

0568

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

785016

ACC

10000/142/577
(VOL. 10)

REVIEW
NOV. 194

0589

Declassified E.O. 12356 Section 3.3/NND

No. 785016

/577

REVIEW OF AMG COURT CASES, CORRESPONDENCE
NOV. 1944

AC/4083/1/L.

VOLUME : 10

FROM : No. 1020

TO : No. 1079

SUBJECT : REVIEW OF JMG COURT CASES - CORRESPONDENCE

62

0571

SUBJECT :
REVIEW OF JMG COURT CASES - CORRESPONDENCE
=====

62 *W*

10000 142 / 577

THIS FILE CONTAINS	
FROM	44
TO	
CATALOGUE	

1039

not returned

~~1070~~

1074

~~1043~~

1073

~~1044~~~~1045~~

62

1046

~~1047~~~~1048~~~~1052~~

1053

~~1054~~

1055

~~1061~~ cancelled

0573

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

785016



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE

IL CAPO DEI SERVIZI AMMINISTRATIVI

80

0 5 7 4

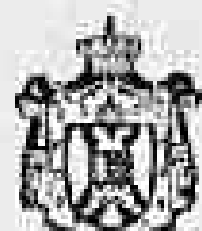
Declassified E.O. 12356 Section 3.3/NND No.

785016

FROM : No. 1020

TO : No. 1079

61



LÉGATION ROYALE DE YOUGOSLAVIE
PRÈS LE SAINT SIÈGE

N° ex off.

Vatican-City, 23^d of November 1944.

To whom it may concern,

The Royal Yugoslav Legation to the Holy See would appreciate if the A.C. Legal Office could show clemency to Mr. Albert BERAH, son of David, a Yugoslav refugee has been convicted by the A.M.G. to a prison term of 3 years and Lit. 300.000.- and for having bought without authorisation U.S.\$ 2.000.-

According to assurances given to this Legation, the offense has been committed by him in good faith and for the only purpose to save from starvation his family in exile. The Legation begs therefore to take into consideration this exceptional circumstance and free the offendant by way of grace in order not to cause additional hardships to his innocent family.

Chargé d'Affaires,

N. Moscatello

N. Moscatello



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1078

AG/4083/1/L

/ddl.
30 November 1944.

SUBJECT : GATTI Walter and MELIS Antonio.

TO : Regional Commissioner (Attn. Regional Legal Officer)
LAZIO-UMBRIA Region.

1. Returned herewith is the record in the case against MELIS and GATTI.
2. The Sentences have been suspended with effect 24 Dec.
3. Please ensure that the effect of a suspended sentence is brought to their attention when they are informed of the above decision. See Consolidated Instructions Article 26 - 3 (C).

By Command of Commander STONE :

W. E. BEHRENS
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

~~R-E-S-T-R-I-C-T-E-D~~~~2386~~
1077
D-4018

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

18 November 1944

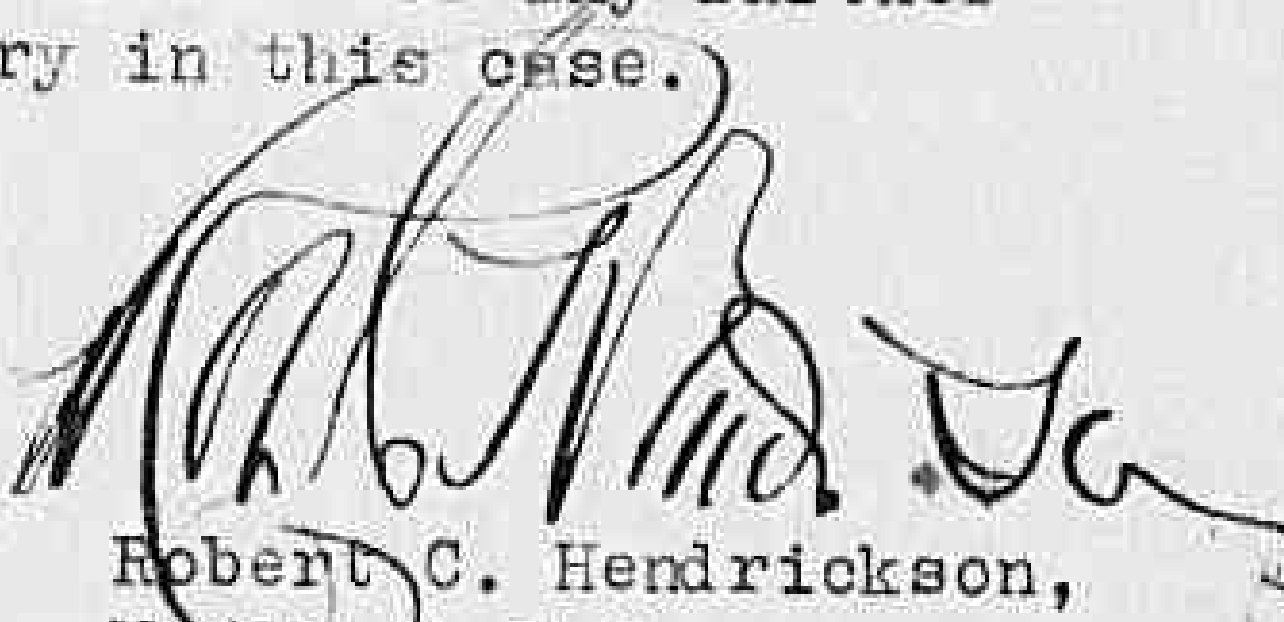
L/1002-I

SUBJECT : GATEI Walter.

TO : Legal Sub Commission,
Chief Judicial Officer (Lt.Col. Campbell)
Headquarters Allied Commission.

1. Enclosed herewith petition for pardon and clemency in reference to the above-mentioned case.

2. This case was reviewed by your Headquarters in the first instance. Since a further petition has been filed, the record and proceedings are forwarded for any further action which you may deem necessary in this case.


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

RCH/PA.

ENCLOSURE:

58

Petition, Record and Proceedings Re. the above case.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

RG/4083/L/E.

28 Nov. 1944.

SUBJECT : Case of AMABLE Gennaro.

TO : Regional Commissioner (attn. W.D.C.),
Southern Region.

1. We return herewith the application for review
in the case of AMABLE Gennaro.

2. No point of substance that was not considered at
the trial is raised in this application.

3. It is not proposed to take any further action in
the matter.

By command of Commodore STONE:

Incl: Pet. for Review.

W.D. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

57

4083/1

1076

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

28 November 1944

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

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

1. Pursuant to appropriate order I enclose
herewith the documents listed below relating to
review of sentences. In these cases the sentences
exceeded 2 years imprisonment.

Name	Court	Date of Trial	Document
Scolpito Roberto	Sup.Ct.5	30 Oct.44	Application, Form 8
Improta Salvatore et al.	" "	7 8 Nov 44	Form 8 and Applications

For the Regional Commissioner:

58

L.F. Dawson
L.F. DAWSON, *By E.T. Ten*
Lt.Col., G.L., *Capt.*
Reg.Chief Legal Officer. *pt.*

ETK/pv

Cases Taken to col Completed
1/4 Total

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Petitions for Review - Case No CH/Sup/19 - DI FAICO Giuseppe and others

REF. : AMR/511/14/CH

DATE : 27 Nov. '44

4083/1

1075

1075

1. Ref. your AC/4083/I/L dated 26 Nov. '44 it is regretted that the Record was omitted from my letter of even file dated 23 Nov. '44. I now enclose it herewith.
2. I agree that the case comes under Consolidated Instruction Art. 32 (3) (b) (2). I had read that clause as referring only to cases where accused were "charged" jointly which was not so in the present case although accused were tried together. I now see however, that the clause refers to accused "tried" jointly.

For the Regional Commissioner



R. G. S. ALEXANDER, Major
R.L.O.

R. G. S. Alexander

(1073)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/1/L.

13 Nov. 1944.

SUBJECT : D'ACHILLE Vito.

TO : Regional Commissioner Southern Region
(for Regional Legal Officer) - 2 copies.

