referred to the Italian Courts for trial.

(1). GUARINO Carmine di Ernesto Charged under article 15 of Royal Decree 22/4/43 n. 245. Circulating counterfeit schedule without being implicated in the forgery. Trial fixed for hearing on 23 May 1944 before the 10th section of the Tribunale, Naples.

(2). TODISCO Pasquale fu Francesco. Charged under article 18 and 22 of the Law 22/4/43 n. 245. for having sold bread, illegally obtained, above the fixed price, and for failure to keep in order charge and discharge registers. Case referred to Juvenile Court for trial.

(3). SARNO Giro fu Sabato.
SARNO Raffaele di Giro.
SARNO Adele di Giro.
DI PIETRO Concetta.
MIGLIACCIO Gaetano fu Aniello.
GROCCO Cesare di Saverio.
GIURA Vincenzo di Gennaro.

PEPPINO.....(First name and paternity unknown).

The three SARNOS are charged under article 81 of the Penal Code (more than one breach of one or various provisions of law by one or more acts: continued offence).

Under article 110 (being accessories to a crime) under article 15 R.D. 22/4/43 n. 245 (Circulating counterfeit promoted schedule). under article 321 Penal Code (Corruption) under article 359 Penal Code (Persons conducting a service of Public necessity) under article 8 R.D. 22/4/43 n. 245 (Procuring a large quantity of flour, nearly 1000 rations daily, for illegal commerce, violating the rationing of said product).

DI PIETRO and MIGLIACCIO are charged with being accomplices of the SARNOS in the above crimes.

GROCCO and PEPPINO are charged under article 319 Penal Code (Corruption for performing an act contrary to the duties of office).

GIURA charged with being an accessory to the crimes of SARNO Raffaele and DI PIETRO.

The record in this case is in the hands of the Instructional Judge of the 8th section of the Tribunale, and a warrant for the arrest

- 2 -

of SARNO Ciro, SARNO Raffaele and DI PIETRO Concetta has been sent to the Questura of Naples for execution.

(4). PERSICO Andrea fu Luigi.

DI FUSCO Pasquale fu Antonio.

Charged under articles 8 and 15 of R.D. 22/4/43 n. 245 and 110 of the Penal Code.

Case under instruction and warrant for arrest of DI FUSCO sent to Questura and CC.RR.

(5). COSTABILE Carmine fu Carmine.

Charged under the last para. of article 15 of R.D. 22/4/43 n. 245. Circulating promoted counterfeit ration schedule without participating in forgery.

Trial fixed for 23 May 1944 before 10th section Tribunale, Naples.

(6). GUARINO Francesco di Ernesto.

TRONCONE Mario fu Carmine.

Convicted by the Tribunale of charges under articles 4, 8, 15 R.D. 22/4/43 n. 245 and 483, 488 of the Penal Code; sentenced to two years imprisonment and 6,000 lire fine each and costs, on 22 April 1944.

(7). TRONCONE Mario fu Carmine.

Has also been charged with another offense under article 15 R.D. 22/4/43 n. 245.

This case has been fixed for trial on 23 May 1944 before the 10th section of the Tribunale.

(8). NAPPA Teresa fu Arcangelo.

Convicted by the Tribunale of charges under articles 4 and 5 of R.D. 22/4/43 n. 245 and 483, 488 of the Penal Code; sentenced to 3 years imprisonment and 5,000 lire fine and costs, on 13 May 1944.

(9). CIANCIO Gennaro di Vincenzo.

Aquitted for lack of proof by the Tribunale on 5 May 1944. Charges laid under articles 4, 8, and 15 of R.D. 22/4/43 n. 245.

(10). CIANCIO Gennaro di Vincenzo.

Has also been charged with other offenses under articles 4, and 8 of R.D. 22/4/43 n. 245. Case under instruction and requiring proof of counterfeiting.

(11). ASCIONE Santa di Giovanni.

Record remitted to instructional judge for sentence, the prosecution having asked for an acquittal on grounds of no offence.

Accused granted provisional liberty on 12 May 1944 after Presuratore del Re received a note from Capt. Carl Eardley, Civil Control Officer, Region III, advising that charges were withdrawn.

(12). D'ONOFRIO Vincenzo fu Pasquale.

Convicted by the Tribunale and sentenced to one year in prison and fine of 10,000 lire and costs, for having procured an unascertained quantity of bread from an illegal source, aggravated because committed in the exercise of his commercial business. Sentence pronounced on 26 April 1944.

- 2 -

- 3 -

3. No charges have as yet been referred to the Italian Courts in the following cases.

SETTEMBRE Alfonso.
MERCALDI Raffaele.
DI VAIO Pietro.
CATANIA Antonio.
BIANCO Ernesto.
GIORDANO Amalia.
CAPASSO Angelo.
ASTARITA Annunziata.
PEREZ Vincenzo.
D'AMATO Giuseppe.

650 (A)

M.C. HOLT Major
Officer i/c. Italian Courts
A. C. C. REGION III.

HEADQUARTERS
REGION 5, ARMY CONTROL COMMISSION
APO 394, U.S. Army

16/29
650

L-4040

12 May 1944

Subject: Black market Offenders.

To : P.E.O. (Thru P.C.) ^{Naples} Att. Prosecuting Officer.

1. Interest is expressed in the cases against the persons named below who are charged with ration violations. Will you keep this office advised as to progress and results in these cases?

2. / Guarino Carmine ✓
3. / Totisco Pasquale ✓
4. / Sarno Giro - ✓
5. / Migliaccio Gaetano ✓
6. / Di Pietro Concetta - ✓
7. / Fusco Pasquale ✓
8. / Settembre Alfonso ?
9. / Mercaldi Raffaele - ?
10. / Costabile Carmine ✓
11. / Di Vaio Pietro ?
12. / Catania Antonio ?
13. / Bianco Ernesto ?
14. / Giordano Amalia ?
15. / Capasso Angelo ?
16. / Astarita Annunziata ?
17. / Troncone Mario ✓
18. / Perez Vincenzo ?
19. / D'Amato Giuseppe ?
20. / Nappa Teresa ✓
21. / Ciancio Vincenzo +
22. / Ascione Santo ✓
23. / D'Onofrio Vincenzo. ✓

81

3. Sarno Giro, Sarno Raffaele and Di Pietro Concetta have not yet been arrested according to our present information.

By Order of Lieutenant Colonel POLETTI:

JWC/cm

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

Copy to -

Officer I/C Italian Courts
Regional E. & S. Officer.

80

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

649

L/3029

19 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3273	Cisale Guglielmo	Torre Annunziata	5 June 44	Appl., Form 8
✓ 3272	Piorrelisi Angelo	Avellino	18 May 44	Appl., Form 8
✓ 3231	Castaldo Mario et al.	Sup.Ct. 7	31 " 44	Appl., Form 8
✓ 3130	Piccoli Giuseppe	Sup.Ct. No. 3	4 " 44	Appl. Form 8 in this case sent to A.C.C. 5 June 44
✓ 1482	Fasuccci Carmine	Frigento	21 Apr. 44	Form 8
✓ 3276	Carrone Vitale	Sup.Ct. No. 1	17 May 44	" " 73
✓ 3275	Serino Giuseppe	" " "	" 20 " 44	" "
✓ 3274	Esposito Giocchino	" " "	18 " 44	" "

For the Regional Commissioner:

J. L. Lello

W. C. Baker
W. C. BAKER,
1st Lt., U.S.A.,
Adjutant.

BTB/pv

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

648

ACC/4083/1/L

14 June 44

Subject: Case of BARCA Armando.

To : Regional Legal Officer, Region III.

1. This case raises questions of some difficulty.
2. The main charge is that BARCA stole or attempted to steal a certain truck. There is evidence that BARCA was in the truck-he admits that. There appears to be no evidence that he stole the truck (which was still in the pool); any attempt to steal the truck would have to be spelt out of his conduct ie. entering the pool, getting into the truck, starting the engine coupled with his subsequent lying.
3. Captain BLACKLOCK on the form 11 talks about the possibility of "mistaken identity" and a confession by another person. This is not understood. The accused was recognized in Court by Lieut. GARRISON as the man who made the statement (exhibit 3) and the person who made the statement admits his name is BARCA Armando and that he was in the truck.
4. The record in this case is in such Summary Form that it is difficult for the Reviewing Authority to get an impression of the Case. It is therefore requested that Captain BLACKLOCK, in view of his very serious point and recommendation, be asked to amplify his note.

Enc: 1 Record.

K
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 3/4

ACC/4083/1/L

Subject: Case of Cassanti Carlo

To : Regional Legal Officer, Region 3.

1. The conviction and sentence in this case are affirmed.

2. Again attention is called to the sentences given by Major MARXEN; in this case the sentence is one of 7 years of which 6 years and 9 months is suspended is in reality a sentence of 3 months for what would appear from the evidence to have been a serious and deliberate wire cutting case. It is true the accused was imprisoned apparently from 16 Feb. 44 and only tried on 16 May 44 a period of approximately four months. The case of the accused was remanded by a Summary Court to a Superior Court on 21 Feb 44. Why was there such a delay in having the final trial. In any event the sentence appears to be on the very light side in view of the seriousness of the charges on which the accused was convicted.

Enc: 1 Record.

RICHARD H. WILMER
Colonel CAC
Deputy Chief Legal Officer

/jpl

647

13 June 1944

77

R

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

646

13 June 1944

AOC/4083/1/L

Subject: Case of GIAME Salvatore.

To : Regional Legal Officer, Region III.

1. Your attention is drawn to the fact that the sentence imposed by the Court in the case of GIAME Salvatore as it appears on Form 8 is extremely difficult to construe: incidentally it is substantially different from the sentence as it appears on the loose sheet among the papers (which presumably is the "sheet attached" referred to on the Form 8).
2. Although it is within the power of the Court so to do, it is not considered reasonable or sensible for any Court to order a fine to be paid within a period of 5 years: there is a reasonable expectation that before the end of that period AMG will no longer be in existence in Naples.
3. The suspension of part of a prison sentence on condition of good behaviour in prison is a practice to be discouraged.
4. As the sentence now stands, provided that the Director of the Prison states that the behaviour of the accused has been good, he will be entitled to be released at the expiration of 3 years. He will then have a further two years in which to pay the fine.
5. The reviewing authority cannot vary a sentence except by reduction: in view of the fact, however, that it must have been the intention of the Court that the accused should not be released from prison until the fine has been paid, the sentence has been reworded to carry out more clearly that intention.

Enc: 1 Record.

(Signature)
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Albert

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 374

/jpl

645

ACC/4083/1/L

13 June 44

Subject: Case of LOFFREDO Francesco

To : Regional Legal Officer, Region 3.

1. The record in the case of LOFFREDO Francesco is returned herewith
2. It has been found very difficult indeed to read the judge's notes and impossible to read the sentence of the Court: So may a typewritten copy of the Sentenza please be supplied.
3. It must be possible for this officer to write somewhat more clearly, so that records can be read without the consumption of so great an amount of time as is now necessary.

Enc: 1 Record.

G. H. H.
GERALD H. UNION
Colonel
Chief Legal Officer.

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

644

L/3029

9 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 documents listed below relating to
Review of Sentences. In this case more than 30
days have expired since sentence was pronounced
by the Court.

