

ACC

10000/142/573
(VOL. 6)

ALLIED M
JULY 1944

0162

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

785016

573

ALLIED MILITARY COURT CASES, REVIEWS, CORRESPONDENCE
JULY 1944

0163

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

785016

ACC
84288

ACC/4983/1/L.

vol. 6

FROM No. 680

TO No. 735

SUBJECT : ALLIED MILITARY COURT CASES - REVENUE

CORRESPONDENCE

(5) W

0164

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

785016

COPIES FORWARDED

(55) W

100000 / 142 / 573

THIS FOLDER
CONTAINS PAPERS

FROM July 44
10

AT A LOGUE

0165

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

785016

FROM No. 680

TO No. 735

53

680	1 July 44	T/ RLO Reg. 3	Puccillo Anielelo	OA/118
681	1 July 44	T/ RLO reg. 5	Dollisi Donato	325/28/CA
682	2 July 44	T/ RLO Reg. 3	Boccia Vincenzo	L/3020
683	28 June 44	E/ AMG 8th army	Action at Pizzoferrato	
684	3 July 44	E/ Deputy ex. Com	IS Personnel at Pizzoferrato	
685	3 July 44	T/ RLO reg. 3	Adriano Umberto - Curcio	
686	4 July 44	E/ RLO reg. 3	DiMartino Gaetano	
687	4 July 44	T/ RLO reg. 3	Zito Salvatore	
688	4 July 44	T/ RLO reg. 3	Baronti & Villamania	
689	6 July 44	T/ RLO reg. 3	Sabino Dom. et al	
690	6 July 44	T/ RLO reg. 3	DiMartino Gaetano	
691	6 July 44	T/ RLO reg. 5	Mancato Angelantonio	
692	6 July 44	T/ RLO reg. 3	Tedesco Vincenzo	
693	6 July 44	T/ RLO reg. 5	Dollisi Donato	
694	6 July 44	T/ RLO reg. 3	Manzo Sabato & Ronza Giuseppe	
695	6 July 44	E/ SLO 8th army	Decisions on Review	OA/13
696	7 July 44	E/ Col A. H. Wilmer in re Iorio	incenzo & Riccardi Vincenzo	L/5070
698	7 July 44	E/ RLO Reg. 3	Salerno Giuseppe (pardon)	
699	8 July 44	T/ CLO	Castaldo Mario et al	
700	8 July 44	T/ SLO's & RL's	Disposal of records	
701	8 July 44	E/ adj. reg. 3	Improta Giuseppe & caputo bro.	L/3029
702	8 July 44	E/ adj. reg. 3	Transmission of cases	L/3029
703	12 July 44	T/ RLO reg. 2	Trezza Nicola & others	
705	12 July 44	T/ rlo 3	Longo Luigi	
706	12 July 44	T/ rlo 3	Sabino Domenico	
707	13 July 44	T/ rlo reg. 3	Castaldo Mario	
708	15 July 44	T/ RLO reg. 3	Quaranta Giuseppe	
709	8 July 44	T/ CLO from CJO	Castaldo Mario	
710	18 July 44	E/ RLO reg. 5	Review of cases	r5/511/14/ch
711	12 July 44	E/ RLO reg. 4	Gen. Ct. for Bentivegna	
712	14 July 44	E/ RLO reg. 5	Petitions for review	R5/511/14
713	14 July 44	E/ RLO reg. 3	transmission of cases	L/3029
714	17 July 44	E/ RLO reg. 5	Jurisdiction of AMG Cts.	R5/511/14
715	18 July 44	E/ SLO reg. 5	Review of cases	R5/511/14/FR/91
716	18 July 44	E/ RLO reg. 5	Tiberio Nicola	R5/511/14/ch
717	20 July 44	T/ RLO reg. 5	Jurisdiction of AMG Cts.	
718	21 July 44	E/ RLO reg. 3	Longo Luigi	L/3020
719	21 July 44	T/ RLO reg. 3	Exhibits in Case no. 62	
720	23 Jul 44	T/ RLO reg. 5	Tiberio Nicola	
721	21 Jul 44	From RLO reg. 3	Transmission of cases	L/3029
722	24 Jul 44	T/ RLO reg. 3	Longo Luigi	M/11/14
723	24 Jul 44	E/ slo 8th army	Petitions for review	RB/RLO
724	24 Jul 44	PLB repr	Public relation report	L/3029
725	24 Jul 44	Adj. reg. 3	Trans. of cases	
726	25 Jul 44	T/ RLO reg. 5	Indorsement	
727	26 Jul 44	T/ RLO reg. 5	Morasco Nazzareno	
728	26 Jul 44	E/ SLO 5th army	Application for review	208/CA/13
729	26 Jul 44	E/ RLO reg. 5	Indorsement	

709	15 July 44	T/ CLO from CJO	R5/511/14/ch	Castaldo Mario
710	8 July 44	E/ RLO reg. 5		Review of cases
711	10 July 44	E/ RLO reg. 4		Can. Ct. for Bentivegna
712	12 July 44	E/ RLO reg. 5	R5/511/14	Petitions for review
713	14 July 44	E/ RLO reg. 3	L/3029	transmission of cases
714	17 July 44	E/ RLO reg. 5	R5/611/1	Jurisdiction of AMG Cts.
715	18 July 44	E/ RLO reg. 5	R5/511/14/BB/xxx	Review of cases
716	18 July 44	E/ RLO reg. 5	R5/511/14/ch	Tiberio Nicola
717	20 July 44	T/ RLO reg. 5		Jurisdiction of AMG Cts.
718	21 July 44	T/ RLO reg. 3	L/3020	Longo Luigi
719	21 July 44	T/ RLO reg. 3		Exhibits in Case no. 62
720	23 Jul 44	T/ RLO reg. 5		Tiberio Nicola
721	21 Jul 44	From RLO reg. 3	L/3029	Transmission of cases
722	24 Jul 44	T/ RLO reg. 3	M/11/14	Longo Luigi
723	24 Jul 44	E/slo 8th army	HB/RLO	Petitions for review
724	24 Jul 44	PLB xxx	L/3029	Public relation report
725	24 Jul 44	Adj. reg. 3		Trans. of cases
726	25 Jul 44	T/HQ AMG home region		Indorsement
727	26 Jul 44	T/ RLO reg. 5	208/CA/13	Morasco Mazzareno
728	26 Jul 44	E/ SLO 5th army		Applicati n for review
729	28 Jul 44	T/ RLO reg. 3		Iorio & Manna & Capozzi
730	28 Jul 44	1/ RLO Rome reg. 3		Eugardi Prencesco & Celesti
731	29 Jul 44	T/ RLO reg. 4	R/4/LB/vit A/95	Bernabei armando
732	30 Jul 44	T/ CSO adm sec.	4002/L	Rev. of sentences in army areas
733	31 Jul 44	T/ RLO reg. 4		Giulio and Mailli
734	24 Jul 44	F/ 4th Reg 3	45070	Petition for Borden
735	31 Jul 44	F/ 1st Reg 5	15/511/14	Superior of Court

TO CLO HQ. ACC
 FROM HQ REGION 5 A.M.G.
 SUBJECT Petitions for Review
 REF. R5/511/14