Reference L-3024 of 20 Oct.

1. I return herewith the enclosures to your letter.
2. The petition is based on ^a false premise. On 29 May 44 the conviction was affirmed but the sentence was reduced from 10 to 3 years. It seems that the decision on review has not been communicated to D'ACHILLE. Will you please make sure that he is informed.

By Command of Commodore STONE:

W.E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

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XT

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

1072

L- 3024

20 October 1944

SUBJECT: D'ACHILLE Vito.

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

1. The above subject was tried and convicted at Lucera on 25 March 1944 and sentenced to 10 years imprisonment.

2. Major Rolfe Legal Officer, Foggia, requests that a revision be made. I am attaching hereto all of the files of this case received by this Office from Major Rolfe.

file

ETK/pv

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
21 OCT 1944	

L. F. Dawson
L. F. DAWSON,
Lt. Col., G. I.,
Regional Legal Officer.

53

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1071
26 November 1944

AG/4083/1/L.

SUBJECT: Petitions for Review - Case No CH/Sup/19 -
DI FALCO Giuseppe
MADONNA Luigi
MADONNA Giuseppe
ROBATO Vincenzo
DI SEBASTIANO Carmine

TO : Regional Commissioner ABRUZZI-MARCHA Region.
(for Regional Legal Officer).

Ref. AMR/511/14/CH of 23 November 1944.

1. Your letter enclosed only your memo to the officer who presided at the trial and his reply thereto: it did not enclose the record.

2. If you will forward the record the case will be reviewed here in toto: see Consolidated Instruction Art. 32 (3) (b) (3).

By command of Commodore STONE:

W.E. BREWSTER, Colonel,
Deputy Chief Legal Advisor.

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Petitions for Review - Case No CH/Sup/19 - DI FALCO Giuseppe

REF. : AMR/511/14/CH

DATE : 23 Nov. '44

MADONNA Luigi
MADONNA Giuseppe
ROSATO Vincenzo
DI SEBASTIANO Carmine

1. Enclosed herewith is Record in the above cases which were tried together before a Superior Court. Also enclosed is Petition for Review in the case of DI FALCO Giuseppe. No other petition for Review has been lodged.

2. The papers are sent you primarily in connection with review of the case of MADONNA Giuseppe who was sentenced to a total of 2½ years imprisonment. This case cannot be reviewed without submission of the whole record. The case of DI FALCO Giuseppe has however given me some difficulty and I shall be obliged if you will review this case at the same time.

3. I attach Memo of certain points in connection with the DI FALCO's case which seemed to me to require clarification. I submitted this Memo to the officer who presided at the trial. As a result he has made certain additions to the Record and prepared a Memo (which is also attached) for the further information of the Reviewing Authority. I think the matter is now made quite plain.

4. The question which still gives me difficulty is the lack of specification in the first charge. The accused was tried on two alternative charges and found guilty on the first. Is the Finding of the Court which in effect attempts to import the details of the second charge into the first sufficient to cure, so far as this was necessary, the lack of particularity in the First?

For the Regional Commissioner

HEADQUARTERS
25 NOV 1944
LEGAL SUB-COMMISSION
CLO
DECU
Chief Counsel
CLO
Relation to the
CLO

R. G. S. ALEXANDER, Major
R.L.O.

- ① No record received - only memo by RCO + answer thereto
② Letter sent asking for record
③ Hold pending receipt of record

1069

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/LO83/1/L.

/pa.
27 Nov 44.

SUBJECT : Case of GIORDANO Giuseppe.

TO : Regional Commissioner, SOUTHERN Region.
(for Regional Legal Officer).

Reference your letter on the above subject dated 20 Nov 1944.

1. I agree that this is not a case for an Allied Military Court.
2. My own opinion is that this case should not be referred to the Italian authorities. The man GIORDANO certainly acted under provocation, and he claimed that he was threatened by the four moroccans, one of whom had a stick and one slightly drunk. The attack by GIORDANO was certainly not in any way premeditated.
3. GIORDANO has already been in custody since 19 Sept. I feel that he should reasonably be released forthwith and informed that no proceedings will be taken against him.

By Command of Commodore STONE :

Enc: 1 file.

W. E. THERRENS,
Colonel,
Deputy Chief Legal Advisor.

50

*JK

4083/1

~~1387~~
1068

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

20 November 1944

Subject: GIORDANO Giuseppe.

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

1. Attached hereto is complete file in the case of the above subject. Subject, according to the report, is charged with an attempt of murder. After reading this case report I am not convinced that this matter should be presented to a General Court. The French soldier, not once, but twice attempt to rob subject of his property. There is a question in my mind whether this case should even be referred to an Italian Court for disposition.

2. Your advise in this matter will be appreciated.

For the Regional Commissioner:

ETK/pv

L.F. Dawson
L.F. DAWSON,
Lt.Col., G.L.,
Reg.Chief Legal Officer.

*By E. T. Kane
capt.*

XJK

HEADQUARTERS ALLIED COMMISSION
 AND
 MILITARY SUB-COMMISSION

1067

27 November 1944

L/1000/1/B.

SUBJECT : Case of INVASORS Giuseppe and others.
 TO : Regional Commissioner SOUTHERN Region.
 (for Regional Legal Officer).

1. Herewith record in the above mentioned case.
2. Please note that the sentences have all been reduced by 1 year.

By command of Commanders STONE:

W. E. BARNARD
 Colonel,
 Deputy Chief Legal Advisor.

4083/1
✓

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

(27)
1066

20 November 1944

Subject: Case of IAVARONE Giuseppe et al.

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

1. Pursuant to appropriate order I am enclosing herewith the Form 8 and applications for review in the case of the above subject. In this case the sentences exceeded 2 years imprisonment.

For the Regional Commissioner:

ETK/pv

L. F. Dawson
L.F. DAWSON,
Lt.Col., G.I., By E.T. Ferry
Reg.Chief Legal Officer. *E.T. Ferry*

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

17 Nov. 1944.

AG/4083/1/1.

SUBJECT : Case of UNGAR Viktor.

TO : Regional Commissioner Toscana Region
(for Regional Legal Officer).

1. I return herewith the record in proceedings against UNGAR Viktor who was tried and convicted at Florence on 2 Nov. 44.

2. The accused was convicted only on the 3rd charge. This conviction has been quashed.

3. I wish to make it quite clear that the quashing is not based either on the plea to the jurisdiction of the Court or on the "defence" that the accused was acting under orders of his senior officers. In respect of the latter point, it is to be noted that it is no defence to criminal proceedings to plead that the crime was committed under orders of a senior officer.

4. Between 11 and 19 Sept. any sale of articles covered by the order of 11 Sept. was forbidden: but after 11 Sept. the sale of up to 10% of such articles was permissible.

The prosecution adduced no evidence to prove either that the sale took place between the 11 and 19 Sept. or that the sale if it took place after 19 Sept. was not one permitted by the order of 19 Sept. For this reason only the conviction is quashed.

5. In communicating the above decision to Lt. UNGAR, please ensure that he understands quite clearly the precise reason for which the conviction was quashed.

By command of Commodore STONE:

W.E. BEHREND,
Colonel,
Deputy Chief Legal Adviser

Copy: AG/4083/1/1.

434

HEADQUARTERS ALLIED COMMISSION
APO 594
CIVIL AFFAIRS SECTION

AC/404Q/L.

SUBJECT : Carrying out of executions.

TO : A.F.H.Q., G-5.

15 Nov 44.

1. The question of the carrying out of the execution of persons sentenced to death by Allied Military Courts has been discussed with Lieut. Bullone from your section.

2. The position is now as follows :-

(a) Future cases.

(i) The confirmation will be made out in the form as required by you and will be accompanied by a copy of the delegation of authority to confirm sentences, which will be authenticated by the Adjutant here.

(ii) A draft of your proposed directive has been considered. This provides that (unless other instructions are received here in any particular case) the confirmation and copy delegation are to be sent to AMHQ. Cannot this be avoided? Trials of spies usually take place now either in Rome or to the North of Rome. To send these documents to AMHQ for return northwards must inevitably take time. Is it not possible for AMHQ to authorise the transmission of these documents direct from HQ AC to the designated formation or unit?