Legal File No.	Name	Court	Date of Trial	Docu- ment
1747	Accardo Pasquale and 12 others	Sup.Ct.No.7 Naples	5 April 44	Form 8

74

For the Regional Commissioner:

W. C. Baker
WILL C. BAKER,
1st Lt., G.M.C.,
Adjutant.

ETK/pv

PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AFS 394

/jpl

ACC/4083/1/L

19 June 44

Subject: Case of BARWA Elizabetha

To : Regional Legal Officer, Region III.

1. The Record in the proceedings against BARWA Elizabetha is returned herewith, the conviction and sentence having been affirmed.

2. Your attention is drawn to the attached letters (H. Q. ACC to Region III and PLS to C.L.O.)

3. Will you please check that records are complete before they are forwarded. Fortunately, in this case it has been possible to overcome the difficulty caused by the absence of these papers on account of the statement in para 4 of the President's letter and the evidence of the accused in Court.

Enc: 1 Record.

(2)
GERALD R. UPTON
Colonel
Chief Legal Officer.

73

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

19 June 44

Subject: Case of CARULLO Michele

To : Regional Legal Officer, Region III.

1. The record in the case of CARULLO Michele is returned herewith, the conviction and sentence having been affirmed.

2. The dissenting opinion on sentence has been carefully considered. In that opinion the writer states that in his opinion the accused "did think that he was in danger of being killed....(but) was not....entitled, had he been a reasonable man, to hold that belief." This makes it clear that in the opinion of this officer (as stated in the opinion of the Court) that the accused was ^{NOT} entitled to acquittal on the grounds of self defence: for self defence only justifies use of such force as the person using it believes, and has reasonable grounds for believing, to be necessary.

3. It follows from the above that there was no point of law or principle between the majority and minority. It was simply a question of one man's opinion against another's as to what was the correct penalty to inflict in this particular case, having regard to all the circumstances, which are set out in the Reasons for judgment and Notes by dissenting officer. The decision of the Court, by Majority vote, is certainly in no way unreasonable and therefore it is affirmed on review.

Enc: 1 Record.

10
GERALD R. SPJOCH
Colonel
Chief Legal Officer.

72

file

4083/1
✓
PROVINCIAL LEGAL OFFICE

PROVINCE OF NAPLES

APO 394

Date 16 June 1944

SUBJECT : Case of DE MARO Giosue'

TO : Col. Gerald R. Upjohn, Chief Legal Officer

1. This is in response to your memorandum dated 13 June 44.
2. The court did not believe the evidence adduced by the defense.
3. I do not recall any evidence that the guns were or were not hidden. The court felt that this was not material to its decision or sentence.
4. On the case presented by the defense, the accused was in possession of three guns in good condition which could easily have been turned in prior to the search and arrest. The court(a) did not believe the defense's witnesses and (b) did not consider the defense adequate, even if true, in view of the fact that while the guns ~~were~~ on the cart they could have been taken a distance of one kilometer to the caserma.

not agreed
if hidden, it would
have to show
facts of intention
to hand in.

No: because acc?
"had forgotten where
he put them" until
they were dug up
(according to def. story)

George S. Parlin

George S. Parlin
Major, CMP
P.L.O.

21

Note.
Reviewing authority disagrees substantially with many comments
above: however as the Ct: did not believe the defense
story, all those points are immaterial.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jbl

ACC/4083/1/L

18 June 44

Subject: Case of FARLETO Giuseppe.

To : Regional Legal Officer, Region II.

With Reference to your letter 2201/54/G of 30 Mar.

The case of FARLETO Giuseppe has been re-considered and it has been decided to suspend 2½ years of the sentence: ie FARLETO will serve in all 1 year of the sentence imposed by the Court.

Enc: 1 Record.

R
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 924

/jpl

ACC/4083/1/L

18 June 44

Subject: Case of PALMULLI Nicola

To : Regional Legal Officer, Region 5.

Ref. 15/511/14/E of 13 June 44.

1. The case of PALMULLI Nicola was reviewed on 13 June 44 and the conviction and Sentence affirmed.

2. The eloquence of the petition ("Si chiede la riduzione della pena perche' eccessiva") is not sufficient to induce any alteration in the decision on review and the petition is returned herewith for inclusion with the other papers.

K.
GERALD H. UPJOHN
Colonel
Chief Legal Officer.

Enc: 1 Form 11.

63

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 374

/jpl

ACC/4083/1/L

18 June 44

Subject: LONGO Luigi

To : Regional Legal Officer, Region III.

Ref. your L/3020 of 16 June 44.

1. It is agreed that which you state in para 2 of the above referred to letter; however the Record of the proceedings against LONGO Luigi was returned to your office on 29 April 44, with covering letter. A copy of the letter is hereto attached.

2. Will you please return the record so that a review may be made of this case.

Enc: 1 letter.

lc
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

68

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/pa

17 Jun 44

REFERENCE : AGC/4083/1/L.
SUBJECT : Petition by ALBERGONI Mario .
TO : RLO (thru RC) Region 1 .

1. Ref. REL 013.04/FLV of 10 Jun 44.
2. The papers enclosed herewith are returned.
3. Your action, as set out in para 4 thereof, is approved.
4. It is the rule that "there is no provision (except on review) for reducing, remitting or varying any sentence" imposed by any Allied Military Court - see Consolidated Instructions for Allied Military Courts Art. 33 (1) : There is no reason for departing from this rule in this particular case, and especially so as an opportunity was given for submitting cases for "re-review" under Executive Memorandum No. 7 and this case was not so submitted.

lc
GERALD R. UPSON,
Colonel,
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/pa

17 Jun 44

REFERENCE : ACC/4083/1/L.
SUBJECT : Case of IMPARATO Luigi.
TO : Col. Denmore.

1. As asked, when I saw you a few days ago, herewith the record of the case of IMPARATO Luigi. I am afraid you will find it difficult to read, as the hand writing of the officer who presides over this court is peculiarly atrocious and has been the subject of reprimand by officers of this Sub-Commission who reviewed cases.

2. You will observe that this is a case in which Neapolitan racketeers attempted to bribe an American serviceman to dress up as a Military Policeman and to help steal a truckload of American foodstuff. In the words of the American serviceman (in evidence) "He (one of the accused, not IMPARATO) said it would be an easy chance to make easy money. He said it (i.e. the proposition) was to follow a truck from the place of origin to a place where he would unload it, and while the truck was being unloaded, the driver and I would go to the depot where the flour ought to be unloaded and there we were to obtain a signature...."

3. IMPARATO was deeply in the plot: he was present when the bribe of 50,000 lire was offered and even told the American that his brother had put through a similar deal, but when caught by the Police he had squared them.

4. The American reported the proposition made to him and carried it out under instructions of C.I.D. - with the result that the gang was caught "flagrante delicto".

5. I do not think IMPARATO Luigi deserves any of your sympathy.

Ic
I. G. H. CAMPBELL,
Lt. Col.,
for Chief Legal Officer. 66

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AND 394

/jpl

16 June 44

ACC/4083/1/L

Subject: Case of ORLANDO Conti.

To : Regional Legal Officer, Region I.

1. On 24 May 44 this H. C. reviewed the case of ORLANDO Conti,
PALERMO Province.

2. The record, decision on review, together with an acknowledging
receipt was forwarded to your office on 25 May 44.

3. Will you please return either the original or the attached ^{receipt} to
this office.

lc
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Enc: 1 Ackn. Receipt.

65

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
AFG 394

/jpl

ACC/4883/1/L

16 June 44

634

Subject: Case of PISCITELLI Luigi

To : Regional Legal Officer, Region III.

1. Ref your L/3029, dated 15 June 44
2. Receipt is hereby acknowledge form 11 and brief filed on behalf of PISCITELLI Luigi.

C
GERARD R. UPJOHN
Colonel
Chief Legal Officer.

4083/11

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

633

I/3020

16 June 1944

Subject: Case of LONGO Luigi.

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

1. Reference is made to your letter ACC/4083/1/1,
5 June 1944.

2. Our records disclose that Form 3 and Applica-
tion for Review were sent to A.C.C. 22 April 1944 and
that said file has not been returned to this office
nor has any decision been rendered thereon.

By order of Colonel Poletti:



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

EUK/pv

4083/1 ✓
CONFIDENTIAL

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

632

L/3523

15 June 1944

Subject: Appeal of Luigi PISCIAZZI

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

1. I hand you herewith Form 11 and brief
filed on behalf of the above subject. The record in
this case and other appeals are now pending before
the Legal Sub-Commission, A.C.C.

2. Please acknowledge receipt of these docu-
ments.

For the Regional Commissioner:

Maurice F. Newfield
1st Lt., A.C.C.
Adjutant.

HTK/pv

62

CONFIDENTIAL

4083/1.

HEADQUARTERS
REGION 3, ASSISTED GENERAL COMMISSION
A.P.O. 394, U.S. Army

631

L/3029

15 June 1944

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

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

I. Pursuant to appropriate order I enclose here-
with the documents listed below relating to Review of
Sentences. In each of these cases the sentences exceeded
2 yrs. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3234	Romano Giuseppe	Sup.Ct.No.6	17 May 44	Appl., Form 8
✓ 3235	Falvo Antonio	" " " 5	12 " 44	Appl., Form 8
✓ 3236	Stotto Amedeo	" " " 6	23 " 44	Appl., Form 8
✓ 1722	Ponsano Emilio	" " " 3	2 " 44	Form 8
✓ 3237	Di Lorenzo Giuseppe	" " " 6	12 " 44	Form 8
✓ 3238	Mormone Gennaro	" " " 5	12 " 44	Form 8
✓ 3239	Manfredi Vincenzo et al	" " " 5	17 " 44	" "

61

For the Regional Commissioner:

Neil C. Baker

NEIL C. BAKER,
1st Lt., G.M.C.,
Adjutant.

EMK/pv

TO C.L.O. Rear H.Q. A.C.C.
FROM H.Q. Region 5 A.M.G.
SUBJECT Petition for Review.
REF R5/511/14.
DATE 13th June 1944.

630

Herewith is record in the case of TAVONE Antonio tried by a General Court on 5 May 1944.

For the Regional Commissioner;

W. E. BEHRENS
Colonel
R.L.O.

by

A. R. TROXELL
Lt. Colonel
D.R.L.O.

ART/EP

66

7045

TO C.L.O. Rear H.Q.A.C.C.
FROM H.Q. Region 5 A.M.G.
SUBJECT Petition for Review.
REF R5/51a/14/F.
DATE 13th June 1944.