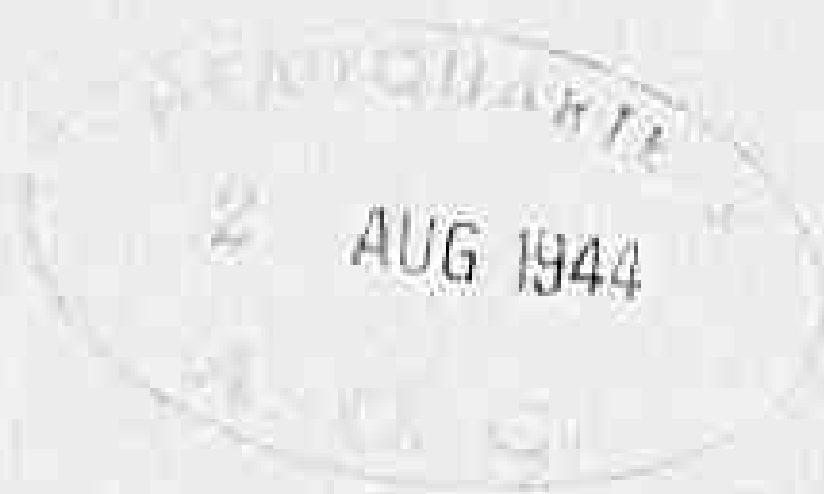
31 July 44

1. Herewith superior court cases of :-

1	Di Stasi	Michele	✓	+ Petition for review
2	Frontino	Maurio	✓	" " " "
3	Gueducci	Francesco	✓	" " " "
4	Lamonica	Pietro	✓	" " " "
5	Russo	Domenico		
6	Russo	Giuseppe		

20 incl.

For the Regional Commissioner



ART/nn

W. E. BEHRENS
 Colonel, RLO

A. R. TROXELL
 Lt Colonel,
 DRLO

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TO CLO HQ. ACC
 FROM HQ REGION 5 A.M.G.
 SUBJECT Petitions for Review
 REF. R5/511/14

31 July 44

1. Herewith superior court cases of :-

1	Di Stasi	Michele	✓	+ Petition	for review
2	Frontino	Maurio	✓	"	"
3	Gueducci	Francesco	✓	"	"
4	Lamonica	Pietro	✓	"	"
5	Russo	Domenico			
6	Russo	Giuseppe			

20 incl.

For the Regional Commissioner

2 AUG 1944

ART/mm

W. E. BEHRENS
 Colonel, RLO

A. R. TROXELL
 Lt Colonel,
 DRLO

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4083/1

734

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

L/5070

24 July 1944

Subject: Petition for pardon. (A.M.C. Court case)

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

1. There is submitted herewith in accordance with Executive Memo No.4, 7 February 1944, the following application for pardon:

1) CISAIE Guglielmo

For the Regional Commissioner:

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

ETK/pv

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/3pl

733

ACC/4083/1/L

31 July 44

Subject: Case of PAULI Raffaele-Maresciallo, and
GIULIO Salom.

To : Regional Legal Officer Region IV.

1. Capt GIULIO SALOM accompanied by Maresciallo del Carabinieri Reali PAULI left Rome for ORVETO on 27th July, with the duty of looking into the question of recovering Italian military vehicles.

In doing so he was acting on orders of his Admiral, in concert with Naval Sub-Commission, HQ ACC.

2. In the course of his journey they had a "discussion" with an American Lieutenant PAULINO Virgile and a subsequent interview with Major BAKER of ORVETO.

3. As a result, they were served with a charge sheet and ordered to appear before an Allied Military Court at ORVETO on 3rd August.

4. The charge sheets are obviously bad for want of particulars in that the charge reads as follows:-

"First charges: Proc I; Art IV, Sec 11; Art V, Sec 31, 39, 42, 45."

There are no particulars: the accused do not know what property of the Allied Forces they are supposed to have destroyed, damaged...stolen...or been wrongfully in possession of; what words hostile or disrespectful to whom they are alleged to have uttered; what false statement they are alleged to have made to whom; what order they are alleged to have disobeyed; what act to the prejudice of good order...or of the safety or security of the Allied Forces they are supposed to have committed. It is obvious that the proceedings cannot be permitted to go to trial in this condition.

5. Further, attention is directed to the Consolidated Instructions for Allied Military Courts Art 4: which lays it down that "in the absence of some very special reason to the contrary, the jurisdiction (to try members of the Italian armed forces) will NOT be exercised....in case of doubt...the case should be referred to the CIO, H.Q. ACC for his instructions."

Spence file

6. From a report in possession of the writer of this letter, this certainly is a case of doubt. It is therefore directed that the proceedings on 3rd August be adjourned and that the case be submitted to the Chief Legal Officer for his instructions, with a full report of the facts alleged against both accused and with proper particulars of the charges made against both accused.

7. The accused will attend the Court on 3rd August. They will be accompanied by a member of the Staff of Commodore PALMER, Director of the Navy Sub-Commission who will be furnished with a copy of this letter.

1 Campbell Lt Col
RICHARD H. WILMER
Colonel, OAC
Acting Chief Legal Officer.

Copy to: Navy Sub-Commission

Enter & file in 40834/1

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

732

30 July 1944.

Tel. Ext. 563.

ACC/4002/L.

SUBJECT : Review of Sentences of A.M. Courts - Army Areas.

TO : C.S.O., Administrative Section.

1. In army areas so long as S.L.Os were present they performed review functions in connection with A.M. Court cases.

2. As the S.L.Os will be withdrawn as of August 1 it would seem natural that the reviews should henceforth be under the charge of the RLO of the particular region ^{now} of the particular army area under which they *will* fall. However, it appears that the two armies have put a strict embargo against the communications between specialists at Regional HQ and the specialists in army areas.

If this was strictly adhered to the review of Allied Military Court cases could not take place and it is necessary that the reviews be promptly made. I therefore suggest that at the meeting on Wednesday at HQ, AAI, you discuss this matter and request that legal officers in army areas be permitted to send to the RLOs of the particular regions into which the particular territory will fall cases for review as if, for this purpose only, the particular army area was already under Regional control.

RICHARD H. WILMER. 50
Colonel, C.A.C.,
Acting Chief Legal Officer.

4683/11
✓
HEADQUARTERS REGION IV
Allied Control Commission
APO 394

731

29 July 1944

TO : Chief Legal Officer, Legal Sub-Commission, A.C.C.

SUBJECT: Petition for review in case of Bernabei Armando.

FILE NO: R4/LE/Vit/A/05.

1. Herewith Petition for Review and accompanying documents in the case of Bernabei Armando, tried by Superior Court at Viterbo on 27 June 1944.

2. At the time of trial Viterbo was within 5th Army Area. The record is accordingly submitted to you under Article 32, paragraph 3(a)(3), of the Consolidated Instructions for Allied Military Courts.

3. I recommend that conviction and sentence be affirmed.

H. L. Wilmer

Colonel,
Regional Legal Officer, Region IV.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
Legal Sub-Commission

MJG/jpl

729

ACC/4089/1/L

28 July 44

Subject: Case of IORIO Giuseppe; MANNA Salvatore; and CAPOZZI Vincenzo.

To : Regional Legal Officer, Region 3.

1. The records in the proceedings against the above mentioned accused are returned herewith.

2. With the exception of the plea of guilty, the record shows nothing as to the nature of the evidence before the Court.

3. In the absence of any testimony or remarks by the trial judge the following information is requested so that a proper review of the case may be made:

(a) What evidence, if any, did the court possess to guide it in imposing the sentence which it did.

(b) Please advise the basis for the differences in sentences imposed with regard to each accused.

(c) Please state if the difference was based solely on age--e.g.
age 18 one year
age 20 six years
age 25 six years

or were there other reasons which induced the court to pass the above mentioned sentences.

4. Any other information which will aid the reviewing authority in disposing of this case will be appreciated.

Encs: Record of case.