Similarly, may these documents be returned, after completion of the execution, direct from the designated formation or unit to HQ AC, with a copy of the covering letter to AMHQ.

(b) Sentences already confirmed by Commodore Stone.

The following cases fall under this heading :-

PIANDRO Carmelo
LANCIELLOTTI Cino
MACRELLI Gianrino
BIAGI Rug Blas
ABATE Nicola

In respect of each of these

you and will be accompanied by a copy of the form as required by authority to confirm sentences, which will be authenticated by the Adjutant here.

- (ii) A draft of your proposed directive has been considered. This provides that (unless other instructions are received here in any particular case) the confirmation and copy delegation are to be sent to AMHQ. Cannot this be avoided? Trials of spies usually take place now either in RMSE or to the North of RMSE. To send these documents to AMHQ for return northwards must inevitably take time. Is it not possible for AMHQ to authorise the transmission of these documents direct from HQ AC to the designated formation or unit?

Similarly, may these documents be returned, after completion of the execution, direct from the designated formation or unit to HQ AC, with a copy of the covering letter to AMHQ.

- (b) Sentences already confirmed by Commodore Stone.

The following cases fall under this heading :-

FIANDRO Carmelo
LANDELOTTE Gino
MACRELLI Giannino
BIAGI Ray Blar
ABATE Nicola

In respect of each of these cases, there is enclosed herewith a new Confirmation (in the new form) and a copy of the delegation, certified by the Adjutant.

It is hoped that with these documents there will be no further delay in carrying out these executions. You will, no doubt, bear in mind that RAC would be the most convenient formation to carry out certain of these executions.

- (c) Sentences already confirmed by Brigadier Lush.

It is not possible to procure new Confirmations: Brigadier Lush is not at present at this HQ, and his power to confirm has been revoked.

There are two cases under this heading in which the execution has not been carried out :-

PIZZI Lorenzo
MASINI Lino

2.

Enclosed herewith are the original confirmations signed by him, each accompanied by a copy of the delegation duly certified by the Adjutant.

In fact, there is no fundamental difference between the confirmation as signed by him and the new form of Confirmation and, in view of the long delay which has already occurred, it is urged strongly that these confirmations be accepted and that the executions be carried out as soon as possible.

For the Chief Commissioner.

(500)

C. R. Upjohn

C. R. UPJOHN, Brigadier
VP CA Sec
Dep COS

Copy to : AMHQ, G-2.

42

HEADQUARTERS ALLIED COMMISSION
AFC 394
LEGAL SUB-COMMISSION

1063

AC/4083/1/L.

21 Nov. 1944. /mt.

SUBJECT : Case of VALENTINI Aurelio and others.

TO : Regional Commissioner (for Regional Legal Officer)
TOSCANA Region.

I return herewith the record in the proceedings
against VALENTINI Aurelio and others.

In my opinion the judge dealt with this case very
fairly and reasonably; and, as so often, the petition received
here misrepresented the facts.

By command of Commodore STONE:

W. E. BYERNS,
Colonel,
Deputy Chief Legal Advisor.

Encl: Valentini et al Record.

0594

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

785016

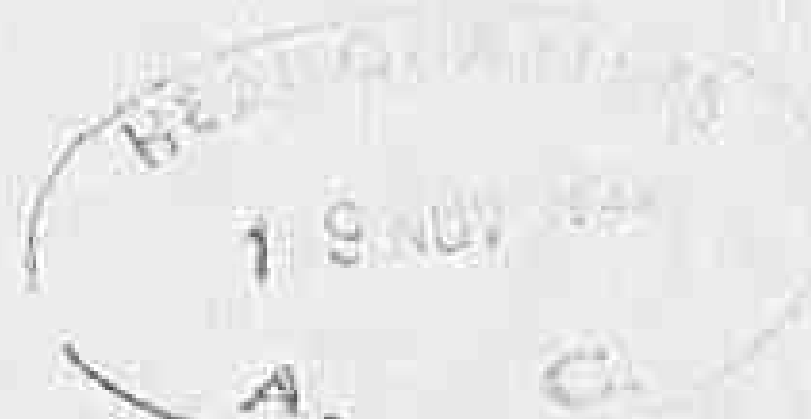
3rd Ind.

Legal 5/1062
RVIII/19/3008

Regional Legal Officer, Toscana Region, 16 November 44.
TO: CHIEF LEGAL ADVISOR, Headquarters, AC.

1. The records requested in basic communication are enclosed. Please send to us a receipt therefor on the enclosed forms.
2. The cases in question were tried before an Allied Military Government Court.

John K. Weber
JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer



*all
Papers to be
rec'd 22-11-44
29 NOV 1944*

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Petitions for Review - TONUCCI Salvatore PU/Sup/8/4
CIRELLI Salvatore PU/Sup/9/4

REF. : AMR/511/14/PU

DATE : 20 Nov. '44

~~5388~~

1061

aff R, Dec 44

1. Herewith Petitions for Review and Record in above cases in which accused were not charged jointly but were tried together.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
→ CLO	
Italian Section	
2. SKS	

R. G. A. ALEXANDER, Major
R.L.O.

HEADQUARTERS
42

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4003/1/L.

WFB/ya.
24 Nov 44.

SUBJECT : Case of BISCIUTELLI Luigi, TAGLIAVINI Tullio and
SUGCA Guido.

TO : Procura Militare del Regno presso il Tribunale Militare
Territoriale di Guerra di Napoli.

1. In reply to your No. 125 di Prot. Riservata, Napoli of 14 November 1944 it is regretted that my previous letter was not clear.

2. My decision in the case of BISCIUTELLI Luigi, TAGLIAVINI Tullio and SUGCA Guido was that the Court had no jurisdiction to hear any of the charges. I therefore annulled the findings on all charges.

3. I was subsequently visited by an advocate who stated that since the Court had heard the evidence and acquitted the accused on certain charges it would be contrary to law and justice for them to be retried. I express no opinion on this point. It is a fact that the original Court did hear the evidence on certain charges and acquit the accused thereon. It is for you to determine, under Italian law, to what extent such an acquittal precludes further proceedings.

W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

25 nov. 44 - 1620 hrs

Capt. Punare visited col. Behrens in re.
Biscitelli and discussion on content of
this letter took place.

F/4 J. Lottis

41

PROCURA MILITARE DEL REGNO

PRESSO IL TRIBUNALE MILITARE TERRITORIALE DI

GUERRA DI NAPOLI

N. 125 di prot. Riservato

Napoli, li 14. XI. 1944

OGGETTO: Processo a carico di PISCITELLI Luigi, TAGLIAVINI Tullio,
MOSCA Guido.

ON. LE COMANDO DELLA COMMISSIONE ALLEATA

SUB-COMMISSIONE LEGALE

R O M A

Questa Procura Militare, a mezzo della Commissione Alleata di Napoli, rivelò a codesta Onorevole Commissione preghiera di far conoscere se, in sede di revisione, era stata annullata in tutto o solo in parte la sentenza emessa in data 8 maggio 1944 dalla Corte Speciale Militare di Napoli n. 1, a carico di PISCITELLI Luigi, TAGLIAVINI Tullio, MOSCA Guido.

A tale richiesta cedente Onorevole Commissione viene riscontro con le note:

- 1)- L. 3031 del 4 ottobre 1944 dell'Headquarters Southern Region, Allied Control Commission, Legal Division APO 304 U.S. Arm.

- 2)- A.C.C./4083/1/L del 20 ottobre 1944 dell'Headquarters Allied Control Commission, Legal Sub-Commission APO 344.

40

Raccomanda

4083/1/1059

ROMA

Questa Procura Militare, a mezzo della Commissione Alleata di Napoli, rivelò a cedesta Onorevole Commissione preghiera di far conoscere se, in sede di revisione, era stata annullata in tutto o solo in parte la sentenza emessa in data 8 maggio 1944 dalla Corte Speciale Militare di Napoli n.1, a carico di PISCITELLI Luigi, TAGLIAVINI Tullio, MOSCA Guido.