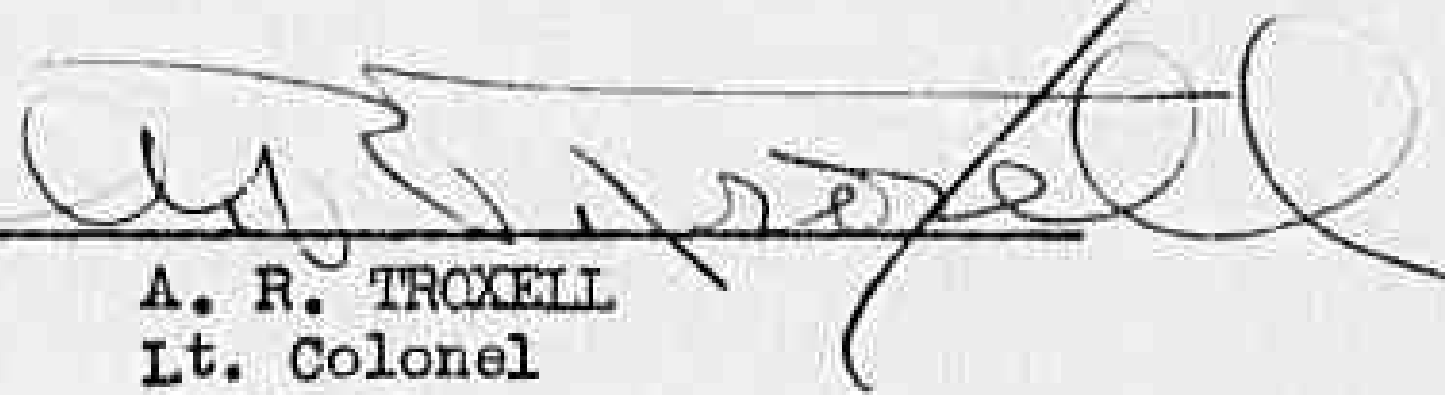
1. Herewith petition for review filed out of time in the General Court case of PALMULLI Nicola.
2. The record in this case went forward to your office recently.

For the Regional Commissioner;

W. E. BEHPENS
Colonel
R.L.O.

1 enclosure
ART/EP

by


A. R. TROXELL
Lt. Colonel
D.R.L.O.

0083

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

785016

4083
TO CLO HQ AGC.
FROM HQ REGION V AGC
SUBJECT Case for Review.
REF RI/511/14.

478V
RECEIVED
15 JUN 1944
10 June 1944.
689

Herewith a Superior Court case of GRADY Gianni for examination.

For the Regional Commissioner:

W. E. HEUREMS
Colonel
RLO

by

A. R. TROMBELL
Lt. Colonel
DELO

4 enclosures
ART/EP

58

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

4083/

6690

12.6.44

REF: 2201/56/G

SUBJECT: Salerno, Giuseppe.

TO : C.L.O., Legal Subcommittee, ACC, Salerno.

(627)

1. Ref ACC/4083/1/L of ⁽⁵⁴²⁾ 26.5.44 ^{May.}, may it be pointed out that the date of the record in question illustrates fully the facts portrayed in this HQ's letter 2201/70/J of 11.6.44
2. It is true that certain records referring to a period before Salerno province ever belonged to Region 2 were received on May 18th.
3. Instructions were given for their return to Region 3 during the period that RLO and DRLO were at Lecce.

DESC/mk

Bill Cousins
D.E.S. COUSINS Lt. Col.
R.L.O.
REGION 2

51

See - 4082/3/ Letter of
11 June 44 Rexell

(File)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 374

/jpl

14 June 44

ACC/4083/1/L

Subject: Case of OLIVA Antonino & others.

To : Regional Legal Officer, Region 1.

1. The record in the proceedings against OLIVA Francesco, SANCARLO Gioacchino and OLIVA Antonino is returned herewith, the convictions and sentences having been affirmed.

2. It is noticed that this is a re-trial: it is also noticed that the charge against OLIVA Antonino as shown on the Form 8 is bad in that it merely alleges "doing an act to the prejudice of good order," and does not give any particulars of the act alleged to have been done and alleged to be to the prejudice of good order.

3. The conviction of the ^{the} accused is affirmed only because, this being a retrial, he cannot really have been prejudiced by want of particulars.

K.
GERALD H. UPJOHN
Colonel
Chief Legal Officer.

Enc: 1 Record.

RSAP HEADQUARTERS
MILITARY CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jcl

Acc/4083/1/L

13 June 64

Subject: Case of IMPARATO Luigi & others.

To : Regional Legal Officer, Region 3.

1. This H. Q. requires the further use of the Record in the Case of IMPARATO Luigi & others *for reference*
2. Please send the above record .

R
GERALD R. UPTON
Colonel
Chief Legal Officer.

DSM 1112
13 JUN 1944
13 June 1944

✓
4/085/1
SUBJECT: Luigi Imperato

TO : Legal Sub-Commission, Rear Hq ACC

1. Thanks for your note of 9 June relative to Imperato.
2. The relatives of this man tell me his sentence was cut to three years and that the case (papers) are not in Salerno, also that a Lieut Sabatin (or some such name), an Allied officer, was to have done something on the case of May 26th.
3. In view of this confusion, would you please have the matter checked.

L. D. Densmore
L. D. DENSMORE
Colonel, Sig C
PA to DCC

ACC/4083/1/L

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

13 June 44

Subject: Case of CASTRICATO Agostino

To : Regional Legal Officer, Region III

The papers in the case of CASTRICATO Agostino are again returned, as it appears the vital statement of the accused (Exhibit 1), asked for in para 4 of our letter 4083/1/L of 27 May, is still not with the papers.

Enc: 1 Record.

R
GERALD R. URJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

13 June 44

Subject: Case of D'AROSTINO Michele di Vincenzo

To : Regional Legal Officer, Region 3.

1. Returned herewith is the record in the case against D'AROSTINO Michele, for additional information.

2. Please inform this H. Q. as to the charges on which the above said defendant was convicted and fined 10,000 lire. Too, was this fine paid or is the accused to serve a prison term for non payment.

3. Did the Court intend that the accused serve the sentence of four years plus any unsatisfied sentence on the previous conviction?

4. The attention of the trial judge is directed to the uncompleted record. Will the said judge please complete the last page of Form 8.

5. Incidentally I am glad to see a trial judge write in such clear handwriting as to be legible.

Enc: 1 Record.

RICHARD H. WILMER
Colonel CAC
Chief Legal Officer.

WAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

13 June 44

ACC/4083/1/L

Subject: MAZZARO Cirio and FINIZIO Pasquale.

To : Regional Legal Officer. Region 3

1. The attention of the RLO is directed to the Record in the case of MAZZARO Cirio which is returned herewith.

2. The offence took place on 31st Dec.; the trial took place on 20th April; the papers reached this H. Q. for review on 2nd June.

3. The sentences imposed by the Court were heavy (4 years and 3 years), especially in view of the fact that the accused although doubtlessly in possession "were only acting as servants or agents for a third man."

The sentences have therefore been reduced to 2 years from date of arrest.

10
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Enc: 1 Record.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/ROB 3/1/L

13 June 44

Subject: Case of DE MARO Giosue'

To : Regional Legal Officer, Region III.

1. The Record in the case of DE MARO Giosue' is returned herewith.
2. To enable a proper review to be made it is requested that the officer who tried the case be asked to supply answers to the following questions:-
 - (a) Did the Court believe the evidence adduced by the defence as to the guns?
 - (b) Were the guns, when found, hidden?
3. Please return the record with the answers to the above questions.

Enc: 1 Record.

Q
GERALD R. UPJOHN
Colonel
Chief Legal Officer

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

13 June 44

Subject: Case of Testa Antonio

To : Senior Legal Officer, AMG 3th Army.

In view of the fact that the case was reviewed and sentence
quashed (please see this H.Q. letter 4083/1/L of 8 June 44) the proceedings
against TESTA Antonio are returned herewith.

6
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

13 June 44

Subject: Case of BARRA Elizabetha

To : Regional Legal Officer, Region III.

1. The Record in the case of BARRA Elizabetha is returned herewith.
2. To enable a review to be made, it is requested that there be added thereto
 - (a) The charge Sheet
 - (b) Exhibit A (statement by the accused).
3. Please return the complete record as soon as possible.

re
GERALD R. UPTOWN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

12 June 44

Subject: Case of PICCOLO Salvatore & VELLO Eugenio.

To : Regional Legal Officer, Region 3.

1. The record, with Decision on Review, in the case of PICCOLO Salvatore and VELLO Eugenio is returned herewith.

2. The convictions of each of the accused on one charge has been quashed, the charge merely being that the accused "did an act prejudicial to the good order of the Allied Forces."

The prosecution should never have put forward a charge so bad for want of particulars; and the Court either should have struck out such a charge or adjourned the trial for amendment of the charge by addition of proper particulars.

3. The last page of Form 8 provides a space for the Pleas and for Findings. Major MARKEN never uses these spaces. Will you please ask him to do so in future unless in any particular case (eg because of the number of accused) it is not practicable.

to

GERALD R. UPJOHN
Colonel
Chief Legal Officer

Enc: 1 Record.

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

614

L/3029

10 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3211	Barca Armando	Sup.Ct.No.1	9 May 44	Appl., Form 3
✓ 3230	Arcimando Ciro	" " " 9	4 " 44	Appl., Form 8 in this case sent to A.C.C. 5 June 44.
✓ 3212	Carullo Michele	Gen. Ct. Benevento	9 May 44	Form 8
✓ 1765	Caruso Biagio	Sup.Ct.No.3	3 " 44	Form 8

For the Regional Commissioner:

OK.
JL
JL/pv

Walter Baker 46
1st Lt., G.M.C.,
Adjutant.

SUBJECT: - Review of Cases

Legal Review
New North British Army

08/13

9 Jan 44

PC, CARPOBASSO PROVINCE (atten RLO)
" TRINTI " " "
" FROSINONE " " "

Copy to : RC, REGION IV (atten RLO)

RC, ALLIED CONTROL COMMISSION (atten CLO)

1. Immediately upon the transfer of a Province to Allied control from British Army control, all Summary Court and Superior Court records of proceedings will be sent to Regional Commissioner for review regardless of the date of trial, except only such records of cases as have been tried by AG-British Army officers, which last-named shall be sent to this RC for review.

2. Likewise, all Petitions for review will also thereafter be sent to Regional Commissioner.



Edmund Mercer

WILLIAM J. MURPHY, Lt. Col., Ord.
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AG-British Army.

D.K.

10 Jan 44

45

0097

785016

✓
4083/1

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

612

L-3046

16 May 1944.

Subject: Case of Patrierno Francesco.

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

511

1. Reference is made to your letter ACC/4083/I/L,
dated 13 May, 1944, subject as above.

2. This case was discussed with you personally
by Lieutenant Sabatino this morning and I am assuming
that written report is not necessary.

For the Regional Commissioner:

John W. Chapman

JOHN W. CHAPMAN,
Lt.Col., JAGD,
Reg. Legal Officer.

JWC/mo

CLO

This refers to the wire cutting case tried by
Col Willmer. 44

Do you still hold with your suggestion of the
other night - affirm but reduce to 5 yrs? 10

Spoke CLO

- ① He thinks sentence should be around 3 yrs
- ② Hold generally until policy of sentence discussed with Chief Commissioner.

10
12 men

606

For List of dependents see
2002 in entry book.

To be kept and brought
forward when & if
Col. Campbell requests
same.

Asst. Fatalla.

~~4083/1~~

4083/1.

assault and others.

Subject: Case of Anante, Vincenzo, and 20 others.

To: ~~Director~~ C.J.O.

This is a case of a black market gang, of which the C.I.D. made a comprehensive haul. The charges relate to ~~the~~ two alleged thefts of Allies property (1) of split pea soup conveyed by lorry on 15 February and (2) of flour conveyed by lorry on 19 February 1944. Of the 21 accused, 14 were found guilty, and 12 of these have submitted applications for review. Included in the attached papers is a schedule of the 21 accused, which you will find useful for reference. I deal with their sentencing, in the order in which they

appear on this schedule. The supposed gang leader Rilec 10, Domenico, is No. 21 on this schedule.