RICHARD H. WILMER
Colonel, CAC
Acting Chief Legal Officer

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403/1
 ✓ HEADQUARTERS
 AMG FIFTH ARMY
 LEGAL DIVISION
 APO 464 U.S. ARMY.

Regal
 7374
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 26 July 1944.
 208/CA/13.

SUBJECT : Applications for Review.

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

1. Herewith are submitted Forms 8 and Applications for Review in the following cases tried in C.E.F. area:-

(a) Delfini Domenico - 2 months imprisonment & L.500 fine.

Attinia Emina - - do -

(b) Amati Vincenzo - 2 months imprisonment & L.10,000 fine.

Ruocco Luigi - - do -

Pacelli Amando - - do -

2. All the above-named persons pleaded guilty to having travelled from Rome to Siena without permits, and the present applications are against sentence only. Having regard to the fact that the two women came for immoral purposes and the three men made the journey in a car licensed only for use in Rome Province, it is considered that the sentences were perfectly proper and it is recommended that they be confirmed.

3. As these persons are serving their sentences in Siena, which is no longer within Fifth Army area, it is requested that the accompanying papers be returned direct to P.L.O. Siena with the decision on review.

41
H.M. Dickie

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 994

/jpl

727

ACC/4083/1/L

26 July 44

Subject: Case of MORISCO Mazzarero

To : Regional Legal Officer, Region 5.

Ref 15/521/14 of 11 July 44

1. It is assumed that by "petition for appeal is merely meant the record for review, no petition being with the papers.

2. The case has been reviewed on that basis: if there is a petition the review will require reconsideration in light of any matter raised therein.

(C

RICHARD H. PILMER

Colonel, CAC

Acting Chief Legal Officer.

Enc: Record.

48

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Return to
and file

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ACC/4083/1/L

2nd Ind.

HEADQUARTERS ALLIED CONTROL COMMISSION, Legal Sub-Commission, APO 394.

25 July 44. TO: H.Q. ALLIED MILITARY GOVERNMENT, ROME REGION. APO 394.

1. Reference 1st Indorsement, E/3009, dated 23 July 44.
2. Records of cases, when reviewed, are stored and held in safe custody by the Regional Legal Officer and not at this H. Q.-See Consolidated Instructions for Allied Military Courts Art. 31 (1).
3. Therefore the records in the cases covered by the Regional Legal Officer's letter to Regional Commissioner, Rome Region and forwarded to this H. Q. by 1st indorsement are returned herewith.

10
RICHARD H. WILMER
Colonel, CAC
Acting Chief Legal Officer.

4083/1

725

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

L/3029

24 July 44

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
✓ 3562	Casizzone Raffaele	Gen.Ct.	7 June 44	Appl., Form 8
✓ 3780	Nisi Pietro et al	Sup.Ct.	7 22 "	44 Form 8
✓ 3781	Strazzullo Luigi et al	" "	15 " 44	" "
✓ 3782	Troncone Luigi	" 1	23 " 44	" "
✓ 3783	Annunziato Vincenzo	" "	24 " 44	" "

For the Regional Commissioner:

encl. *[Signature]*

[Signature]
WILLIAM C. BAKER,
1st Lt., Q.M.C.,
Adjutant.

4/1

BTR/pv

PUBLIC RELATIONS BRANCH
ALLIED CONTROL COMMISSION

PRB/R1C

Trans of Correspondent's Copy
24 July 1944

WINSTON BURDETT (CBS)

Here in Rome the Allied General Court has just pronounced a verdict in the first trial it has held in this city. The court condemned a young Italian Communist partisan to 18 months imprisonment. He was Rosario Bentivegna. He was one of the most active partisans in Rome during the German occupation. On June 5 just a few hours after we entered Rome and the streets were still being patrolled by Italian partisans Bentivegna shot and killed a Lieut. of the Italian Customs guard during a street altercation. The defence claims he acted in self-defense. The prosecution claimed he acted impulsively in legitimate defence. But that was not the main issue of this trial. The main issue was much larger. We the Allies, are urging the Italian partisans to create confusion and disorder behind the German lines, and we impose standards of peace-time law and order upon them.... This is what the Allied prosecutor during the trial said: "We must not forget that the purpose of this court is that of safeguarding public order.... Americans and Englishmen have come to this country to teach liberty to the Italian people.... This court must keep order and must give some examples of which Italians have a great need"....

The reaction of the Communist party to this verdict is very bitter. The party paper this morning says that while Bentivegna is condemned two of Fascism's worst figures.... the former chief of Police in Rome and the General who surrendered Naples to the Germans are still living. The paper says this verdict will be heard with apprehension by all democrats and fighters of the United Nations who believe that the defence of liberty and order is essentially Italian struggle to the death against Fascism. The whole

Director 724
Legal JFC

the Italian partisans to create confusion and disorder behind the German lines, and we impose standards of peace-time law and order upon them.... This is what the Allied prosecutor during the trial said: "We must not forget that the purpose of this court is that of safeguarding public order.... Americans and Englishmen have come to this country to teach liberty to the Italian people.... This court must keep order and must give some examples of which Italians have a great need"....

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After this verdict it will be hard for Italian patriots to decide whether the Allies have come to Italy to destroy Fascism or to impose order.

MILLER (UP) SMITH (NY Herald Tribune) and others
BRIA (AP)

Major Hendrickson, AMG chief legal officer, Rome Region, has asked the Allied Publication Board to consider action against the Italian Communist paper "Unità" which criticised the AMG court verdict on Bentivegna. The paper criticised the Allies for their delay in trying Caruso, former Rome police chief, and compares this with the trial of Bentivegna who for 9 months risked his life fighting for the Allies. The Court said that this was a case of two excitable young men who lost their tempers and used firearms unnecessarily. The Court could not accept self defence as a plea and could not agree that it was necessary to use the amount of force the accused had done.

The Italian lawyers told one correspondent that decision was a model application of Italian law

/BRIA

20.

BRIA (AP) : Says that "Unità" quotes La Guardia's appeal to the partisans to carry and use the knife. La Guardia, says "Unità" like us, holds United Nations propaganda just and sacrosanct, and can but hold the judgment pronounced yesterday as wrong.

VERMILION (UP)

KELLY ("News Chronicle")

Have a story that the Germans are holding 230 men, women and children as hostages in the Monastery of St. Ubaldo, overlooking Gubbio. They are using the Monastery as an observation post and threaten that if the Allies bombard the place they will shoot these hostages. The bishop of Gubbio is said to have appealed, without success, to the Pope to intercede. The refugees have been in the Monastery since July 11th. So far Allied troops have not attempted to bombard the Monastery and it is hoped that advances on either flank may eventually compel the Germans to evacuate the place.

BRIA (AP)

SPRIGGS (Reuter)

MATTHEWS (Times NY)

During an audience granted to members of the St. Peters Club (which is one of the organisations set up by the Church to feed the poor) the Pope said "We have to complain that some of our Sons although they go on calling themselves Catholics follow theories that have been condemned, and appear to have forgotten more important and sacred teachings of the Church." The Pope declared, however, that the Church does not oppose but encourages movements that strive to solve social problems.

By a coincidence, at the same time that the Pope was speaking in an indirect way against Catholic Communists, there was a political meeting being held where de Gasperi, Minister without Portfolio, and acknowledged head of the Christian Democrat party made clear the overtures of the Communist party; and frankly criticised the Monarchy. This is a surprising development as de Gasperi is known to be in close touch with the Vatican.