A tale richiesta cedesta Onorevole Commissione diede riscontro con le note:

- 1) - L.3031 del 4 ottobre 1944 dell'Headquarters Southern Region, Allied Control Commission, Legal Division APO 394 U.S. Armi.
- 2) - A.C.C./4083/L/L del 20 Ottobre 1944 dell'Headquarters Allied Control Commission, Legal Sub-Commission APO 344.

Indubbiamente in teste inglese delle due suddette comunicazioni sarà chiaro; tuttavia la traduzione in italiano di dette comunicazioni è stata possibile in sensi ed in modi diversi, e perciò queste Ufficio non è ancora in condizioni di sapere con assoluta certezza se, in sede di revisione, venne annullata la

./.

sola condanna a cinque anni di reclusione riportata dal PISCITELLI dal MOSCA e dal TAGLIAVINI per:

a)-disobbedienza ad un ordine del Governo Militare Alleato circa la vendita di merce bloccata in infrazione all'art.2 Sezione 44 del Proclama n. 2.

b)-tentativo di commettere questo reato in infrazione all'art.3 Sezione 1^a del Proclama n.2.

restando, per contro, ferma e valida la dichiarazione di non colpevolezza contenuta nel verdetto emesso a proposito degli stessi imputati per tutti gli altri reati.

Le notizie suddette occorrono a questa Procura Militare perchè a carico del PISCITELLI, del TAGLIAVINI e del MOSCA si procede anche per ricettazione di diciottemila metri di tela monocroma e di queste fatte gli imputati eccepiscono che già furono chiamati a rispondere innanzi la Corte Militare Alleata di Napoli con la accusa quarta del foglio di accusa, venendo assolti.

In realtà, se il verdetto di assoluzione, relativamente all'accusa quarta del primo giudizio, non fu annullato in sede di revisione, a norma dell'art.98 del Codice di Procedura Penale Italiano e dell'articolo 2 del R.D.L. 11 febbraio 1944 n.31, si porrà la questione sul se gli imputati possono essere processati per il fatto della compra-vendita della tela monocroma che, a termini della nostra legge penale, si qualifica ricettazione.

U.S. Ringrazio.

Le notizie suddette occorrono a questa Procura Militare perchè a carico del PISCITELLI, del TAGLIAVINI e del MOSCA si procede anche per ricettazione di diciottomila metri di tela monocrroma e di queste fatte gli imputati eccepiòscono che già furono chiamati a rispondere innanzi la Corte Militare Alleata di Napoli con la accusa quarta del foglio di accusa, venendo assolti.

In realtà, se il verdetto di assoluzione, relativamente all'accusa quarta del primo giudizio, non fu annullato in sede di revisione, a norma dell'art. 98 del Codice di Procedura Penale Italiano e dell'articolo 2 del R.D.L. 11 febbraio 1944 n. 31, si porrà la questione sul se gli imputati possono essere processati per il fatto della compra-vendita della tela monocrroma che, a termini della nostra legge penale, si qualifica ricettazione.

GG Ringrazio.

IL PROCURATORE MILITARE DEL REGNO
(Col. della G.M. - B. Pacella)



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1058

AC/4083/1/L.

WGB /ap.
23 November 1944.

SUBJECT : Return of document.

TO : Regional Commissioner (for Regional Legal Officer)
Southern Region.

1. We return herewith a document relating to a certain DE LUCA Filippo.
2. It was forwarded to this HQ, presumably in error, inside the record of Iavarone Giuseppe et al.

By command of Commodore STONE:

W. E. Behrens
W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor. 38

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

1057
18 Nov. 1944

AG/4003/1/L.

SUBJECT : Case of DOGOMBELLI Gino and Francesco.

TO : Regional Commissioner SOUTHERN Region.
(for Regional Legal Officer).

1. Returned herewith the record in proceedings against DOGOMBELLI Gino and Francesco.

2. The convictions have been QUASHED.

3. The reason for the quashing is that the main prosecution witnesses are untrustworthy. Dvr COATES, the soldier bribed, whose story has changed from time to time; CALSONI a thoroughly unreliable man, who, in addition to a bad record, was himself implicated in the transaction, and GENTILE Rosa who was equally unreliable and was also implicated.

By command of Commodore STONE:

10
W. E. BROWN,
Colonel,
Deputy Chief Legal Advisor.

1056

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/1/1.

16 Nov. 1944.

SUBJECT : Case of BMTTI Mario et al.

TO : Regional Commissioner Lazio-Umbria Region
(for Regional Legal Officer).

1. I return herewith the record in the proceedings against BMTTI Mario and 8 others.

2. The case of BMTTI has been reviewed on behalf of the C.C., the sentence being over 2 years. Conviction and sentence have been affirmed.

3. As to the other 8. It was not possible to consider the BMTTI case without also considering the others. This HQ. shares your opinion that the sentence in these cases are reasonable.

4. It is agreed that these 8 cases fall within your jurisdiction to review the trials being, in reality 9 separate trials. Will you fill in your decision on the respective Form 8's, please.

Incidentally, your Decision on Review should be detached from the Form 8 in the BMTTI case.

By command of Commodore STONE:

W. E. BENRENS,
Colonel,
Deputy Chief Legal Advisor.

38

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

1055

3-3513

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

15 November 1944

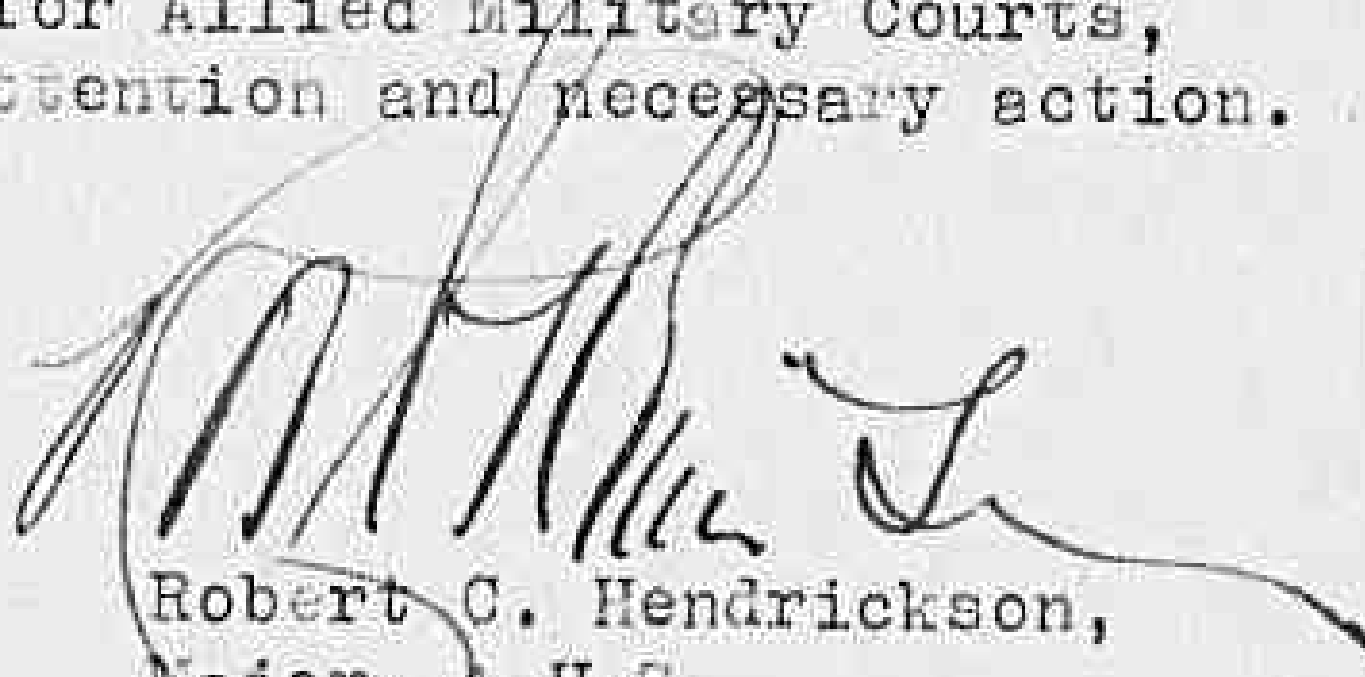
L/1002-I

SUBJECT : Cases of Donatelli Vincenzo et al.
and case of Mirabelli Graziano.