1. ASSENTE Vincenzo. Driver. Charged under Para 2

ART I Para (1) and ART III sect 1 with conspiring or assisting to steal ^{2 truck loads of} flour. (second trip) ^{Production} "C" which identifies

No 21 made a statement (~~Exhibit~~ "C") which identifies this accused as having driven ^a truck load of flour.

0100
in the attached papers is a schedule of the 21 accused, which you will find useful for reference. I deal with them serially, in the order in which they appear on this schedule. The supposed gang leader RICCIO, Domenico, is No. 21 on this schedule.

1. ASSENTE, Vincenzo. Driver charged under Para 2

ART I Para (11) and ART III sect 1 with conspiring or assisting to steal ^{2 truck loads of} flour. (second trip). ^{Production} ~~Exhibit~~ "C" which identifies

No 21 made a statement (see record p. 3) which identifies this accused as having driven ~~the~~ ^a truck load of flour. He was also identified by an American soldier, Pte Nogier, who was in league with the gang, but ~~leave~~ evidence for the prosecution (see record p. 3). According to No 21 (see Record pp. 3) this accused was to be paid 100 lire per kilo of flour delivered.

Found guilty and sentenced to 10 years imprisonment. Appeal stresses that ~~he~~ ^{while} guilty of theft of one truck load; he was not shown to be guilty of theft of a second truck load; further, that he was not in direct relations with the gang and could not therefore be guilty of conspiracy. A substantial reduction of sentence is asked for.

Trial judge comments that he was one of the chief

From Naples, Italy, to the 5th and 8th Armies
and Region V in Italy. R. H. WILMER,
DEPUTY CHIEF LEGAL OFFICER.

TOUR OF INSPECTION 5th and 8th ARMIES
AND REGION V BY LT. COL. R. H. WILMER,
DEPUTY CHIEF LEGAL OFFICER.

12th May, 1944.

PROVISIONAL PROGRAMME.

Tuesday 9 May. 0800 Hours. Leave Villa Maria, Caserta.
0930 Arrive Provincia Building, NAPLES.
1000 Meet Capt. More and read Proclamations.
1100 Leave NAPLES. (see diary p. 3). Arrive CASERTA. Ask for C.A.S. 1st A.M.G. Planning; then for Capt. Glenning's office, 2nd Court, left, 2nd floor. (Duplex 108).
1200 Meet Major Mercer and hand over Proclamations.
1300 Meet Col. Mann. Lunch CASERTA.
1430 Leave CASERTA. (see diary p. 5) Arrive 5th Army Rear Hq. (see diary p. 6).
1515 Meet Lt. Col. Willis (Lightning Rear 50 Ring 1).
1730 Leave 5th Army Hq. Arrive CASERTA. Dine and sleep. CASERTA (2 or 5th Army).
Wednesday 10 May 0945. 2nd C.A.S. Weekly Meeting. General Hume's office, CASERTA.
1250 Leave CASERTA. Arrive CASERTA. Dine and sleep. CASERTA.
1700 Arrive CAMPOBASSO. Meet Lt. Col. Behrens (Region V, CAMPOBASSO). Dine and sleep CAMPOBASSO.
Thursday 11 May 0600. Morning with Lt. Col. Behrens.

140 11 noon Lunch CASERTA.
1430 Leave CASERTA.
1515 Arrive 5th Army Rear Hq.
1600 Meet Lt. Col. Willis (Lightning Rear 50 Ring 1)
1730 Leave 5th Army Hq.
1815 Arrive CASERTA.
1900 Dine and sleep. CASERTA (2 or 5th Army)
Wednesday 10 May 0945 Weekly Meeting. General Hume's office, CASERTA.

1200 Leave CASERTA.
1700 Arrive CAMPOLASSO.
Meet Lt. Col. Behrens (Norton, CAMPOLASSO).
Dine and sleep CAMPOLASSO.
Morning with Lt. Col. Behrens.

1400 Lunch CAMPOLASSO
1400 Leave CAMPOLASSO
1700 Arrive LUCERA.
1700 Meet Major Levitt.
Dine and sleep LUCERA.

1100 Morning with Major Levitt.
1100 Leave LUCERA.
1800 Arrive CASERTA.

1900 Dine and sleep CASERTA.

1900 Dine and sleep CASERTA.

2.

culprits and stole one truck load.

The verdict was clearly justified by the evidence, as far as one truck load was concerned; and I see no reason for reducing sentence. Same charge as preceding.)

3. BISESTI, Luigi Baker. (Arrested at house of No 21 (see Record p 8). Incriminated by statement A Production "C") as concerned in unloading or selling. Did not give evidence. His advocate claimed no evidence against him (Record p 9). Production "A" refers to Exhibit "C" (not included with papers) but apparently a number of documents written by this accused regarding sale of flour.

Sentenced to 3 years imprisonment.

Appeal submitted discloses no substantial grounds.

Statement of No 21

From the evidence he was certainly involved, and

I see no reason for reducing sentence.

Same charge as preceding.)

4. BOCCHETTI, Vincenzo Porter. (Arrested at house of No 21 (Record p 7) and implicated by him (Production "C") Production "A", Exhibit "E" is apparently a statement of sales in his handwriting. Did not give evidence. Advocate (Record p. 9.) claimed he was not concerned in stealing, though he helped to unload. 61

Sentenced to 3 years

Sentenced to 5 years imp

Appeal submitted discloses no substantial grounds.
Statement of No 21 / he was certainly involved, and
from the evidence.

I see no reason for reducing sentence.

Same charge as preceding.)

4. BOCCHETTI, Vincenzo. (Arrested at house of
Porter. (Production "C").

No 21 (Record p. 7) and implicated by him (Production "C").
Production "A", Exhibit "E" is apparently a statement
of sales in his handwriting. Did not give evidence.

Advocate (Record p. 9.) claimed he was not concerned
in stealing, though he helped to unload. 61

Sentenced to 3 years.

No appeal submitted.

Suggest sentence be affirmed.

Salvatore. Cart Driver. Charges: (1) Same

7. COPPOLA,

as preceding (2) wrongful possession of flour.

(Identified by prosecution as being with cart (Record
p. 2) but stated by No 21 as not being known to him

(Record p. 3). Exhibit "1" in Production "A" was

written by him; but he claimed it related to
transportation of fair produce.

1. Minutes of Previous Meeting.

The minutes of the previous meeting were taken as read and confirmed.

2. Matters Arising.

In connection with the unauthorized wearing of Allied uniforms the Chairman explained that the necessary announcements had been made in the three Sicilian newspapers indicating that it was not only an offence against the Proclamations to wear items of military equipment but, in fact, to be in possession of them.

3. Allocation of Potato Crop.

The chairman pointed out that the question of the allocation of the potato crop was included in the next agenda of the Allied Forces Local Resources (Sicily) Board, Food Committee.

4. Wheat Offals, Hay and Straw.

Captain Baton stated that I.B.S. were not interested in these commodities. Col. Curry reported that No I District had 1200 mules to feed and it was the Army practice to receive tenders for the supply of these foods except in the case of barley and that this practice must be followed. If the sample of wheat offals is good No I District are prepared to take all that is available at 200 lire per quintal. A sample was produced at the conclusion of the meeting.

5. Food Processing.

The chairman referred to 15,000 tins of sardines already manufactured at Trapani. Col. Curry stated that he considered it was a matter for the A.F.L.R. (S) Board to decide upon. The Army could not accept the sardines until their experts were satisfied with the pack and with the conditions under which they had been manufactured.

6. Sulphuric Acid Supplies.

It was agreed that this was a matter to be referred to

in these commodities. Col. Curry reported that he had had 1200 mules to feed and it was the Army practice to receive tenders for the supply of these foods except in the case of barley and that this practice must be followed. If the sample of wheat offered is good No 1 District are prepared to take all that is available at 200 lire per quintal. A sample was presented at the conclusion of the meeting.

3. Food Processing.

The chairman referred to 15,000 tins of sardines already manufactured at Trapani. Col. Curry stated that he considered it was a matter for the A.F.D.R. (S) Board to decide upon. The Army could not accept the sardines until they experts were satisfied with the pack and with the conditions under which they had been manufactured.

6. Sulphuric Acid Supplies.

It was agreed that this was a matter to be referred to the A.F.D.R. (S) Board.

7. Functions of ex Italian Prisoners of War working with British C.I.P.'s.

Col. Garret explained that No 1 District are short of Military Police and they have been using ex Prisoners of War as Police to work with the British C.I.P.'s. It was anticipated that occasions might arise when it would become necessary for these additional police to arrest civilians. Prosecutions would however be conducted by the C.M.P. No 1 District had received a letter from A.V.C. Catania suggesting that the ex Prisoners of War were usurping the functions of the Carabinieri but Col. Garret emphasized that this was not the intention. Col. Hart stated that they had been distributed as an addition to the strength of the Military Police and had been sworn in merely to give them power of arrest.

In the cart driven by accused were 12 50 lb sacks (covered up with a cart cover) of American flour, which he states he has been hired to transport for 300 lire. (Record pp 12, 28).

Prosecution abandoned 1st charge. Accused did not give evidence, but his advocate claimed he was simply a carter working for anyone who hired him.

Sentenced to 3 years. (apart from putting forward) The appeal submitted, ~~with~~ ^{with} compassionate grounds, claims rather modestly that he was not entirely at fault. Presiding judge comments adversely.

It is suggested that sentence be affirmed.

8. CORTESE, Alfredo. Railroad-man. Charged under Proc 2 Art I para (11) and Art III. Sent: with conspiracy or assisting to steal 2 truck loads of flour and 1 of split-pea soup.

Production "A" Exhibit "D" is apparently a written record of sales by this accused, though particulars are not given. Arrives at house of No 21 (Record p. 7) and incriminated by his statement (Production "C").

This accused gave evidence (Record p. 7). Admitted receiving money for working on pea soup truck, and

It is suggested that sentence be affirmed.

8. CORTESE, Alfredo. Railroad-man. Charged under Proc 2 Art I para (11) and Art III. Sent with conspiracy or assisting to steal 2 truck loads of flour and 1 of split-pea soup.

Production "A" Exhibit "D" is apparently a written record of sales by this accused, though particulars are not given. Arrives at house of No 21 (Record p. 7) and incriminated by his statement (Production "C").

This accused gave evidence (Record p. 7). Admitted receiving money for working on pea soup truck, and intending to obtain flour by working for it. His advocate claimed he was not a thief, but a mere buyer (Record

p. 9).

Sentenced to 3 years.

Application for review claims he was of only secondary importance, and not actually implicated in the gang. Trial judge comments adversely.

Suggest sentence be affirmed.

ISLAND CC ORIENTATION BOARD
FIFTH MEETING

HOLD AT REGION I HEADQUARTERS A.M.C.
1000 HOURS 4 FEBRUARY 1944

Legal Sec
4183

AGENDA:

1. Minutes of previous meeting.
2. Matters arising.
3. Allocation of potato crop.
4. Wheat Cifals, Hay and Straw.
5. Food processing.
6. Sulphuric Acid supplies.
7. Functions of Italian ex-prisoners of war attached to and working with British Corps of Military Police.
8. Unauthorized permits etc. given by junior AMW Officials.
9. Enforcement of price regulations.
10. C.I.P.'s functions in new procedure of petrol distribution.
11. Salaries paid to Civil Engineers.
12. Next Meeting.
13. Other Business.