BRIA (AP)

SPRIGGE (Reuter)

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SPRIGGE (Reuter)

There is a reason to believe that the Holy See views the situation in Germany as sufficiently critical to require the utmost readiness of the State Secretariat to play its part if necessary. Weisacker, the German Ambassador to the Vatican, has given it as his private opinion that all overtures between the Pope and the Allies would be doomed to failure unless direct approaches can be made between the Vatican and Russia.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

722

ACC/4083/1/L

24 July 44

Subject: LONDO Luigi

To : Regional Legal Officer, Region III.

Ref L/3020 of 21 July 44.

See 718

1. All persons convicted have a right to have the conviction and sentence reviewed by the appropriate reviewing authority, with that authority in possession of a record adequate to permit of a proper review.

2. When the record first came to H. Q. ACC it, presumably, gave rise to some question or it would not have been returned to your H. Q. Now it cannot be found.

3. If the record is not forthcoming it will be necessary to quash the conviction.

File
Form II to be brought forward
on 7 AUG, if record not received
previously

RICHARD H. BILMER
Col. CAC
Acting Chief Legal Officer.

61

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

Legal

721

I/3029

21 July 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.	Court	Name	Date of Trial	Docu- ment
✓3733	Sup.Ct.No.1	Todisco Carmine et al	17 June 44	Appl., Form 8
✓3726	Sup.Ct.No.7	Apra Vincenzo	28 " 44	Appl., Form 8
✓3727	Sup.Ct.No.1	Iorio Giuseppe et al	19 " 44	Form 8
✓3728	" " " "	Ferrara Francesco	19 " 44	" "
✓3729	" " " "	Fiorentino Carmine	" " "	" "
✓3730	" " " "	Rossi Vincenzo	21 " "	" "
✓3731	" " " "	Scherillo Giuseppe	22 " "	" "
✓3732	" " " "	Angeloni Alfonso	21 " "	" "
✓2052	Pompei	Crazioli Ferdinando	10 May 44	"

40

For the Regional Commissioner:



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

ETK/pv

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/pa
720

REFERENCE : AGC/4083/I/L.

23 Jul 44

SUBJECT : Cases of TIBERIO Nicola.

TO : RLO (TERR: Regional Commissioner) Region 5.

Ref 85/50/14/cl 5 18 July 44 - See 116

Para 4 is agreed, as is the action taken, which is entirely as desired by the Reviewing authority.

RICHARD. H. WINTER
Colonel S.A.C.,
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

21 July 44

711

Subject: Return of Exhibits

To : Regional Legal Officer, Region III.

1. Returned herewith the following exhibits:

(a) Portfolio with contents of photo, handkerchief, papers
and 50 liras.

(b) Three knives

2. The accompany envelope carries this data:

Exhibits - Case No. 62, General Court-Torre del Greco,
MAZAGANE Antonio.

3. Please join these exhibits with the record of the case.

Enc: Exhibits as above
indicated.RICHARD H. WILDER
Colonel, GAC
Acting Chief Legal Officer.

38

Enter & File

4083/1

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

Legal

718

I/3020

HEADQUARTERS
22 AUG 1944
A.C.C.

21 July 44

Subject: LONGO Luigi

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

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

705

2. The records in our office disclose that
Form 8 and Application were sent to A.C.C. 22 Apr. ←
1944. Thereafter, to wit, 30 April 1944 said file
was received by this office from A.C.C. and im-
mediately returned to the trial judge for additional
comments thereon.

3. The file has never been returned to this
office and we have been unable to obtain the same.

By Order of Colonel CHAPMAN:

ETK/pv

G. A. Banlet By E. T. L.
G.A. BANLET,
Major, G.I.,
Acting Reg. Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

JG/PA

717

REFERENCE : AGC/4083/I/L.

20 Jul 44

SUBJECT : Jurisdiction of AMG Courts.

TO : RLO(thru Regional Commissioner) Region 5.

1. Reference your letter R5/611/1 of 17 July 1944.
2. I agree with you that this is not a case of maltreatment of prisoners of war within our AGC/4096/L of 22/11/43.
3. I consider that jurisdiction exists in an AMG Court to try the case, whether or not military occupation had been established at the time of the incident.
4. In view of the fact that the incident occurred before our proclamations were posted, charges should be framed under Italian law. If you are in any difficulty in this connection, assistance can be given by the Italian Section of this HQ; but on the face of it the charges should be fairly simple.

RICHARD H. WILSON,
Colonel, U.S.A.,
Acting Chief Legal Officer. 36

4083/1

TO C.L.C. H.Q. A.C.C.
 FROM H.Q. Region 5, A.M.G.
 SUBJECT Case of TIBERIO Nicola.
 REF R5/511/14/CH.
 DATE 18th July 1944.

HEADQUARTERS
 22 LUG 1944
 A.C.C. See 720

716

1. The case of TIBERIO Nicola, CASALBORDINO No. 193 (CHIETI) was reviewed and confirmed by C.L.C. on 13 June 1944.
2. The accused, 16 years of age, was convicted of assaulting an allied soldier and sentenced to 1 year in gaol.
3. It is understood that C.L.C. in confirming the sentence, directed that he be confined in a place suitable to his age.
4. He is at present at CAMPOBASSO gaol. In the opinion of R.L.C. this is not a proper place of a boy of 16 years. Lt. Col. CAMPBELL would probably agree.
5. Arrangements have therefore been made for the transfer of the accused to the CATANZARO house of correction.
6. It is felt that this may technically be a modification of the decision but it is certainly in the spirit of his directive and there can be no doubt that the boy, who reacted to the excitement of the moment and in fact hurt no one, will derive more benefit therefrom.

W. E. HENRENS

W. E. HENRENS
 Colonel, R.L.C.
 for Regional Commissioner

35

WEB/EP

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

4082/1



18th July 1944.

1. Herewith is forwarded for review a petition in the Superior Court case of TURCHIETTI Bruno.
2. The record in this case and that of several co-defendants was forwarded to you on 14 July 1944.
3. It is regretted that the papers were not held for the arrival of this petition but the accused personally visited this office in connection with another application and informed R.L.C. that he considered the sentence just and did not intend to appeal.

W. E. MEYERS,
Colonel, R.L.C.,
for Regional Commissioner.

WEB/EP

3/

497

SECRET

TO : C.L.O. H.Q. A.C.C.

FROM : H.Q. Region 5, A.M.G.

SUBJECT : Jurisdiction of A.M.G. Courts.

REFERENCE: R5/611/1.

DATE : 17 July 1944.

1. Your advise is requested on the report from P.L.O. CHIETI which is attached hereto.

2. The facts are that on 12 June 44 the Germans had withdrawn from the town of TORRE DE PASSERI in the province of PESCARA. It is not clear from the report whether the allied forces were in occupation of the area, but it would appear that they were not and that the local National Committee of Liberation was in de facto control. Certainly no A.M.G. Proclamations had been posted.

3. Two escaped allied Prisoners of War arrived "to take over command of the village".

4. The exact reasons for the events that followed are not clear but some portion of the local populace appears to have been suspicious of them, possibly thinking that they were spies. In any case the 2 men were seriously assaulted, one being shot and barely escaping with his life, the other being hit on the head.

5. It is believed that the persons responsible for these attacks are known, and it is suggested that they can have had no bona fide belief that the 2 men were anything except escaped allied prisoners of war and that therefore there can be no excuse for the attack upon them.

6. P.L.O. CHIETI takes the view that this constitutes a maltreatment of prisoners of war within the meaning of your AUG/4096/L of 22 Nov. 1943. ³ Flag A

7. R.L.C. emphatically dissents from this view on the ground that the men were not in custody at the time and had lost their status as prisoners of war. Moreover any "maltreatment" was perpetrated by persons who were not res-

5865

HEADQUARTERS

19 AUG 1944

A.C.C.