TO : Legal Sub Commission ,
(attention Lt. Col. Campbell)
Headquarters Allied Commission.

1. Enclosed herewith please find records, proceedings in the above-mentioned cases.

2. Since the above cases fall under article 32, paragraph b-2, of consolidated instructions for Allied Military Courts, the same are forwarded for your attention and necessary action.


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

RCH/PA.

ENCLOSURES:

Records and proceedings Re. the cases of Donatelli
Vincenzo et al and Mirabelli Graziano.

33

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

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission) ← *File*

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Case of POTITO Alfredo

REF. : AMR/511/14/AQ

DATE : 14 Nov. '44

1045 *Vol. 10*

1054

1. Ref. your AC/4083/I/L dated 10 Nov. '44 and attached documents returned herewith.
2. I have examined the record in this case. The accused was charged as stated in your letter before a Superior Court held at Aquila on 7 Oct. '44 and (rather surprisingly) acquitted.
3. The circumstances were that accused hired a W.D. vehicle from the AMG Truck Pool operated by this Region for a specific journey to MARTINOFRANCO Province of TARANTO. The Truck was involved in an accident during the return journey and damaged. The accused deviated from the shortest return route to Aquila and caused the driver to return via Rome. His explanation was that the road via Roma was easier for the damaged vehicles. Considering that vehicle was returning via Campobasso it was a thin story.
4. The Court in acquitting accused ordered: 'These penal proceedings are no bar to the recovery of damages for breach of contract'. It made no other order.
5. It will be seen that Document 'B' referred to in your letter contains certain misstatements. Accused was NOT ordered by the AMG Court to pay the expenses of transport, the cost of repair or the penalty asked for. These obligations so far as they exist arise from contract.
6. The hire charges, and cost of repairing the vehicle have already been paid. The only matter now ~~is~~ unsettled is the penalty for the delayed return of the vehicle.
7. Regional Order No 1 referred to in Document 'B' fixes the rates of payment for the transportation of goods. There is a penalty clause in this Order which has been mistakenly invoked by the Officer ~~etc~~ Truck Pool. It does not apply in cases when the vehicle is hired by the day as was so in the present instance. If it did the penalty, as seen, would be astronomical. All that is actually recoverable is a full days rate for each day or part of a day during which the vehicle was detained. I have so advised the Officer ~~etc~~ Truck Pool and the matter will be adjusted accordingly.
8. As a speculative question QUAERE whether a Truck Pool can sue and be sued in the Italian Courts?

34

Note

1. This matter raised by Gulli
2. He has seen the letter & is satisfied.
3. Lt Bryce to see on return
4. NFA

R 16 Nov

9889

R. G. S. Alexander
R. G. S. ALEXANDER, Major
R.L.O.

Governo Militare Alleato 7/10

Foglio d'accusa

Luoqo: L'Aquila data 16.9.44
Potito Alfredo

i accusato delle seguenti offese:

Prima accusa: Violazione dell'ordine generale N° 2 art. 1
col. III, Sezione II

De Haggi: che l'accusato circa il 25 agosto 44 in o vicino
L'Aquila ha sprecato prodotti petroliferi andando
a Roma senza una autorizzazione.

Seconda accusa: Violazione dell'ordine generale N° 20 articolo IV,
sezione II.

De Haggi: che l'accusato verso il 25 agosto 44 in o vicino L'Aquila
ha usato prodotti petroliferi per scopi diversi da quelli
per i quali il permesso fu rilasciato.

Le suddette accuse sono riferite a processo davanti al
Tribunale Militare Alleato Sezione Corte, al Municipio
di Aquila addì 30 Settembre 1944 alle ore 10.

Firmato: Reg. L. 10

La causa fu discussa e lungo il 30 settembre

De Haygl:

serione II

che l'accusato circa il 25 agosto 44 in o vicino
L'Aquila che spreca prodotti petroliferi andando
a Roma senza alcuna autorizzazione.

Seconda accusa: Violazione dell'ordine Generale N° 20 articolo II.

serione II.

De Haygl: che l'accusato verso il 25 agosto 44 in o vicino L'Aquila
ha usato prodotti petroliferi per scopi diversi da quelli
per i quali il permesso fu rilasciato.

Le suddette accuse sono riferite a processo davanti il
Tribunale Militare all'Espresso Superiore Corte, al Municipio,
di Aquila nati il 30 Settembre 1944 alle ore 10.

Firmato: Haygl.

33

La causa fu discussa e lungo il 30 settembre
e rinviata per proseguire all'istruzione al 9 ottobre. In questo
giorno il Tribunale Superiore, pronunciò sentenza di
assoluzione.

SERVIZIO TRASPORTI DELL'A.M.G. PER L'APPROVVIGIONAMENTO DELLA
PROVINCIA DELL'AQUILA

11 13/10/44

Prot. 48/IP

OGGETTO: Causa Civile trasporto alcool

ALLA DITTA POTITO ALFREDO
CAMPOBASSO

Secondo quanto disposto dal Tribunale alleato, circa la causa in oggetto, siete stato condannato alle spese di trasporto riguardanti il tragitto Aquila Galatone Roma Aquila; a rimborso delle spese di riparazione della macchina n° 419 e al pagamento della penalità per rottura di contratto di cui all'ordine regionale n° I +

Gl'importi di cui sopra ammontano rispettivamente:

Trasporti.....	L.17.785,=
Riparazione macchina.....	" 3.200,=
Penalità.....?	" 500000,=

Totale " 520985,=

Vi facciamo presente che il pagamento di cui sopra dovrà essere effettuato a questo Ufficio entro cinque giorni dalla ricezione della presente, onde evitare un nuovo deferimento al Tribunale Alleato per inadempienza al pagamento.

4083/1
✓

1053

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

13 November 44

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

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

1. Pursuant to appropriate order I enclose
herewith the Form 8 and applications for review in
the Case of POCOBELLI Ciro and Francesco. In this
case the sentence exceeded 2 years imprisonment.

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. T. Lewis*
Lt.Col., G.I.,
Reg. Chief Legal Officer.

31

HEADQUARTERS ALLIED COMMISSION
APC 334
LEGAL SUB-COMMISSION

1052

AG/4091/L.

/mt.
13 Nov. 1944.

SUBJECT : Case of VIZZI Baldassarre.

TO : Regional Commissioner TOGGANA Region (2 copies),
(Attention Regional Legal Officer).

1. I return herewith the papers enclosed with your letter R VIII/19/3008 of 6 Nov. 1944.

2. The question raised by Major Glenn is a Public Safety question. If Public Safety wish to prosecute the man, they must arrange for him to be brought from the south of Sicily to Florence. I doubt if it is worth the effort; moreover it would be hard on the man to bring him north when his release from prison was due to A.G. "inadvertence".

3. I am not sure whether Major Glenn, in his second para, is suggesting a prosecution in Sicily in respect of an offence against the Proclamation committed in Florence: needless to say, this is impossible. Moreover, he does not appear to have committed any offence in Sicily and if that is so he cannot be prosecuted in Sicily.

By command of Commodore STONE:

23

W. E. BENTON,
Colonel,
Deputy Chief Legal Advisor.

30
28

AC/4083/1/L

105

10 NOV 1944

五

1. Reference your 1-3044 of 8 November 44 enclosing copy from the Central Prosecuting Officer.

By command of Commodore Stone.