OFFICERS IN ATTENDANCE

(a) A.M.C. Region I HQ

1. Major J. Chayton, E & S Division, Vice Chairman.
2. Lt. Col. Jordan, Legal Division.
3. Lt. Col. R. Snook, Public Safety Division.
4. Lt. J.H. Moffitt, Labor Division.
5. Lt. H.C.V. Hayward, E & S Division, Secretary.

(b) ATHQ, M.C.S.

1. Col. F.L. Norcross, C.E.

(c) No I District

1. Col. A.A. Curry, D.D.S.T.
2. Col. V.A. Lindsay, C.E.
3. Col. S.P. Garrat, A.
4. Lt. Col. C.L.G. Hart, Provost Services.

12. Next Meeting.
13. Other Business.

OFFICERS IN ATTENDANCE

(a) A.S.S. Region I HQ

1. Major J. Chayton, E & S Division, Vice Chairman.
2. Lt. Col. Jordan, Legal Division.
3. Lt. Col. R. Snook, Public Safety Division.
4. Lt. J.H. Hoffitt, Labor Division.
5. Lt. F.C.V. Hayward, M & S Division, Secretary.

(b) AMHQ, M.C.S.

1. Col. W.T. Norcross, C.E.

(c) No I District

1. Col. A.A. Curry, D.D.S.T.
2. Col. V.A. Lindsay, C.E.
3. Col. S.P. Garrat, A.
4. Lt. Col. G.H.G. Hart, Provost Services.

(a) Island Base Section

1. Lt. Col. C.L. Morris, C.L.
2. Major D.A. Dryer, Base Purchase
3. Capt. E.B. Paton, Base Purchase.

(c) Naval Operating Base

1. Lieut. Dudley, Legal Officer.

In the absence of Lt. Col. Charles Poletti, the chair was taken by Major Chayton, Vice Chairman, at 1000 hours.

ACC-DIST
ECEN-SEC - (3)
LEGAL - (1)
PUBLIC SAFETY - (1)
CABR - (1)

4. Driver/
10. De Martino, Amando. Charge - same as preceding.
Incriminated by No. 21 in Production "C" and in Record
pp. 3-4. It appears that in both cases he was the
(see also his admission Record p. 8)
responsible driver. Accused gave no evidence and his
(Record p. 9)
counsel appeared to have nothing substantial to say.

Sentenced to 10 years.
Application for review merely claims that as driver the
accused was not equally guilty with the direction of the
gang. Trial judge comments he was one of the chief
culprits.

Suggest sentence be affirmed.

11. ELIA Gennaro Mechanic. Charge, same as preceding
preceding, but limited to flows.
Arrested at house of 21 (Record p. 7) and implicated
by his statement (Production C) and evidence (Record
p. 7). Accused gave no evidence, his trial counsel
put forward no substantial defense (Record p. 7).
Sentenced to 3 years.

The appeal submitted tends to confirm his guilt.
Suggest sentence be affirmed.

33

13. EMOLO Vincenzo. Barber. Charge, same as preceding

Suggest sentence be affirmed.
 11. ELIA Gennaro Mechanic. Charge, same as ~~preceding~~ preceding, but limited to flour.
 Arrested at house of 21 (Record p. 7) and implicated by his statement (Production C) and evidence (Record p. 7). Accused gave no evidence, did his counsel put forward no substantial defense (Record p. 9).
 Sentenced to 3 years.

The appeal submitted tends to confirm his guilt.

Suggest sentence be affirmed.

33

13. EMOLO Vincenzo Barber. Charge, same as preceding.
 Arrested at house of No. 21 (Record p. 7) and implicated by No. 21 in evidence as being the unloader (Record p. 4) and the witness who gave evidence; ~~that~~ two witnesses gave evidence on his behalf (Record p. 6) did not bring out any facts challenging the prosecution's case. (His counsel (Record p. 9) claimed that he was not a member of the gang, but merely went to the house of No. 21 hoping to buy flour.
 Sentenced to 18 months.

MEMORANDUM
 UNITED STATES GOVERNMENT
 LEGAL SUB-COMMISSION
 1944

208/CA/c
 25 Gennaio 1944.
 Italiana

OGGETTO: Istruzioni al personale della Direzione Italiana.

Al : Primo Presidente della Corte di Appello di Roma.

1 - Tutte le Corti di Appello della Commissione delle Corti di Appello che sono nel territorio compreso dalla Zona Armata Alleata sono autorizzate a rimanere aperte per risolvere tutte le cause civili e penali portate dinanzi ad esse.

2 - Nell'attesa che siano nominati Giudici, Magistrati ed Ufficiali in numero sufficiente per esercitare tutte le funzioni delle Corti da agire simultaneamente saranno seguiti ed applicati le seguenti regole in tutto le Corti:

- a) i processi penali avranno la precedenza sulle cause civili
- b) i casi degli accusati detenuti in attesa di processo saranno esaminati prima di tutte le altre cause.
- c) le seguenti urgenze saranno decise civili saranno continuate anche se le Corti civili non funzionassero ed a preferenza su altri affari civili:

- I - Nominati di (funzioni "pendente lite" (persone morte o creditore).
- II - Dichiarazione di assenza di morte presunta.
- III - Separazione personale di coniugi.
- IV - Misura di protezione nell'interesse di minori.
- V - Diritti delle donne maritate.
- VI - Giudizio, interdetto o rilascio e misure per la protezione dei beni e delle loro proprietà.
- VII - Ordini concernenti azioni e titoli distrutti o perduti.
- VIII - Cura dei vaccini.
- IX - Conservazione del corpo del morto.
- X - Atti di natura civile.

- b) i casi degli accusati detenuti in attesa di processo, siano esaminati prima di tutte le altre cause.
- c) le seguenti urgenti procedure civili saranno continuate anche se le Corti civili non funzionassero ed a preferenza su altri affari civili:

- I - Nominare gli amministratori "pendente lite" (persone morte o creditrici).
- II - Dichiarazione di assenza e di morte presunta.
- III - Separazione personale di coniugi.
- IV - Misure di protezione nell'interesse di minori.
- V - Diritti delle donne maritate.
- VI - Giudizio, interdizione o rilascio e misure per la protezione dei pazzi e delle loro proprietà.
- VII - Ordini concernenti azionari e titoli distrutti e perduti.
- VIII - Cura dei vecchi.
- IX - Conservazione del corpo del morto.
- X - Atti di nascita.
- XI - Riconoscimento di paternità.
- XII - In attesa del processo.
- XIII - Protezione dei diritti degli assenti o di eredi non presenti.
- XIV - Procedure per accertamento e amministrazione delle proprietà dei defunti.
- XV - Accettazione o rinuncia di legati e di benefici testamentari o legittima o la divisione.
- XVI - Nomina di custode di proprietà abbandonate (assenti).

3 - Nessuna persona può essere arrestata, trattenuta in carcere innanzi ad una Corte per un atto il quale fu dichiarato offeso per la protezione e l'incremento del suo diritto, o per qualche atto di esecutiva natura politica (ivi inclusa ogni questione di razza) e per il quale era stabilita una pena.

4 - La seguente procedura è autorizzata temporaneamente e sarà adottata fino a quando:

- a) La Corte e il Procuratore del Re hanno il diritto di

5

The appeal is limited to medical reports. Trial judge comments that he should be released if medical reports so indicate. I do not think they do so indicate and suggest sentence be affirmed.

15. MANGO, Giuseppe. Farmer. Charged with (1) conspiracy to steal flour (2) possession of firearms (3) wrongful possession of flour.

This accused was one of the key members of the gang and his house was used in the course of their operations (see Record pp 2, 3 & 4). He admitted in evidence that he knew the flour was stolen and that part of it was for him (pp 4-5). A shot gun and cartridges were found in his house (pp 2-3 and 5). ~~This~~

His brother Carlo who was also accused was given the benefit of the doubt as he apparently lived elsewhere (pp 5, 10); this accused was sentenced to 10 years' imprisonment.

The elaborate appeal submitted on his behalf is not convincing and cuts no ice with the presiding judge.

Suggest sentence be affirmed.

6.
16. MONFRECOLA, Mario Unloader. Charged with theft of flour.

Arrested at house of No 21 (Record p.8) and implicated by his confession (Production C). Did not give evidence. His counsel said nothing material (Record p.9).

Sentenced to 3 years. Does not seem to have appealed.

Suggest affirmation.

17. PAONE Aldo Clerk. Charged with theft of flour.

Was a despatcher at port of Naples. Arrested at his own home (Record p.8). Prosecution evidence (p.8) shows that he played a leading part though no positive evidence that he was seen. a Did not give evidence. His counsel admitted he was guilty "in a minor degree."

Sentenced to 10 years.

Appeal admits ~~but~~ his technical guilt, but stresses he was only implicated in one theft, and asks for leniency. Trial judge comments he was mainly responsible.

Suggest affirmation.

Suggest affirmation, were justified on medical grounds.

19. RULLER, Carlo. glove maker. Charge with theft of glove.
Arrested at house of 21 (Rec'd p.7) and implicated by him in evidence (p.4). Gave evidence (p.7). Admitted keeping the gang accounts and expecting payment but denied accounts written by him is given in Production A. Exhibit A. Counsel (p.9).
List of papers knowledge of the operations A. 36
made no material plea.

Sentenced to 3 years.
~~Suggest~~ Appeal claimed he was only indirectly implicated. Trial judge comments adversely.
Suggest affirmation.

(c) Until the establishment of a Regional Labour Office with jurisdiction over the Province, to take steps for the reestablishment and guarantee of freedom of labour organisation and representation throughout the Province;

(b) The compilation of information and statistics on labour;

(c) The establishment of offices for the registration and supply of labour;

(d) To act as conciliators, mediators or arbitrators in labour disputes;

(e) Generally to do all such other things in connection with labour matters within the Province as may be required.

ARTICLE VII

Penalties

Any person interfering or assisting or attempting to interfere with any right
~~of any person exercising any provisions of this Order~~

shall upon conviction by an Allied Military Court be liable to punishment by imprisonment or fine or both, as the Court may determine.

ARTICLE VIII

Effective Date

This Order will become operative in each Province or part thereof within the occupied territory on the date of its first publication therein.

For the Chief Commissioner.

~~Sgt. M. J. Inch~~
~~Prisoner,~~
~~Chief Civil Affairs~~
Executive Officer, ~~Effort~~
Allied Control Commission.

(x) Confined by Article 15 of this Order
or otherwise failing to observe

shall upon conviction be imprisoned or fine or both, as the Court may determine.

ARTICLE VIII

Effective Date

This Order will become operative in each Province or part thereof within the occupied territory on the date of its first publication therein.

For the Chief Commissioner.

~~Sgt. M. G. Irish~~
Brigadier,
~~Deputy Chief Civil Affairs~~
Executive Officer,
Allied Control Commission.

(x) Confined by Article II of this Order
or otherwise failing to observe

8.
21. Ricco Domenico. Glove maker. Charged with:

- (a) theft of gloves and pea soup
- (b) possession of arms.