717

717

See

was in de facto control. [redacted]

- 2. Two escaped allied prisoners of war arrived "to take over command of the village".
- 4. The exact reasons for the events that followed are not clear but some portion of the local populace appears to have been suspicious of them, possibly thinking that they were spies. In any case the 2 men were seriously assaulted, one being shot and barely escaping with his life, the other being hit on the head.
- 5. It is believed that the persons responsible for these attacks are known, and it is suggested that they can have had no bona fide belief that the 2 men were anything except escaped allied prisoners of war and that therefore there can be no excuse for the attack upon them.

6. P.L.O. CHIEMI takes the view that this constitutes a maltreatment of prisoners of war within the meaning of your AMG/4096/L of 22 Nov. 1943. *appears to* Flag A

7. R.L.O. emphatically dissents from this view on the ground that the men were not in custody at the time and had lost their status as prisoners of war. Moreover any "maltreatment" was perpetrated by persons who were not responsible for the safe custody of the men, [redacted]

Moreover it appears that the general circumstances are not such as are envisaged by your letter.

8. On the other hand if the evidence can be strengthened to enable the matter to be investigated in court, it is felt that the case is sufficiently serious to warrant a trial.

9. Would you advise whether you agree with this view and if so whether A.M.G. Courts have jurisdiction.

10. please return the file.

W.H.O.
Chief Counsel
W.E. IFFRENS
Colonel, R.L.O.
for Regional Commissioner
Italian Section

Copy to P.L.O. (through P.C.) CHIEMI Province.

WTE/EP

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

713

L/3029

14 July 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
✓3663	Caputo Rocco et al,	Avellino	29 Apr 44	Appl., Form 8
✓3665	D'Urso Antonio "	" Torre del Greco	17 June 44	Appl., Form 8
✓3664	Raimondo Antonio	Castellammare	9 " 44	Form 8
	Salvato Ferdinando	"	" " "	"
✓3666	Esposito Luigi	"	" " "	"
✓3667	Fusco Ferdinando	Avellino	13 " "	"
✓3462	Iachlaro Giuseppe	Sup.Ct.No.6	31 May 44	Appl.
	Form 8 in this case	sent to A.C.C.	30 June 44.	

For the Regional Commissioner:

W. J. F. F. F.

Walter Baker
WALTER C. BAKER,
1st Lt., G.M.C.,
Adjutant.

ETK/pv

4083/1

Legal Sec
45557

TO C.L.O. H.Q. A.C.C.
 FROM H.Q. REGION 5, A.M.C.
 SUBJECT PETITIONS FOR REVIEW.
 REF R5/511/14.
 DATE 14th JULY 1944.



1. Herewith petitions for review filled in a Superior Court case tried in FOGGIA PROVINCE 9 June 1944 as follows:-

ROMANO MASCIA Carlo
 BROVELLI Felice
 MEZZADRA Carlo
 GIULIANO Antonio

2. The remaining subject, TURCHETTI Bruno has not filed a petition and we have reason to believe that none will be filed in his behalf.

For the REGIONAL COMMISSIONER:

W. E. BEHRENS
 Colonel
 R.L.C.

by

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

FILE ENCLOSED
 ART/EP

31

10/68

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
LEGAL DIVISION
A.P.O. 394

(711)

12 July 1944

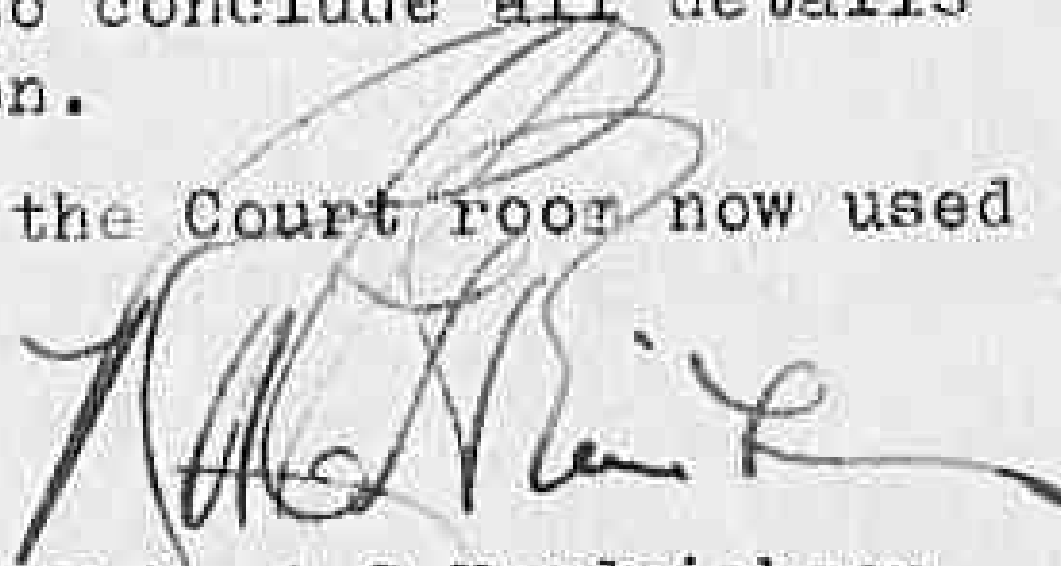
SUBJECT : Convening of General Court for the trial of
the case of BENTIVEGNA Rosario.
THRU : Regional Commissioner. ✓
TO : Col. H. H. Wilmer ✓
Regional Legal Officer,
Region IV, A.C.C.

1. The General Court constituted for the trial of the
above named accused will convene at the Palace of Justice on
Friday morning, 14 July 1944 at 0930 hours.

2. Transport for the Judges will leave the Albergo
Ambasciatori at 0915 hours.

3. The Prosecutor, Lt. Sabatino, will proceed forthwith
to prepare the case for trial and to conclude all details
necessary to its proper presentation.

4. The Court will convene in the Court room now used
by the Superior Court.



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

RCH/PA.

31

TO C.L.O. MAIN H.Q. A.C.C.
 FROM H.Q. REGION 5, A.M.G.
 SUBJECT REVIEW OF CASES.
 REF R5/511/14/CH/

10 July 44

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

LOTITO Alberto
 SALLUSTIO Michele
 CASTELLI Sebastiano
 FAZIA Teresa
 FAZIA Alessandra
 DI MAURO Francesca
 DI MAURO Francesca/

2. An answer has been sent to letter from P.L.O. CHIETI of 7 July to the effect that this H.Q. has no jurisdiction to deal with the case, but that you will do so at your convenience.

3. R.L.O. has not read the somewhat voluminous record but for your information would advise that he considers the judgment of Lt. HARTLEY, although not a judicial officer, to be at least as sound as that of the other members of the Court.

For the REGIONAL COMMISSIONER:

W. E. HEMPHENS

W. E. HEMPHENS
 Colonel
 R.L.O.

WEB/EP

File



23

9828

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

Legal

1/jpl

639

ACC/4083/1/L

8 July 44

1709

Subject: Case of CASTALDO Mario et al.

To : Chief Legal Officer,
H. Q., ACC, Salerno

1. I enclose a petition (with translation) relating to proceedings against three brothers CASTALDO Luigi, Armando and Mario.

2. These proceedings were recently reviewed: the papers were read with great care by Capt. MORE and the review was actually signed by you. I do not remember the details of the case: I remember it was a question of driving a truck down to a grain producing area to bring back food stuff to Naples area: but I think Capt. MORE will be able to tell you more about it.

3. This petition raises a point entirely new to me. The mother of the three accused now alleges that, at her instigation, her son Mario deliberately gave false evidence which had the effecting of shifting part of the responsibility onto him, whereas he was entirely innocent.