W. E. BIRRENS,
Colonel,
Deputy Chief Legal Advisor.

21

4013/1

HEADQUARTERS ALLIED COMMISSION
LEGAL DIVISION
APO 394

1950

3044
L-5090

8 November 44

Subject: Case of SAVARIS Antonio and others.

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

1. I attach hereto copy of a letter addressed to me by the Central Prosecuting Officer.

2. I invite attention to Article 4 Section 1 (c) of the Consolidated Instructions for Allied Military Courts and shall be glad to have your authority to try before a Superior Court Antonio SAVARIS who is a member of the Royal Italian Air Force jointly with the two civilians involved in the alleged theft.

3. I am informed by Captain Cahn that SAVARIS was actually the driver of the stolen truck and that his activities in regard thereto are so intimately connected with those of his civilian accomplices that the trials cannot conveniently be separated.

	LEGAL SUB-COMMISSION
	CLO
	DCLO
	Chief Counsel
LFD/pv	CJO
	Italian Section
	CL RKS
	9 NOV 1944

L.F. Dawson
L.F. DAWSON,
Lieutenant Colonel, 28
Regional Chief Legal Officer,
Southern Region.

ALLIED MILITARY GOVERNMENT
CENTRAL PROSECUTING OFFICE
Naples Zone A.C.

1049

7 November 1944

SUBJECT: Case of SAVARIS Antonio and others.

TO : Regional Legal Officer - Southern
Region, HQ.

1. This office received an arrest report against Savaris Antonio, Adamo Vincenzo, Chiantone Vincenzo, all accused of theft of a W.D. truck, entrusted to the Italian Royal Force.

2. One of the 3 accused, Savaris, is a member of the Italian Royal Forces. The other two are civilians.

3. Your advice is requested to whether this man should be tried together with the civilians before a Superior Military Court or be turned over to the Italian Military Court for its action.

/S/ B.D. Cahn

/T/ B.D. CAHN,
Capt., S.R.,
Central Prosecutor.

27

BDC/ms

COPY

HEADQUARTERS ALLIED COMMISSION
LEGAL DIVISION
SOUTHERN REGION
APO 394

4083/1
✓

1048

L-3029

8 November 44

Subject: PAONE Aldo.

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

1. Attached hereto is an application for
pardon and complete files in the case . The accused
was sentenced to 10 years imprisonment.

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. T. Teter*
Lt.Col., G.L., *Capt.*
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
SOUTHERN REGION
LEGAL DIVISION
APO 394

1047

1-3029

9 November 44

Subject: Transmission of enclosed documents
relating to review of sentences.

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

1. Pursuant to appropriate order I enclose
herewith the form 8 and applications for review
in the case of BERAHA Alberto and LUSTIG Richard.
In this case the sentences exceeded 2 years im-
prisonment.

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. T. [unclear]*
Lt.Col., G.I.,
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

1045
/32

10 Nov. 44

AC/4083/1/L

Subject: Case of POTITO Alfredo

To : Regional Commissioner (Att. Regional Legal Officer)
Abruzzi-Marche Region.

1. The attached documents have been brought to the attention of this H.Q.

2. Document A purports to be a copy of a charge sheet accusing a certain POTITO Alfredo of

- (a) wasting petrol by going to Rome without a permit, contrary to General Order No. 2 Art. IV Sec. II. and
- (b) using petrol for a purpose different from that for which the permit was given, contrary to General Order No. 20 Art. IV, Sec. II.

3. It is claimed that the accused was acquitted of these charges by a Superior Military Court at Aquila on 7 Oct. 44.

4. Document B purports to be a copy of a letter sent to POTITO Alfredo by the Transport Office Ave Aquila Province, on 18 Oct 44.

5. This letter states that in accordance with the orders of the Allied Tribunal, whereby POTITO Alfredo was condemned to pay the cost of transport in respect of a certain vehicle, the cost of repairs and a penalty for breach of contract, a bill of 520,985 lire is submitted.

6. Will you please investigate this matter and determine whether or not POTITO Alfred was acquitted of the charges brought against him, and if convicted, whether or not such an order is in accordance with Art. 27 Para 1 of the Consolidated Instructions.

By Command of COMMODORE STONE

W.E. BEHREND
Colonel
Deputy Chief Legal Adviser

Enc: Documents "A" and "B".

24

4083/1

HEADQUARTERS ALLIED COMMISSION
LEGAL DIVISION
APO 394

1044

8 November 1944

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

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

1. Pursuant to appropriate order there is trans-
mitted herewith the form 8 and applications for review
in the case of VENTIMIGLIA Fiorenzo et al. In this case
the sentences exceeded 2 years imprisonment.

*filed
of
J. F. Dawson*

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. J. Henry*
Lt.Col., G.L., *Capt.*
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1043
9 Nov. 44

AC/4083/1/L.

SUBJECT: Case of GRETI Mario.

TO : Regional Commissioner LAZIO-UMBRIA Region.
(Attention Regional Legal Officer).

1. The record in the proceedings against GRETI Mario is returned herewith.

2. On further consideration in the light of a further petition received, the decision on review given at the HQ. has been varied by reducing the sentence to 6 months imprisonment.

3. Please arrange for this new decision to be communicated to GRETI.

By command of Commodore STONE:

W. E. BERRINS,
Colonel,
Deputy Chief Legal Advisor.

22

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1842

AO/4083/1/L.

9 Nov. 1944.

SUBJECT : Case of BOGGIA Vincenzo.

TO : Regional Commissioner (Attn: Regional Legal Officer),
SOUTHERN Region.

1. Ref. L. 3029 of 19 Aug. 44.

2. The record in the above case is returned herewith: its retention here until now is due to an oversight.

In view of Capt. BLACKLOCK's observations in his personal letter of 15 Aug., there is nothing more to be done. I have, however, re-read the record. If the evidence of the prosecution witness is accurate, and there is no reason whatever to think otherwise, there can be little or no risk of mistaken identity: he saw a man (the accused) getting out of the truck and he saw him throw a bag out of the truck and he then arrested him.

By command of Commodore STONE:

W. S. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

21

4063/1
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394 U.S. Army

1041

L-3029.

19 August 1944

Subject : Case of BOCCIA Vincenzo

To : CIO, Legal Sub Commission, ACC. ✓

1. Reference is to your ACC/4063/1/L of 2 July 44.

2. Herewith is sent an extract from a personal letter which I received on 15 August from Capt. BLACKLOCK from which you will see he had been unable to follow up the proposal made in his letter of 19 June.

3. The papers, including Forms 8 and 11, are sent herewith.

For the Regional Commissioner.

Jasamlet

G. A. BACLET

Major, G.I.

Actg Reg Legal Officer.

GAB/LM

Encs:

1. Copy of a letter.
2. Form 8.
3. Form 11.

Copy to:
Judicial Officer, Region 3.

20

File

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

4083/1
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.O. 394

D-2877
1040

7 November 1944

L/1002-I

SUBJECT : Case of Betti Mario et al.

TO : Legal Sub Commission,
Headquarters
ALLIED COMMISSION.

1. Enclosed herewith please find record and proceedings
in the above case.

2. Also attached you will find my determination in the
case, which was tried with the above issue.

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

RCH/PA.

ENCLOSURE:

Record and proceedings Re. the above case, (9 accused). 13

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

TO : L.O. FOGGIA ZONE, ERA
 FROM : HQ AMG/AC ABRUZZI MARCHE REGION
 SUBJECT : Foggia and Campobasso Records
 REF. : AMR/511/11/F
 DATE : 5 Nov. '44

4083/1



1. Ref. AMR/511/11/F of 2 Nov. to this H.Q. from C.I.A. enclosed are the above Records. Record cards are also enclosed.
2. List of the files is enclosed in duplicate. Please receipt and return one copy.

Copies to : C.I.A. Legal Sub-Commission
 R.L.O. Southern Region

Recd.
 R. G. S. ALEXANDER, Major
 R.L.O.

N.A.

7 Nov 44

LIST OF RECORDS SET BY L. O. FUGLEA ON 6 NOVEMBER 1944.

STATEMENT OF WORK

Province of Capchaero.



File No. 1.