This accused was the leader of the gang and implicated the others by his statements. Turned King's

evidence and told the whole story (pp 3-4). His Accused Counsel put forward no material plea (p. 9) Claimed that gun found in his house belongs to No. 4 (p. 44) Sentenced to 10 years imprisonment; the

trial judge making clear that he had taken into account the help given by him in convicting the others. (p. 11 Record).

Appeal merely stresses the help he gave. Suggest off innovation.

JM.

11/6/44.

1st DRAFT

MEMORANDUM
ALLIED MILITARY GOVERNMENT
General Order No. _____

Whereas it is the policy of the United Nations to restore to labour the free right of collective bargaining;

and whereas the Chief Civil Affairs Officer was given power by General Order to dissolve the organization of any body affiliated to or controlled by the Fascist party and to make such regulations as he might consider necessary concerning organization of labour.

Now therefore, I, MAURICE STANLEY LUSH, C.B.E., M.C., Brigadier,

Executive Commissioner, Allied Control Commission, hereby Order as follows:

ARTICLE I

Abolition of Certain Fascist Institutions

The Fascist Corporative Syndicate System ^{is hereby abolished.} ~~and the following unions and federations, which were (a) in any way connected with the former Fascist party or in any way connected with the Fascist Provincial Fascist Laborers of the Industry,~~ ^{AM ~~to be~~ wished.}

- ~~The Fascist Corporative Syndicate System, and (b) concerned with the organization of labour in any form or aspect.~~
- (a) Unione Provinciale Fascista Lavoratori dell' Agricoltura;
 - (b) Unione Provinciale Fascista Lavoratori del Commercio;
 - (c) Unione Provinciale Fascista Lavoratori del Credito Assicurazioni;
 - (d) Unione Fascista degli Industriali;
 - (e) Unione Fascista degli Agricoltori;
 - (f) Unione Fascista dei Commercianti;
 - (g) Unione Fascista del Credito;
 - (h) Unione Provinciale Fascista Professionisti ed Artisti;
 - (i) Consiglio Provinciale delle Corporazioni;

on or connected with the former Fascist party or ~~any other party connected with the~~
~~(c) Unione Provinciale Fascista Lavoratori dell'Industria;~~

- Two new Corporate
 Syndicate Systems
 and (b) concerned
 with the organization
 of regulation in
 of labor or
 any form or
 aspect,*
- (b) Unione Provinciale Fascista Lavoratori dell' Agricoltura;
 - (c) Unione Provinciale Fascista Lavoratori del Commercio;
 - (d) Unione Provinciale Fascista Lavoratori del Credito Assicurazioni;
 - (e) Unione Fascista degli Industriali;
 - (f) Unione Fascista degli Agricoltori;
 - (g) Unione Fascista dei Commercianti;
 - (h) Unione Fascista del Credito;
 - (i) Unione Provinciale Fascista Professionisti ed Artisti;

~~(j) Consiglio Provinciale delle Corporazioni;~~

and all branches, constituent syndicates, units and other dependencies and

~~successor organizations thereof, are hereby dissolved.~~

ARTICLE VI

Right of Organization

Employees shall have the right to organize, hold meetings, and select representatives of their own choosing for the purpose of collective bargaining with respect to all matters pertaining to or connected with their employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance.

*Not done on
 action plan
 by action of
 1/1/42*

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

RHW /jpl

ACC/4083/1/L

9 June 44

(607)

Subject: Case of Delle Donne Anna

To : Regional Legal Officer, Region 3.

1. While there is nothing to do but affirm the conviction and sentence I do not understand the outcome of the above case. The accused is charged with having in his possession illegally a pistol and pleads guilty. He is convicted and sentenced to 3 yrs. imprisonment all of which is suspended during good behavior. In other words he is for all intents and purposes let off entirely.

2. Major MARXEN who was the trial judge has the habit of giving large sentences and then suspending the major portions of them. It seems far better as a general rule to give a sentence to jail for a fixed period without suspension of a part. There are of course exceptional cases in which partial suspensions are quite proper. However this officer is making it a rule. This is in contravention of Article 26, para 3 page 67 of the Consolidated Instructions. The only part of the sentence that really amounts to anything is the time spent in jail.

3. As to this particular case, the illegal possession of the gun would appear serious. The record discloses no reason for leniency.

4. See in this connection the Case PERUCCI Alfredo returned herewith.

RICHARD H. WILMER
Colonel

Deputy Chief Legal Officer.

Enc: Case of

1. DELLE DONNE Anna
2. PERUCCI Alfredo

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4033/1/L

9 June 44

Subject: Luigi INPARATO

Memo To: P.A. to Deputy Chief Commissioner.

1. In answer to your memo (addressed to Public Safety) on the above subject dated 4 June 44.

2. This case has already been up to this H.Q. ^{for Review} and after due consideration the sentence of 5 years and 50,000 lire fine imposed by the Court was affirmed.

3. Owing to the number of cases passing through this Sub-Commission, it is not possible to recall the particular circumstances of this case. As the case has already been considered here, perhaps you will not want to pursue the matter further; but, of course, if you would like to know more of the case, we can easily send for the complete Record from Region 3.

K
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

9 June 44

Subject: Case of FORINO Vincenzo and TERRACCIANO Enigi

To : Regional Legal Officer, Region 3.

1. The conviction of both the accused on the second charge has been quashed. There is no evidence that either of them actually bribed the soldier involved; nor is the soldier able to state whether either or both of them were present at the time of the bribe.

2. In spite of the above, it is not proposed to reduce the sentence, which is *not* unreasonable (even on the basis of an acquittal on the second charge) having regard to the general circumstances of the case.

3. Will you please ascertain the full name, number and unit of the soldier involved in the case -it has not been found possible to decipher these with sufficient accuracy- and ascertain from the formation concerned whether any, and if so what, disciplinary action has been taken against him.

Encl: Case of Forino & Terracciano

GERALD N. UPJOHN
Colonel
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

RHW/jpl

6011

ACC/4083/1/L

8 June 44

Subject: Cases of SANO Antonio and DI PIPPO Giuseppe.

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

1. In reviewing the above cases your recommendations set forth in your letter 208/CA/13, of 4 June 44 have been followed.

2. In the case of DiPippo Giuseppe the trial judge entered the sentence of one year with a recommendation of suspension of part by the "legal Officer" whoever that may be. The trial judge in this case should be advised that he must enter the proper sentences to begin with. He is in a far better position to make the proper sentence with accused and the witnesses before him than is the reviewing officer who has before him only the record which necessarily contains merely a synopsis of the testimony.

RICHARD H. WILMER
Colonel
Deputy Chief Legal Officer.

31

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Subcommittee
APO 394

/jpl

ACC/4033/1/L

8 June 44

Subject: Case of Pesta Antonio

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

1. The conviction and sentence in this case are quashed.
2. It is clear from the record that the Officer's Club was the purchaser and its officials equally well as the accused should have known the proper price to pay. It is also clear that the manager of the club, acting under pressure of the officer in charge to get the wine, pressed the accused to sell it to the club at a price what was agreed upon. Under these circumstances it is entirely unjust that the accused should have been convicted.
3. If the fine has been paid it must be remitted and if there has been any forfeiture this must be made good.

RICHARD H. WILNER
Colonel (AC)
Deputy Chief Legal Officer.

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

L/5070

8 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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 years imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
3131	Masselli Arnaldo	Sup.Ct.No.6	3 May 44	Appl., Form 3 in this case was sent to A.C.C. 5 June 44
3136	Cassanti Carlo	Sup.Ct.No.5	8 May 44	Form 3
3197	De Martino Gaetano	" " " 1 18	" 44	Appl., Form 3

For the Regional Commissioner:

30

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

DTR/pv

TO C.I.O. Rear H.Q.A.C.C.
FROM H.Q. Region 5 A.M.G.
SUBJECT Petitions for Review.
REF R5/511/12/C.

7 June 1944.

Herewith are forwarded for review the Superior Court cases of
DI ZIRNO Vincenzo and CASOLINO Antonio.

For the Regional Commissioner

M. J. J. J.

W. E. BENTON
W. E. BENTON
Colonel
R.L.C.

WEB/EF

29

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 374

/jpl

ACC/4083/1/L

6 June 44

Subject: Case of PISCITELLI Luigi and others.

To : Regional Legal Officer, Region III.

Ref. L/3022 dated 5 May 44, (1.42) received this day. 585

Receipt is acknowledged of the proceedings against PISCITELLI Luigi and others.

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Legal

3156

ALLIED CONTROL COMMISSION
PROVINCE OF BENEVENTO

LEG/12/51

Benevento, 1/6/1944

Subject: Superior Military Court - Records

To : Allied Control Commission, Region 3 HQ.
Legal Division.

HQ. REGION 3 ACC.

300 1944

in

attached

Enclosed are the proceedings in Benevento Superior

Military Court Case

A.C.C. v. Rubbo Antonio

For Provincial Commissioner

G.G.T. AINSLIE
Lt. Col. K.A.R.
Provincial Legal Officer
Benevento Province

28

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

598

L/3029

6 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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 years imprisonment.

Legal File No.	Name	Court	Date of Trial	Docu- ment
3155	Loffredo Francesco	Sup.Ct.N.7	15 May 44	Appl., Form 8
3156	Rubbo Antonio	" " Bene-20 vento	" 44	Appl., Form 8
3130	Curci Ferdinando	" " No.4 4	" 44	Appl., Form 8 in this case sent to A.C.C. on 5 June 44.
3130	Massa Vincenzo	Sup.Ct.	4 May 44	Appl., Form 8 in this case sent to A.C.C. 5 June 44.
3126	Mosca Guido	Spec.Sup.Ct.	14 Apr 44	Appl., Form 8 in this case sent to A.C.C. 5 June 44.

For the Regional Commissioner: 26

ETK/pv

W. C. Baker,
1st Lt., S.M.C.,
Adjutant.

4 June 1944

4083/1

Legal.

MEMO TO: Public Safety Sub-Commission

SUBJECT: Luigi Imperato di Pasquale, di Anna Enico,
di S. Giovanni Attetnecio, Napoli.

1. It is understood that the above named Italian civilian, formerly employed by Allied Forces at the docks in Naples, was about four weeks ago involved in the theft of a truck load of flour and was tried, convicted and sentenced by an AMG Court.

2. His mother, through a relative, feels that the boy was the victim of a "frame-up" and that he (the prisoner) is a good boy, etc.

3. The interested parties do not appear to have very much information with respect to the status of the case. Some one has informed them that an appeal can be made.

4. Would it be much trouble to get the story on this case and information as to whether or not anything should or could be done about it? Thank you.

L. D. Densmore

L. D. DENSMORE
Colonel, S.C.
PA to DCC

HEADQUARTERS
ARMY PAPER ARMY (FIELD)
LEGAL DIVISION
APO 404 U.S. ARMY.

4 June 1944.
208/CA/15.

SUBJECT: Applications for review, cases of Zano Antonio &
Di Pippo Giuseppe.
TO : C.D.O. ACC. HQ. (hear).

1. Herewith Forms 8 and Applications for review in respect of the above cases tried at Sessa Aurunca, while the town was still in C.D.F. area.