I confess that I find the story improbable. In particular, I do not understand this business of spontaneously presenting himself: either he was charged or not. I suspect that it is a new "line" to get at least one son out of prison.

4. There are 3 courses open:-

- (a) To believe the petition and release MARIO-I advise most strongly against this!!
- (b) To disregard the petition: but then an innocent man (through his own fault) may spend 2 years in prison.
- (c) To order a new trial before a strong Superior Court and to direct the prosecution to consider the addition of a charge of perjury against MARIO and such of his brothers as testified as to his complicity.

This may have the effect of putting them away for more than 2 years.

5. May I please either be told what action you wish taken or be kept informed of whatever action you may take.

28

Note

On instructions I am sending two records
sent for. On receipt, he &
Capt. Mon will consider the
petition further.

12 Jul.

1 Campbell 429
I.G.H. CAMPBELL
Lt. Colonel
Chief Judicial Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

15 July 44

ACC/4083/1/L

Subject: Case of QUARANTA Giuseppe

To : Regional Legal Officer, Region III.

1. With reference to the case of QUARANTA Giuseppe held before a Superior Court at Naples on 1st June 44
2. The conviction on the first charge in this case is upheld.
3. The conviction on the second charge is quashed for the following reasons:-
 - (a) The accused was wrongly charged under Art. III of Proclamation No. 2 since the attempt to escape constituted the act "to the prejudice of good order or the safety or security of the Allied Forces". The charge, if any, should therefore have been laid under Art. II Sec 45.
 - (b) The attempt to escape and the striking of the soldier in fact formed part of the same transaction: therefore the addition of this second charge is merely an example of multiplicity of charges which is to be strongly discouraged-see Art. 12 (6) of the Consolidated Instructions for A.M. Courts.

Enc: 1 Record.

Richard H. Wilmer
Colonel, CAC
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

13 July 44

Subject: Case of CASTALDO Mario et al.

To : Regional Legal Officer, Region 3.

Will you please return for re-consideration, in the light of a further petition received, the record of proceedings against CASTALDO Mario, CASTALDO Luigi, CASTALDO Armando, IACOLETTI Giuseppe, and ZANINI Francesco which was reviewed on 30 June 44.

(c)
RICHARD H. WILMER
Colonel
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

12 July 44

Subject: Case of SABINO Domenico et al.

To : Regional Legal Officer, Region 3.

1. Attached request by Procuratore del Re Salerno, which seems to have come to this H. Q. in error; forwarded for compliance, please.

2. Sentences on SABINO, DI BATTISTA and DI FLORIO were reduced on review from 10, 15, and 15 years to 4, 5 and 5 years respectively.

Enc: Procuratore's letter.

RICHARD H. WILMER
Colonel, OAC
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

12 July 44

Subject: Longo Luigi

To : Regional Legal Officer, Region III.

1. Reference this H. Q's letters

4083/1/L of 29 Apr 44

4083/1/L of 5 June 44

4083/1/L of 18 June 44

with reference to the proceedings against LONGO Luigi.

2. May the record please be forwarded so that a review may be made of a petition.

See (718)

R

24

RICHARD H. WILMER, Col. CAC
Acting Chief Legal Officer

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

103

12 July 44

ACC/4083/1/L

Subject: TREZZA Nicola, AMOROSI Francesco, DE STEFANO Sabatino.

To : Regional Legal Officer, Region II.

Attached request by Procuratore del Re, Lagonegro; forwarded for
compliance, please.

k

RICHARD H. WILMER
Colonel, CAC

Acting Chief Legal Officer

Enc: Procuratore's request.

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

L/3029

8 July 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
✓3618	Caprilliona Andrea	Avellino	3 June 44	Form 8
✓3617	Gatti Federico	Sup.Ct.No.4	2 " 44	" "
✓3616	Quaranta Giuseppe	" " "	7 1 " 44	" "
✓3615	Ascione Ciro	" " "	1 3 " 44	" "
1980	Castricato Agostino	" " "	5 20 Apr 44	Appl. Form 8
3463	Mozzillo Corrado and Fratt. Antonio. In this case form 8 sent to A.C.C. 30 June 44.		25 May 44	Appl.
✓3464	Iervolino Aniello S.Anastasia		30 May 44	Appl. Form 8 in this case sent to A.C.C. 30 June 44

For the Regional Commissioner:

23

ETK/pv

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

File

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

(701)

I/3029

8 July 1944

Subject: Transmission of Enclosed Documents
relating to pardon. (A.M.G. Court case)

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

1. There is submitted herewith in accordance
with Executive Memo No.4, 7 February 1944, the fol-
lowing applications for pardon:

- JP*
OR
- 1) IMPROTA Giuseppe
 - 2) CAPUTO Giuseppe and Antimo.

For the Regional Commissioner:

ETK/pv

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

A

File

OFFICE OF THE
JUDGE ADVOCATE GENERAL
LEGAL COUNSEL
ARMY

152

100/100/100

8 July 51

700

Subject: Disposal of Documents

To: 1. Senior Legal Officer, 100th, 5th Army.
2. Senior Legal Officer, 100th, 5th Army.
3. Senior Legal Officer, 100th, 5th Army.

1. For the purpose of clarification, you are informed that consolidated instructions for Allied Military Forces Article 31 (G) applies to documents of value as well as to other items.

2. In pursuance of the above Article 31 is requested to send to Region III for info. only the papers in the purview of the above Article, and to Region III for info. only the papers in the purview of the above Article, and to Region III for info. only the papers in the purview of the above Article.

WILLIAM H. WILSON
Colonel, 100th
Senior Legal Officer

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

8 July 44

Subject: Case of CASTALDO Mario et al.

To : Chief Legal Officer,
H. Q., ACC, Salerno

1. I enclose a petition (with translation) relating to proceedings against three brothers CASTALDO Luigi, Armando and Mario.

2. These proceedings were recently reviewed: the papers were read with great care by Capt. MORE and the review was actually signed by you. I do not remember the details of the cases: I remember it was a question of driving a truck down to a grain producing area to bring back food stuff to Naples area: but I think Capt. MORE will be able to tell you more about it.

3. This petition raises a point entirely new to me. The mother of the three accused now alleges that, at her instigation, her son Mario deliberately gave false evidence which had the effecting of shifting part of the responsibility onto him, whereas he was entirely innocent.

I confess that I find the story improbable. In particular, I do not understand this business of spontaneously presenting himself: either he was charged or not. I suspect that it is a new "line" to get at least one son out of prison.

4. There are 3 courses open:-

- (a) To believe the petition and release MARIO-I advise most strongly against this!!
- (b) To disregard the petition: but then an innocent man (through his own fault) may spend 2 years in prison.
- (c) To order a new trial before a strong Superior Court and to direct the prosecution to consider the addition of a charge of perjury against MARIO and each of his brothers as testified as to his complicity.

This may have the effect of putting them away for more than 2 years.

5. May I please either be told what action you wish taken or be kept informed of whatever action you may take.

K
I.G.M. CAMPBELL
Lt. Colonel
Chief Judicial Officer.

Legal S.C.

u 427 8281
(698)

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

L-5070

7 July 1944

SUBJECT: Pardon (SALERNO Giuseppe).

TO : CLO, Legal Sub-Commission, ACC.

1. Reference is to your letter ACC/4083/23/L of 25 June 44 on this subject.

2. I personally had no knowledge of the granting of this pardon. I have, however, consulted the former Regional Legal Officer who informs me -

a. that he had no knowledge that pressure had been brought to bear on the Legal Sub-Commission or even that they were concerned in the matter at all;

b. that the only information before him when he considered the application was that contained in the papers which you have already seen; and

c. that his reason for advising the then Regional Commissioner to grant the pardon was that he considered it the proper thing to do in the circumstances of this particular case.