1/2 decade from 16 Mar 14 to 12 Jun 14.

CALL ONLY 850.

2016.05.20

184 records from 23 May 41 to 17 Jul 46.

RESEARCH AND DEVELOPMENT

Figure 3

My service from 23 Feb 44 to 27 Jun 44.

•TIP

2110 22.

242 records from 1958-1961 and 247

provision of funds

Conclusion

2010-2011

1004. *Incandes* Apr 27 Dec 43 to 4 Jul 44.

Project.

11.6

569 Records from 1862 to 1871

TESTING

41-3070

25 records from 16 Jan 14 to 2 Jan 15.

DEBENTURE:

100

394 *Harold's* from 15 Jan 44 to 2 Jul 44.

and *Staphylococcus aureus*.

100

530 Records from 1 Dec 13 to 21 Jan 14.

[illegible]

10-10

724 335516c 27 MAR 1968 1600 1717 1718 1719 1720 1721 1722 1723 1724 1725 1726 1727 1728 1729 1730 1731 1732 1733 1734 1735 1736 1737 1738 1739 1740 1741 1742 1743 1744 1745 1746 1747 1748 1749 1750 1751 1752 1753 1754 1755 1756 1757 1758 1759 1760 1761 1762 1763 1764 1765 1766 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784 1785 1786 1787 1788 1789 1790 1791 1792 1793 1794 1795 1796 1797 1798 1799 1800 1801 1802 1803 1804 1805 1806 1807 1808 1809 1810 1811 1812 1813 1814 1815 1816 1817 1818 1819 1820 1821 1822 1823 1824 1825 1826 1827 1828 1829 1830 1831 1832 1833 1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847 1848 1849 1850 1851 1852 1853 1854 1855 1856 1857 1858 1859 1860 1861 1862 1863 1864 1865 1866 1867 1868 1869 1870 1871 1872 1873 1874 1875 1876 1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 253

University of Michigan

100

15 coming from 10 to 13 per cent.

STATION 12-Y. OREGON.

Reviews of Cryptobates.

1709.12

11/1/2004 11:00:00 AM

<u>ROGUE.</u>	File No. 6. 569 Records from 1 Dec 43 to 2 Jul 44.
<u>LAURE.</u>	File No. 7. 36 Records from 16 Dec 43 to 2 Jan 44.
<u>LEGER.</u>	File No. 8. 391 Records from 15 Jan 44 to 2 Jul 44.
<u>MANUEL-DONIA.</u>	File No. 9. 330 Records from 1 Dec 43 to 21 Jan 44.
<u>SAN SEVERO.</u>	File No. 10. 734 Records from 23 Dec 43 to 6 Jul 44.
<u>TOURNAI-CHATEL.</u>	File No. 11. 23 Records from 18 Feb 44 to 13 Apr 44.
	<u>HIGHLY ARMED CASES.</u>
<u>Province of Campobasso.</u>	File No. 12. 247 Records alphabetically arranged.
<u>Province of Forlì.</u>	File No. 13. 247 Records
	<u>REGION IV CASES.</u>
<u>Forlì Province.</u>	File No. 14. 214 Records alphabetically arranged.
<u>Campobasso Province.</u>	File No. 15. Records
	<u>SUPERIOR COURT CASES.</u>
<u>Campobasso Province.</u>	File No. 16. Records from 15 Apr 44 to 2 Jul 44.

..... 13

Revised Province.

File No. 17.

3. Records from 24 Dec 43 to 12 Aug 44.

GENERAL COBRA CASES.Province of Cambrasso. - File No. 18.

5 Jan 44.
14 Jan 44.
15 Jan 44.
13 Jul 44.
do.
15 Jul 44.

Taraxi Antonio and Pavona Antonio.
Serra Volio.
Gorge Aldo and Quica.
Alente Letterio.
Bartoloni Silvio.
Pugardi Francesco.

4 Jan 44.
23 Mar 44.
24 Mar 44.
20 Apr 44.
21 Apr 44.
22 May 44.
24 May 44.

Radini 2. Ruffa. - File No. 19.
Nasirini Gino.
Gamborino Antonio and La Opra Agostino.
Verve Paolo.
Palmilli Nicola and 6 others.
Sabatone Carlo.
P' Volio Raffaele and 21 Russo Giovanni.
Prestoro Nicola.

Cambrasso Province.Volia Province.RECORD CASES.

File No. 20. - Cards, sentences completed.
File No. 21. - " " current.

File No. 22. - Cards, sentences completed.
File No. 23. - " " current.

RECEIVED all the above documents this day of

. 1944.

1. Jan 44.
23 Mar 44.
24 Mar 44.
20 Apr 44.
24 Apr 44.
22 May 44.
24 May 44.

Demobaccan Province.

Loggia Province.

RECORD CARD.

File No. 20.	-	Cardis, sentences completed.
File No. 24.	-	" " " current.
File No. 22.	-	Cardis, sentences completed.
File No. 23.	-	" " " current.

REMOVED all the above documents this day of

. 1944.

REMOVED

DEPARTMENT OF DEFENSE
AFG 39
LEGAL SUB-COMMISSION

1035

AC/4003/1/L.

/De.
7 Nov 44

SUBJECT : Case of FIORE Ballo.

TO : Regional Commissioner, Rome-Marche Region.
(Attn. for Regional Legal Officer).

1. Reference AFR/511/14/CE of 2 Nov 44 (forwarding the case of FIORE Ballo) and your special report AFR/511/10 of 1 Nov 44 (para 4).

2. Your attention is drawn to the wording of Executive Memorandum No. 72 Para 2 (c). Restoration is not to be made an excuse for a General modification of sentences. The only cases to be submitted are those in which an unduly harsh sentence was imposed on account of "military considerations" which no longer prevail. The military considerations which required the normal substantial deterrent sentences in cases of theft or unlawful possession of Allied property, interference with communications and similar cases do still prevail, notwithstanding that the territory has been restored to Italian administration.

The instruction is meant to cover only those cases in which the Court imposed an exceptionally heavy sentence on account of some particular military consideration then prevailing: e.g. a case of "wire cutting" in a combat zone, in which the Court imposed an exceptionally heavy sentence "pour encourager les autres".

3. The case of FIORE Ballo does not fall within the class of case above mentioned, and the sentence is not unreasonable, having regard to the fact that he was one of a gang of bandits who fired shots from a rifle and threw hand grenades during night-time. The record is returned herewith.

By Command of Comodoro STONE :

C

V. B. HALLISSE,
Colonel,
Deputy Chief Legal Advisor.

Incl. 1 record.

15

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : ABRUZZI MARCHE REGION

SUBJECT : AMG Court Case

REF. : AMR/511/14/CH

DATE : 2 Nov. '44

FIORE Emilio

1. Record in the above case is enclosed.
2. In view of the restoration of territory and of the age of the accused, it is thought that justice would be done by suspending the rest of the sentence.

For the Regional Commissioner



R. G. S. Alexander
R. G. S. ALEXANDER, Major
R.L.O. ABRUZZI MARCHE REGION

4083/10
HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

L- 3028

3 November 1944

SUBJECT: Case of MORASCA Nazzareno.

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

1. Reference is made to your communication ACC/4083/1/L, 21 October 1944, relative to the above subject.

2. Attached hereto is the file in the case of the above subject per request of Colonel Wilmer under date of 21 October 1944.

ETK/pv

SUBCOMMISSION

CL

CL

Chief Counsel

CL

Bottom Section

CL RKS

5 NOV 1944

L. F. Dawson
L.F. DAWSON, *By E. T. Han*
Lt.Col., G.L., *Capl.*
Regional Legal Officer.

13

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

/jpl

AO/4083/1/L

5 Nov. 44

Subject: Case of NOCERA Ferdinando

To 1. Regional Commissioner (Att. Regional Legal Officer)
SOUTHERN REGION.

1. Returned herewith is the additional petitions submitted on behalf of NOCERA Ferdinando.

2. No facts or points of law are raised which were not raised at the trial or on review.

3. The decision as affirmed on review stands.

By Command of COMODORE STONE.