2. Zano Antonio was found guilty of wrongful possession of a gun and sentenced to 8 months imprisonment. Both trial judge and prosecutor seem to have felt that the full facts were not disclosed by the French police and that the latter were only half-hearted in bringing the charge as it had arisen out of trouble between a member of the accused's family and Moroccan soldiers. In his appeal the accused alleges that the gun was hanging on the kitchen wall for all to see and at the trial evidence was given to the effect that the accused had in fact taken the gun off the wall and handed it to the police, but the court apparently preferred the other version of the story. It will be observed however that the accused made a very favourable impression on all concerned in the proceedings and in the circumstances it is recommended that five months of the sentence be suspended.

3. Di Pippo Giuseppe was found guilty of wrongful possession of a gun and also of certain articles of Allied property and sentenced to one year's imprisonment. The prosecutor pressed for a partial suspension of the sentence, which the trial judge recommends apparently on the grounds of the accused's age and possible ill-health, though the latter was not proved. The record does not disclose anything which would seem to justify a reduction in sentence.

Wm. Dickie Wilson

H.M. DICKIE, W/Cdr., R.A.F.,
C.D.O. ARMY 2 ARMY.

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

54

D/3029

5 June 44

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

To : Chief Legal Officer, Legal Sub-Com-
mission, A.P.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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓1837	D'Agostino Michele	Aversa	4 May 44	Appl., Form 8
✓1051	De Stefano Amedeo	Sum.Ct.No.1	18 Mar 44	Appl., Form 8
Returned at the request of A.P.C.				
✓2043	Monaco Ermanno	Sup.Ct.No.5	23 Apr 44	Appl., Form 8
Returned at request of A.P.C.				
✓1912	Pignatola Gennaro	Sup.Ct.No.5	20 " 44	Appl., Form 8
Returned at the request of A.P.C.				
✓3131	Masseli Arnaldo	Sup.Ct.No.9	3 May 44	Form 8
✓3130	Piccoli Giuseppe et al	" " " "	4 " 44	Form 8

23

For the Regional Commissioner:

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

ETK/pv

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

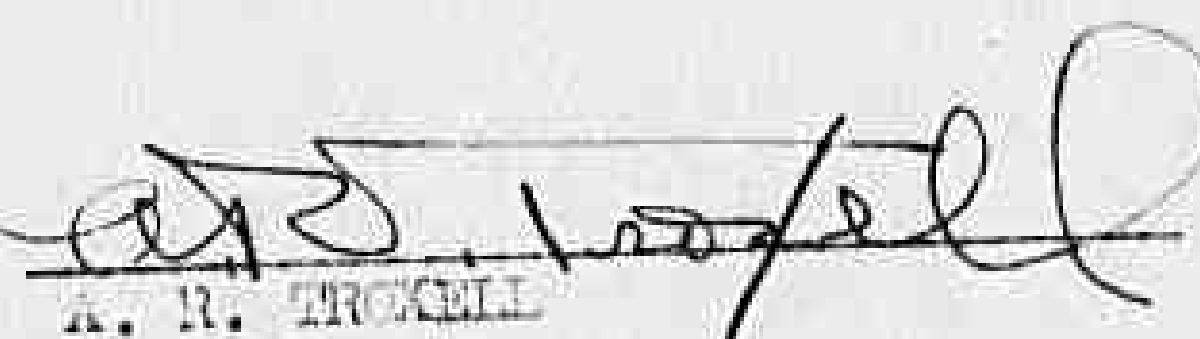
2 June 1944

Herewith are petitions for review in the cases of

CIAVARELLA MATTEO
COCCO ANTONIO

For the Regional Commissioner

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

by 
A. R. TRICKETT
Lt. Colonel
R.L.C.

13 enclosures
AME/EF

22

5940

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

6105
JUN 5 1944

2 June 1944

Herewith are petitions for Review in the cases of

DE MATO PASQUALE
DE PINTO COSIMO
SPAGNOLETTI RAFFAELE

For the Regional Commissioner

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

by

A. R. TROXELL
Lt Colonel
D.R.L.C.

12 enclosures
ART/EP

21

5941

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

6105
JUN 5 1944

2 June 1944

Herewith are petitions for Review in the cases of

DE PINTO PASQUALE
 DE PINTO CASINO
 SPAGNOLETTI RAFFAEL

For the Regional Commissioner

W. E. HEMMERS
 Lt. Colonel
 R.L.G.

by 
 A. R. TROWELL
 Lt Colonel
 D.R.L.G.

12 enclosures
 ART/EP

21

5941

GRU/pa

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

2 June 1944

ACC/4083/1/L.

SUBJECT : Case of MAURIELLO Antonio .

TO : S.L.O., A.M.G., 5th Army (Thru SIAO) .

1. Reference to your 208/CA/45 dated 26 May 1944.
2. In view of the present state of this record submitted I do not believe a case could be made out against the accused. Under those circumstances I feel that the accused and any Italian witnesses held in custody should be released; this being without prejudice to rearrest if as suggested by Major Laffite other French witnesses may be found.
3. However considerable time has elapsed since the death occurred and such additional evidence has not been forthcoming.
4. I will ask you to explain this to the French authorities so that they will fully understand their situation.
5. The file is returned herewith.

R. W. P.
GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

400 3/1 ✓ Legal S.C. (Mar 44)
J 9627SUBJECT :- Case of EIGRILLI Francesco.

AMG Rear Eighth Army.

OM/13

1 Jun 44

TLO, HQ, ALLIED CONTROL COMMISSION.

527

1. Ref your ACC/4083/1/L of 19 May 44, the letter of TLO is hereto attached stating that the trial officer is unable to amplify the record other than the statement that the property was identified as WD Stores.

2. It will be noted that trial officer has been given duties which will not include the trial of cases. This action was suggested to the PO CAMPOBASSO some three months ago by under-

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Itali

C. 845



EDWIN J. MERCER, Lt.-Col., Ord.,
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG EIGHTH ARMY.

18

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

588

L/3020

31 May 1944

Subject: Transmittal 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 Sentence. This case is returned at the
request of A.C.C.

Legal File No.	Name	Court	Date of	Docu-
1980	Castricato Agostino	Sup.Ct.No.5	20 Apr 44	App., Form 8

For the Regional Commissioner:

18

ETK/pv

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

HEADQUARTERS
AMG FIFTH ARMY (FIELD)
LEGAL DIVISION
APO 464 U.S. ARMY

26 May 1944.
208/CA/13.

SUBJECT : Application for Review,
Case of DiBiagio Lorenzo.
Di Biagio
TO : C.L.O., ACC HQ (Rear).

1. Herewith application for reduction of sentence submitted on behalf of DiBiagio Lorenzo who was sentenced by Summary Court at Sessa on 11th April to 4 months imprisonment and a fine of L. 1000.

2. The trial judge reports that the accused was convicted (a) of being in possession of a pistol, (b) of resistance to arrest (slight) and (c) of wrongful possession of Allied property of small value. The prison term was imposed in respect of charge (a) and the fine in respect of charge (c).

3. No evidence of ill-health had been produced in support of the application for reduction of sentence and as the prison term is a short one, it is recommended that conviction and sentence be affirmed.

Am. Dickie Wla.

H.M. DICKIE, W/Cdr., R.A.F., 17
S.L.O., AMG 5th Army.

4083/1

Legal S. (Rear Ho)

9009

HEADQUARTERS
AMG FIFTH ARMY (FIELD)
LEGAL DIVISION
APO 464 U.S. ARMY.

26 May 1944.
208/CA/45.

SUBJECT: Case of MAURIELLO Antonio.

TO : C.L.O., HQ. ACC. (Rear)

1. The above-named Mauriello Antonio is held in prison on a charge of murdering a French Moroccan soldier. The facts so far as known are set out in a draft letter to SCAO, CEF dated 4th May 1944 which is on the enclosed file.

2. On the evidence available at that date I was of opinion that there was no prima facie case against the accused and I advised that he be released. The SCAO however, decided to institute further enquiries, the result of which will be found in a report by Lt. Scaife C.A.P.O. dated 20th May 1944. In the light of this, Major Laffite, C.O. of the French Prévôté asks that complete new investigations be made into the circumstances of the case.

3. It is quite clear in my opinion that on the evidence available or likely to be available no conviction could be obtained against Mauriello and I consider that he should be released without further delay. In view however of the position taken by the French Military authorities, your advice on the case would be appreciated before a final decision is made.

4. This case was discussed with the D.C.L.O. on his recent visit by Lt. Col. Willis, who is also satisfied that no case could be made out.

H.M. Dickie W/Odr.

H.M. DICKIE, W/Odr., R.A.F.,
S.L.O. AMG 5 Army.

1. Dickie spoke to me about this on telephone
2. He is confident in his opinion
3. It is really only referred here as a matter of policy, as the French have been taking a "strong view"

10.

30 May 44.

CONFIDENTIAL

HEADQUARTERS
REGION 3, ARMED SERVICES COMMISSION
A.S.C. 394, U.S. Army

L/3029

5 May 44

Subject: A.S.C. vs. PISCITELLI Luigi et al.

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

1. Pursuant to appropriate order I enclose herewith the documents listed below relating to the appeal of PISCITELLI Luigi et al. In this case each of the defendants was sentenced to more than 2 years imprisonment.

Legal File No.	Name	Court	Date of Trial	Docu- ment
3126	Piscitelli Luigi	Spec. Sup. Ct.	14 Apr. 44	Appl., Form 8
3126	Tagliavini Tullio	" " "	" " "	Appl., Form 8
3126	Mosca Guido	" " "	" " "	Appl., Form 8

- (a) Testimony submitted in the said case.
- (b) All exhibits offered and received in evidence.
- (c) The dissenting opinion of Major Gilshannon.
- (d) Opinion of Major Farlin supporting findings of the Special Superior Court.

2. It is requested that receipt be acknowledged on these documents.

For the Regional Commissioner:

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

ETK/pv

CONFIDENTIAL

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4033/1/L

5 June 44

Subject: Case of LONGO Luigi

To : Regional Legal Officer, Region III.

Ref. this H. Q.'s letter 4033/1/L of 29 April 44, and your L/3029
of 2 June 44, "Legal File No. 1302."

Please send the documents with the form 8 to this H. Q. so that a
review may be made in the above mentioned case.

lc
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

5 June 44

Subject: Case of ENRICO ALFANO di Alredo

To : Regional Legal Officer, Region 3.

REF. L/3029 of 29 May 44

1. In that letter there is enclosed a form 11 and other papers relating to the proceedings against Enrico ALFANO. These papers are returned herewith.

2. So far as can be traced no other papers have been received in these proceedings.

3. The letter shows these proceedings against "Legal file 1382," which file relates to the case of MANCO Giuseppe and others; and it does not seem that ALFANO Enrico was one of the accused in that case.

12
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

13

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

4 June 44

Subject: RUSSO Salvatore di Genaro
To : Regional Legal Officer, Region 3.

1. Form 11 Submitted on behalf of RUSSO Salvatore is returned herewith:
Please join it with the Record which is in your possession.

2. Unfortunately, the case was reviewed before receipt of Form 11: but this
form discloses no ground for varying the earlier decision on Review.

K
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

IGHC/ap

ACC/4083/1/L

3 June 1944

SUBJECT : Proceedings against PICCALO Pasquale and
BOCCALATO Angela.