3. While it is appreciated that any action taken by the Allied Military Government may be cited as a precedent by anyone who wishes similar action to be taken, it is considered that the granting of any act of clemency is based on factors so numerous and varied that it could never properly be regarded as establishing a precedent.

4. You may rest assured that the discretion given to the Regional Commissioner to pardon offenders has been, and will continue to be, exercised very sparingly.

④ same, not "properly regarded"; but "regarded" - yes.

(697)

5. It would appear to be desirable to avoid, in the future, the state of affairs which has arisen in the SALERNO case. It is therefore suggested that where an application for a pardon is received at this headquarters relating to a case which has been or will be reviewed by you, the application should (as happens at present) be forwarded to you with such comments as the Regional Commissioner may care to add, and that, conversely, applications received by Headquarters, ACC, concerning cases reviewed by or on behalf of the Regional Commissioner should be referred to this headquarters, with comment if desired, for disposal. This seems to comply with the intention of Article 33 of the Consolidated Instructions.

For the Regional Commissioner:

G.A. Bamiet

G.A. BAMLET, Major, G.L.
Acting Reg. Legal Officer

GAB/mo

18

Re: Refus to Case of IORIO Vincenzo. ~~SECRET~~ ^{SECRET}
 7 July 1944

Memorandum to Dr. C. Campbell.

Dear Sam:

Some time ago I received a
 Region 3 Case in which punishments of 5
 years each as I recall it were given to
 Italian in connection with use of Allied
 trucks for blackmarketed operations, buying,
 etc. As there were U.S. personnel involved,
 I had the case put aside, as I wanted
 to see what punishment was given to
 the military personnel. I have now a file
 report which shows the whole story on the
 German T as he possibly, the military personnel
 involved the less are undergoing prison work
of a substantial nature. The case captioned

(696)

truck for black market operations, babies,
 etc. On these were U.S. personnel involved.
 I put the case put aside, as I wanted
 to see what punishment was given to
 the military personnel. There was a file
 report which shows the whole thing on the
 Soviet side possibly, the military personnel
nevertheless are undergoing prison work
of a substantial nature. The case captures
be gotten out & reviewed for final action.
 Cpl. Sakella knows the case. Do not
 have a reference to the names of the
 accused here.

Draft

Russell M. Walker
 Col. Case

0 2 1 3

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

785016

4 June.

Sir:

This document was received this day.

Cpl. Latella.

I want to hold until
I have reply about what
happened to the soldiers
RPM 6

① Read by OCS
To be read by CTO

② Letter to Luth - what happened
to soldiers? some RTHs

③ Hold pending answer to ②

lc

SUBJECT :- Decisions on Review

Legal
AMC Rear Eighth Army

CA/13

6 Jul 44.

LEGAL SUB-COMMISSION,
ADV HQ, ACC.

1. Answering memo of Lt.-Col. CAMPBELL.
2. In cases reviewed in your office which originated in AMC Eighth Army territory, but which territory at the time of review is under Regional control, it is entirely agreeable that all papers be sent directly to Region, with notice to this HQ of the result of review.

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

13

ADVANCE HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

July -
6 June 44

694

Subject: Case of MANZO Sabato and RONZA Giuseppe.

To : Regional Legal Officer, Region III.

1. The record in the proceedings against MANZO Sabato, and RONZA Giuseppe and others (acquitted) are returned herewith.

2. After very careful consideration, the conviction of MANZO Sabato has been quashed on the grounds that the prosecution's evidence failed to establish knowledge on the part of the accused that the permits were false. It may be that MANZO deliberately did not ask too many questions as to the source of these permits or that he thought that RONZA had some means of obtaining permits from the issuing authority: but the prosecution's evidence did not establish that MANZO had these permits "knowing the same to be false."

3. The conviction of RONZA is affirmed.

12

RICHARD H. WILMER
Colonel, CAC

Acting Chief Legal Officer.

Enc: Record.

24

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/3PA

ACC/4083/1/L

6 July 44

Subject: Case of DOMENICI Donato.

To: Regional Legal Officer, Region V.

1. Forwarded for filing is an additional petition on behalf of DOMENICI Donato sent to this H. Q. by S.L.O., AMG, 8th Army.
2. Please join this petition with the record of the case.
3. The balance of the sentence was suspended on Review, necessitating no further action. (see this H. Q.'s letters ACC/4083/1/L of 28 June and 1 July.)

RICHARD H. SILMER
Colonel, CAC
Acting Chief Legal Officer.

Copy to: Senior Legal Officer,
AMG, 8th Army.

Enc: 1 Petition.

File

13

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/JPL

6 July 44

692

ACC/4033/1/L

Subject: Case of Tedesco Vincenzo

To : Regional Legal Officer, Region III.

1. Returned herewith is the record in the proceedings against TEDESCO Vincenzo. Convictions and sentences have been affirmed.

2. It has been noticed that records coming up for review from Capt. GOLD are invariably tidy and legible (usually typed) and with full and helpful comments. This is an enormous help in reviewing.

3. Will you please tell Capt. GOLD that his efforts in this respect are much appreciated.

RICHARD H. SIMMER
Colonel, CAC
Acting Chief Legal Officer.

Enc: Record.

12

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

6 July 44

Subject: Case of MANDATO Angelantonio.

To : Regional Legal Officer, Region 5.

Ref R5/511/14 of 29th June 44.

1. There is no record of this case here.
2. I suggest that Signor MANDATO should be released forthwith, not on the grounds of the alleged reduction of sentence but on the grounds that there is no committal warrant.

RICHARD H. WILMER, Colonel
Acting Chief Legal Officer.

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/JPL

ACC/4883/1/L

6 July 44

Subject: Case of DI MARTINO Gaetano di Salvatore

To : Regional Legal Officer, Region III.

1. Returned herewith is the record of the proceedings against DI MARTINO Gaetano di Salvatore.
2. Please note a further decision on page 4 of Form 3 of the Record.

Enc: Record.

(C)
RICHARD H. WIDMER
Colonel GAC
Acting Chief Legal Officer.

See 686
GR

11

ADVANCE HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4033/1/L

6 July 44

Subject: Case of SABINO Domenico & others.

To : Regional Legal Officer Region 3.

1. Herewith record in the proceedings against SABINO Domenico, AMATULLI Geisoniro, DI BATTISTA Antonio and DI FLORIO Domenico.
2. The trial took place as long ago as January, before 2nd Lieut. BARDEN sitting as Superior Court (although reference appear at places in the papers to a General Court).
3. This Court imposed sentences of 15 years imprisonment on DI BATTISTA and DI FLORIO and 10 years on SABINO.
4. The first two sentences were beyond the powers of the Court: all three were excessive: they have been reduced on review to 5, 5, and 4 years.
5. Please arrange for the decision on review to be communicated to the prisoners.

Enc: Record of Proceedings.

R
RICHARD H. WILMER
Colonel, CAC
acting Chief Legal Officer.

AU

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/JAL

688

ACC/4083/1/L

4 July 44

Subject: Case of BARONTE Roberto and VILLAMANIA Nicola

To : Regional Legal Officer, Region 5.

Herewith record in the case of BARONTE Roberto and VILLAMANIA
Nicola at Vasto: Convictions and sentences have been affirmed.

12

GERALD R. UPJOHN
Colonel
Chief Legal Officer.

Enc: Record of Proceedings.