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

1. Ref. L/3020 of 30 May. — (571)

2. The order of the General Court in the above proceedings, ordering the soldier PARKER to pay 4000 lire towards lawyers' fees of the two accused, has been set aside. *The Record is returned herewith*

3. The reasons for setting aside the order are as follows:

- a) PARKER was only a witness in the proceedings and the Court had no power to make an order on a witness to pay any part of the costs or expenses of the accused.
- b) PARKER is an American soldier; and an Allied Military Court has no authority over and no power to punish members of the Allied Forces (except in respect of contempt of Court).

~~4. The subject will be raised in general terms at the forthcoming Legal Conference in Naples.~~ 11

4. Please ensure that the above decision is communicated:

- a) To the President and other members of the Court.
- b) To the Commanding officer of 270 OM Battalion.

G. R. UPJOHN,
Colonel,
Chief Legal Officer.

HEADQUARTERS
REGION 3, ARMY CONTROL COMMISSION
A.P.O. 334, U.S. Army

579

L/3229

2 June 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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 years imprisonment.

Legal File No.	Name	Court	Date of	Docu- ment
-------------------	------	-------	---------	---------------

✓ 3090	Postiglione Luigi	Sup.Ct. 5	5 May 44	Appl., Form 8
--------	-------------------	-----------	----------	------------------

✓ 1390	Massa Eduardo	" "	11 Apr 44	Appl., Form 8
--------	---------------	-----	-----------	------------------

✓ 1904	Provvido Gino and Nellillo Enrico	Avellino	3 May 44	Appl., Form 8
--------	--------------------------------------	----------	----------	------------------

✓ 3073	De Filippo Salvatore	Sup.Ct. 3	1 " 44	Appl. . Form 8 in this case was sent 31 May 44 to ACC.
--------	----------------------	-----------	--------	---

✓ 1912	Pignatelli Gennaro	Sup.Ct. No. 5	20 Apr 44	Appl. This case is now pending before A.C.C.
--------	--------------------	---------------	-----------	---

*Case set
back for further
in form.*

For the Regional Commissioner:

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

BEK/pv

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

1/3029

2 June 44

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

To : Chief Legal Officer, Legal Sub-Com-
mission A.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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
-------------------	------	-------	------------------	---------------

3016 Iorio Vincenzo and Sup.Ct. 5 25 Apr 44 Appl.
Ficardi Vincenzo. This case is pending before AC.

1746 Russo Salvatore Sup.Ct. 5 28 Mar 44 Appl.
This case is now pending before A.C.C.

2044 Paparo Vincenzo Sup.Ct. No. 7 5 May 44 Appl.
This case is now pending before A.C.C. ←

1302 Longo Luigi Sup.Ct. No. 1 6 Apr 44 Appl.
This case is now pending before A.C.C. ←

2040 Piccolo Salvatore Sup.Ct. 5 1 May 44 Appl.
This case is now pending before A.C.C. ←

3027 Fagnani Saverio Sup.Ct. 1 23 May 44 Appl.,
Para 8

3028 Malavita Guido Gen. Court 2 May 44 Para 6

For the Regional Commissioner:

Walter Baker
Walter G. BAKER,
1st Lt., U.S.A.C.,
Adjutant.

ETK/pv

578

final 25 apr.
for 3000 file
on 28on initial
Sent on file
9 appeal

3.

HEADQUARTERS
REGION 3, ARMED CORRESPONDENCE COMMISSION
A.F.C. 394, U.S. Army

577

L/3029

2 June 44

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3085	Ogliaro Antonio	Sup.Ct.Nola	13 Apr 44	Appl., Form 8
✓ 3086	Ferrella Giuseppe	" " "	4 " 44	Appl., Form 8
✓ 1744	Giamè Salvatore	" " No.6	15 " 44	Appl., Form 8
✓ 1751	Ciotola Antonio	" " No.5	21 " 44	Appl., Form 8

072.82.
enc.

8

For the Regional Commissioner:

Neil C. Baker
Neil C. Baker,
1st Lt., A.C.C.,
Adjutant.

BTX/pv

ALLIED HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/JPL

AOC/4033/1/L

2 June 44

Subject: The Pope Case.

To : Regional Legal Officer, Region I.

1. The papers in the proceedings against FARRA and others (Pope Case) are returned herewith. The following points arise thereon:-
2. The case does not seem to have been properly prepared: people were brought before the Court regardless of whether or not there was any evidence against them.
3. The charges are improperly framed in that they give no particulars whatever: for example:-

The charges against MANFIALA (two), GASTA, MERCURIO, COSENZA, ORLANDO, IANARA, REGINA, MINES, and ONORATO merely allege "steals any property of the Allied Forces or of any member thereof not in excess of 10,000." They do not disclose the property alleged to have been stolen or the place or date of stealing. This is particularly unfortunate as there were 3 distinct thefts.

The charges against MARINO, GERIARDI, CARDEPANI, and AGOSTINO merely allege "does act to the prejudice of good order or the safety or security of the Allied Forces or any member thereof." They do not even suggest the nature of the act complained of.

Will you please arrange for the above remarks to be brought to the attention of whoever was responsible. It was of course, the duty of the prosecution to see that the charges were in proper form: the prosecution having failed in that duty, the Court should not have permitted the case to proceed with ~~any proper~~ charges. *Encl inadequate*

4. It is considered that the sentence on REGINA Andrea is inadequate. He was found driving a cart full of stolen rope: there was sufficient evidence to establish that he was present at the theft: he was arrested with a loaded pistol on his person: and he was only sentenced to 2 1/2 years imprisonment. ✓

5. What were the factors that influenced the Court to dismiss the charge against POLIZZI? He was found with the cart very soon after the theft: there is evidence that he was present at the theft: and he admitted in his statement that he was present at the theft and climbed the wall. ✓

The same question is raised in regard to CALIFFE Angelo, REGINA Costantino, GERIARDI Tommaso and CALCIANI Giuseppe. ✓

*In case -
Lunatic asylum*

- 2 -

6. MINERO Francesco was charged with stealing, and was convicted and sentenced to 4 years imprisonment.

Will you please draw the attention of the Reviewing Authority to the evidence proving the thefts (with particular reference to any evidence showing what article he stole). Was there any evidence of previous convictions in respect of this man?

7. CALDETARO Giuseppe was sentenced to 4 years. In comparison with other sentences, this seems a heavy sentence: what facts did the Court consider proved against this man? And were there any previous convictions?

8. Decisions on Review are being held pending receipt of answers to the above queries: in answering, please return the papers.

Encl: Record of Rope Case.

12
GERALD R. URJOHN
Colonel
Chief Legal Officer.

6

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

573

M/3029

31 May 1944

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

To : Chief Legal Officer, Legal Sub-Com-
mission, 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. imp. or 30 days expired.

Legal File No.	Name	Court	Date of Trial	Docu- ment
✓ 3028	Barra Elisabetta Prattanag.		12 May 44	Appl., Form 8
3076 ✓	Mazzaro Ciro and Finidio Pasquale	Sup.Ct.No.1 " " " "	30 Apr 44	Appl., Form 8
3075 ✓	De Mero Giosuè	" " Prattanaggiore	11 May 44	Appl., Form 8
✓ 3074	Pagliuca Raffaele	Sup.Ct. Aversa	18 " 44	Appl., Form 8
3073 ✓	De Filippo Salvatore	Sup.Ct. 3 1	" 44	Form 8

b

OK
J. Smith

For the Regional Commissioner:

EMK/pv

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

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

571

L/3020

30 May 1944

Subject: A.M.G. vs. PICCALO Pasquale and
BOCCALATO Angela.

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

1. There is transmitted herewith the complete record in the case of A.M.G. vs. PICCALO Pasquale and BOCCALATO Angela, together with certain correspondence respecting the same.

2. In view of the importance of the order made and entered by the General Military Court, ordering a member of the Allied forces to pay the defendants' attorney fees, it is requested that a ruling be made by the Chief Legal Officer, Legal Sub-Commission, A.C.C., respecting the validity of said order.

By order of the Regional Commissioner:



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

ETK/pv

ans

580

ALLIED CONTROL COMMISSION

SALERNO PROVINCE

HQ. REGION 3 ACC.

29 MAG 1944

Time in
Dispatched

570

Subject :- Notification of arrest.

ACC/3/8.

TO :- Legal Sub-Commissioner A.C.C.

I return herewith a letter received from
the Comando N. Guardia di Finanza.

It is not understood why this letter has
been sent to this Provincial Office.

*Sent to
and
of*

29th May 1944

J. H. Davis
Lt. Colonel
P. C., Salerno Province

(P)

3

✓ 4853/1
HEADQUARTERS
AMG FIFTH ARMY (FIELD)
LEGAL DIVISION
APO 464 U.S. ARMY

569

29 May 1944.
208/CA/13.

SUBJECT : Application for Review,
Case of CARUSO Pasquale and CARUSO Antonio.
TO : C.I.O., ACC HQ. Rear.

1. Herewith application for review and attached documents submitted on behalf of the above-named father and son who were sentenced on 17th May 1944 to one year and two months imprisonment respectively for being in wrongful possession of a gun. No Form 8 is available but the facts are stated on the Form 11 by the trial judge.

2. The accused Caruso Pasquale alleged that the discovery of the gun had been reported by his daughter to a French soldier, but that before it could be handed over to the police it was found by other French troops and he was arrested. This story was not accepted by the Court owing to discrepancies in the accused's evidence, but a certificate by a French Medical Officer is now submitted which confirms that the accused's daughter reported to him on 11th May the finding of a gun by her brother and was advised to tell her family to hand it in without delay. The accused is further stated to be a man of good character and to have made contradictory statements to the Court as a result of excitement.

3. In view of the fresh evidence now adduced it is recommended that the conviction and sentence of Caruso Pasquale be set aside.

4. There does not appear to be any evidence to support the conviction of the son Caruso Antonio and it is considered that his conviction and sentence should also be quashed.

2

H.M. Dickie W/Cdr.

H.M. DICKIE, W/Cdr., R.A.F.,
S.L.O., AMG 5th Army.

*action taken
with
quashed
convictions*

SUBJECT :- Parenti Giuseppe di
Nicola and others.

Legal C 781
Rear HQ

AMG Rear Eighth Army

OA/13

29 May 44.

9671

EXECUTIVE COMMISSIONER'S BRANCH,
ALLIED CONTROL COMMISSION.

Copy to : ADMINISTRATIVE SECTION, HQ, ACC.
RLO, REGION V

1. Ref your ACC/4083/1/L of 27 May 44, regarding subject records.
2. This HQ agrees entirely with the observations made in this letter and with the statement of the duties of this HQ and of PLO's.
3. Undersigned has made three separate trips to CAMPOBASSO for the purpose of instructing and remonstrating with the PLO in the premises and has on two occasions brought the delinquency in supervision of records to the attention of the PC Campobasso and of the RLO of Region V.
4. It is understood by undersigned that the whole of the Province of Campobasso is to be entirely administered by Region V, effective within the next few days; therefore it is thought proper that any further action relative to the activities of the PLO Campobasso should be initiated by the RLO, Region V.

EG SUB-COMMISSION	
CLO	☒
DCLO	☒
Chief Counsel	☒
CJO	☒
Italian Section	☒
CL RKS	☒

To be for
information

EDWIN J. MERCER, Lt.-Col. Ord.
Senior Legal Officer,
for Group Captain,
Officer Commanding,
AMG EIGHTH ARMY.

No action
File

0180