Copy to: Senior Legal Officer

8th Army: Papers were forwarded by your for review - above for your
information.

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

4 July 44

(687)

Subject: Case of ZITO Salvatore.

To : Regional Legal Officer, Region III.

1. Further to ACC/4083/1/L of 28 Apr. 44, with reference to the attached papers.

2. The notes on the case supplied by the interpreter are such as to make it very doubtful indeed if any of the accused ought to have been convicted. Accordingly the convictions of

ZITO	Salvatore
CAGLIARDI	Raffaele
Luongo	Luigi
D'Angelo	Luigi
AZZILLO	Francesco

are hereby quashed. Those in prison will be released immediately, and any fines paid will be refunded.

3. It is appreciated that at the time in question CASERTA was not in Region 3. It is very disturbing to find that this case has not even been reviewed and that apparently there are no notes or records whatever, and it will be appreciated if you will have an investigation made to find out what has happened to the records and whether there are other cases which have never been reviewed.

R

RICHARD R. WILLIAMS
Colonel, CAG
Acting Chief Legal Officer.

Enc: Application for review
and associated papers.

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

- 5 LUG. 1944

L/3020

4 July 1944

Subject: DI MARTINO Gaetano.

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

1. Under date 14 June 1944 the Chief Legal Officer, Legal Sub-Commission, A.C.C., rendered the following decision relative to the above subject:

" Conviction and sentence affirmed. If DI MARTINO Gaetano is accepted by the Italian Army, he may present a Petition to have the balance of his sentence suspended with effect from date of joining the coloms."

2. Attached hereto is Dichiarazione this day filed in this office, together with files in the case.

By Order of Colonel CHAPMAN:

ETK/pv

G.A. Banilet.

G.A. BANILET,
Major, G/L.,
Acting Reg. Legal Officer.

See 4083/1
6 July

File 4083/1

ADVANCE HEAD-QUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APC 394

/jpl

3 July 44

ACC/4083/1/L

Subject: Case of ADRIANO Umberto and CURCIO Giorgio.

To : Regional Legal Officer, Region III.

Further to ACC/4083/1/L of 27 June 44.

1. The previous decision on review stands.
2. On the Record there appears to be ample evidence to justify the convictions of ADRIANO and CURCIO-See the evidence of Sgt. Bolton:-

"I arrested ADRIANO & CURCIO who were trying to stand normally; they were painting hard; trouser legs and jackets and shirts were wet through wading in the sewer and carrying wet bags. Their shoes were covered with black sand similar to that on shore by sewer exit. They said they had been getting vegetables....ADRIANO had a bag of nails. CURCIO also had a bag of nails."

3. If, however, there are any other facts or indications tending to exonerate these two, and forming the basis of Capt. BLACKLOCK's remarks on Form 11, the papers may be retained for further consideration.

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

Enc: 1 Record.

4083/1
 (58) ✓
 HEADQUARTERS
 ALLIED CONTROL COMMISSION
 R.C. & M.C. SECTION
 APO 394

Reg

3857

(684)

Ref/325/26/CA

see 683

3 July 1944

SUBJECT: Action of F.S. Personnel at PIZZOFERRATA.

TO : Admin. Sect. (for Legal Sub-Comm.)

(557)

Reference 4083/1/L of 29 May 44, there is forwarded to you copy letter received from AMG Rear 8th Army dated 28 June 44. The F.S. personnel would appear to have acted under orders of a CAO and his action is fully approved by AMG 8th Army.

Recd.

No action required

R

7 Jul 44

followed claim may

NORMAN E. FISKE
 Colonel
 Deputy Executive
 Commissioner

JSR/JR

4 July 1944

Lt Col Campbell:

This appears to be one of your cases and you would have the file. Please deal with this direct one way or the other. Richard H. Williams
 col c ac

SUBJECT: - Action of PS Personnel
at PIZZOFERRATO

SECRET

Legat Rome 4083/16
10 JUL 1944 29 May AM: Rear Eighth Army

OM/118

28 Jun 44

S. 5046

-3 JUL 1944

EXECUTIVE COMMISSIONER'S BRANCH,
ALLIED CONTROL COMMISSION

Copy to: ADMIN SECTION, ACC
AC, REGION V (Letter RLS/Sch of 6 Jun 44 refers)

1. Ref letter 325/10/CA of 1 Jun 44, received through Region V, this matter has now been investigated.
2. It is true that on or about 15 Mar 44, a PS Sgt of 5 Corps made the arrangements mentioned in PIZZOFERRATO.
3. At that time the place was in 'no man's land' and frequently visited by enemy patrols.
4. Communication with the commune was only possible on foot, from VILLA SANTA MARIA, involving a four-hour journey.
5. PS personnel were taking up ammunition for certain Italian individuals in the village.
6. The road to VILLA SANTA MARIA had not then been opened and the CAO of the area was located at COLTIVELLO.
7. The PS personnel were asked by the CAO to carry out the arrangements mentioned, and in the difficult and unusual circumstances prevailing his action is fully approved.
8. It was possible to put into VILLA SANTA MARIA early in April a CAO who visited PIZZOFERRATO and other communes, although the same difficulties in the matter of communication existed.



See 684

file 325

P.E. Burt & Team

Lt.-Col., RA,
SO 1,
for Group Captain,
Officer Commanding,
AMC EIGHTH ARMY

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

2 July 44

ACC/4083/1/L

Subject: Case of BOCCIA Vincenzo.

To : Regional Legal Officer, Region 3.

With reference to the attached letter from Capt. BLACKLOCK concerning the case of BOCCIA Vincenzo, it is requested that Capt. BLACKLOCK be asked to take action in accordance with para 4 thereof, and to forward the papers, with an explanatory note, to your H. Q. for onward transmission to the Chief Legal Officer.

K
GERALD R. BERTON
Colonel
Chief Legal Officer.

Enc: Capt. BLACKLOCK's
letter.

4 LL
ADVANCE HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

681

ACC/4083/1/L

1 July 44

Subject: Case of DOLLISI Donato

To : Regional Legal Officer, Region V.

1. Forwarded herewith is Petition for Appeal on behalf of DOLLISI Donato, sent to this H. C. by the Senior Legal Officer, AMC, 8th Army.

2. DOLLISI Donato was co-defendant with one GINESTRA Giovanni.

3. The case of DOLLISI Donato and GINESTRA Giovanni was reviewed on 23 June 44, with the balance of sentence being suspended as to both defendants.

4. Will you please join these papers with the record which was sent to your office.

Copy to: Senior Legal Officer,
AMC, 8th Army.

Enc: 1 Petition.

62
GERALD R. UPJOHN
Colonel
Chief Legal Officer.

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/JPL

(680)

ACC/4063/1/1

1 July 44

Subject: Case of PUCILLO Aniello.

To : Regional Legal Officer, Region III.

1. Your attention is drawn to the sentence in the case PUCILLO Aniello 10,000 lire (or 6 months) and "5 years imprisonment the last 4 years suspended during good behaviour for 5 years."

2. There are too many suspended sentences being given. The grounds upon which such sentences are to be given are set out in Consolidated Instructions for Allied Military Courts Art. 26, para 3 (d); and attention is also drawn to ibid (e) which provides "the reason for the suspension will be noted on the record."

3. The same paragraph also provides that a suspended sentence/ remains in suspense during the continuance of Allied Military Government; therefore it is not necessary to suspend a sentence or part of a sentence "during good behaviour for 5 years"; it is hoped, moreover, that Allied Military Government in NAPLES will have come to an end before 25th May 1949.

K

GERALD R. UPTON
Colonel
Chief Legal Officer.

Enc: 1 Record.

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