Enc: Petitions. (2)

W.E. Behrens
W.E. BEHRENS
Colonel
Deputy Chief Legal Adviser.

12

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

AC/4083/1/L

5 Nov. 44

Subject: Record of MORASCO Nazareno

To : Regional Commissioner (att. Regional Legal Officer)
SOUTHERN Region.

Returned herewith is the record in the Proceedings against
MORASCO Nazareno

By Command of COMMODORE STONE.

W.E. Behrend
W.E. BEHREND
COLONEL
Deputy Chief Legal Adviser.

4083/10

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

3 November 1944

L-

SUBJECT: NOCERA Ferdinando.

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

1. Attached hereto is another document which the above subject wishes to have considered with his appeal. Form 8 and application are now pending before the Chief Legal Officer for review.

L. F. Dawson
L.F. DAWSON, *By E. T. Henry*
Lt.Col., G.L., *capt.*
Regional Legal Officer.

ETK/pv

LEGAL SUB	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian	
CL RKS	
4 NOV. 1944	

11

HEADQUARTERS ALLIED COMMISSION
LEGAL SUB COMMISSION
APO 394

/jpl

AG/4083/1/L

5 Nov. 44

Subject: Case of D'AMBROSI Giovanni et al

To : Regional Commissioner (att Regional Legal Officer)
Southern Region.

1. The enclosed document became detached from the record of the case -
(your case No. 3886) .

2. Please join the same with the record of the case.

By Command of COMODORE STONE.

W.E.
W.E. BEHRNS
Colonel
Deputy Chief Legal Adviser.

Enc: 1 document.

SUBJECT : Special Case

REF. : AMR/511/19

TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

1028

2 Nov. '44

Shooting of Pte Barton at Cagli on 20 Sep.

1. H.Q. AMG 8th Army have now written to say that the Military authorities will not be interested in the question of bringing the accused to trial.
2. Instructions have therefore been given to hand the matter over to the Italian Authorities.

By order of the Regional Commissioner



See (976) - (977)

Seen by Col Behrens

N.A.

R

3 Nov

R. G. S. ALEXANDER, Major
R.L.O. ABRUZZI MARCHE REGION

R. G. S. Alexander

4083/1
HEADQUARTERS
SOUTHERN REGION, ALLIED ~~CONTROL~~ COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

1027.

1 November 1944

L-
SUBJECT: NOCERA Ferdinando

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

1. Attached hereto is another document filed in the case of the above subject. This matter is now pending before the Chief Legal Officer on review.

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. F. Henry*
Lt.Col., G.L., *capt.*
Regional Legal Officer.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394

1 November 1944

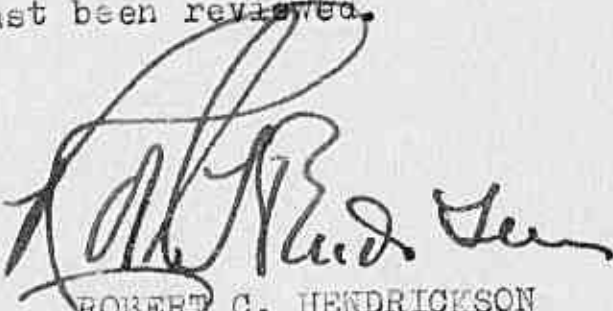
L/102-I.

SUBJECT : Case of CRETl Mario.

TO : Legal Sub-Commission, Allied Commission.

1. Reference your letter AC/4083/1/L. dated 31 October 1944, subject as above.

2. According to your request, the record and proceedings in above mentioned case, are forwarded for further consideration, in view of the fact that a further petition and medical report have been submitted since the case has last been reviewed.


ROBERT C. HENDRICKSON
MAJOR A.U.S.
REGIONAL LEGAL OFFICER

RCH/GV.

ENCLOSURE : Record and proceedings reference the a.m. case.

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

HEADQUARTERS ALLIED COMMISSION
 BOX 394
 LEGAL SUB-COMMISSION

AD/1085/1/1.

/pa.
 2 Nov 44.

SUBJECT : Campobasso - Foggia Records.

TO : Regional Commissioner, (Attn. for Regional Legal Officer),
 AN UNZ-14-14-14 Region.

1. The question of the disposal of records of cases tried before Allied Military Courts in FOGGIA and CAMPORASSO has been reconsidered.

2. The existing instructions are cancelled. These records will be taken over by SOUTHERN Region.

3. At the request of SIO Southern Region will you please consign them to Legal Officer, FOGGIA ZONE, INTERA.

4. Please inform this HQ and SIO Southern Region when they are dispatched.

BY COMMAND OF COMMISSIONER STONE :

[Signature]
 W. B. DUNNIST,
 Colonel,
 Deputy Chief Legal Advisor.

Copy to : Southern Region (HQ)
 Foggia Zone, INTERA (10).

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1024

AC/4083/1/L.

2 Nov. 44

SUBJECT: PERGORER Antonietta.

TO : Regional Commissioner LAZIO UMBRIA Region.
(Attention Regional Legal Officer).

1. Forwarded herewith is a letter (AMC/P/20 of 31 Oct) from Ancona relating to the forthcoming trial of PERGORER Antonietta.

2. As the trial is to take place in Rome, will you please supply the information (a) the likely date of trial, (b) after trial, the sentence imposed.

3. To save time, please send this information direct to Ancona.

W.E. BEHRENS,
Colonel
Deputy Chief Legal Advisor.

HEADQUARTERS ARMED COMMISSION
APO 396
LEGAL SUB-COMMISSION

/pe.
2 Nov 44.

AC/4083/1/L.

SUBJECT : Case of Ferrerelli Antonio and others.
TO : Regional Commissioner, Lario-Libria Region.
(Attn. for Regional Legal Officer).

1. On review of this case, which took place on ^{16 Sep.} ~~24~~ July 1944, it was ordered that there should be a new trial; see also AC/4083/1/L of 16 September, which directed that the new trial should be completed and the record forwarded for review with a minimum of delay.

2. AC letter 4083/21/L of 19 October asked for information as to what action has been taken; no answer has been received.

3. The IAPLA requests that you give the matter your personal and immediate attention. Has a new trial taken place? If so, why has the record not been forwarded? If not, please forward an explanation why it has not taken place and inform this HQ of the date fixed for the trial.

BY ORDER OF COMMISSIONER STONE :

W. E. SMITH,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
AFO 394

/jpl

1022

AG/4083/1/L

2 Nov. 44

Subject: DE BOWTS DOMINICO

To : Regional Commissioner (att. Legal Officer A.C. Foggia Zone)
SOUTHERN REGION.

1. Ref. your RSE/3068 of 28 Oct. 44

2. In accordance with directions laid down by the Chief Legal
Adviser records of cases decided in Foggia and Campobasso areas have
been sent to H.Q. Region V, now ABRUZZI-MARCHE Region.3. In answer to your request in the above cited letter the
conviction and sentence were affirmed on 16 Sept. 44 and the record
forwarded to HQ. Abruzzi-Marche Region.

BY COMMAND OF COMMANDORE STONE.

W.E.B.

W.E. BEHRENS

Colonel

Deputy Chief Legal Adviser.

Copy To: H.Q. Abruzzi Marche
region.

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

/jpl

1021

AC/4083/1/L

2 Nov. 44

Subject: Receipt of Records.

To : Regional Commissioner, (att. Regional Legal Officer)
ABRUZZI-MARCHE Region.

1. Our records disclose that receipt for the following records are still forthcoming:

MARCHIONNO Camillo)
ALBERTINELLI Nicola).....sent to your office on
RUZZI Cristofaro) 29 Aug. 44

DE BONIS Domenico)).....sent to your office on
MERCADANTE Raffaele) 18 Sept.

2. For your convenience duplicate receipts are enclosed.

3. Enclosed, also, please find a copy of letter dispatched to Legal Officer A.C. Foggia Zone.

BY COMMAND OF COMMODORE STONE.

W.E. B. B. B.
W.E. B. B. B.
Colonel
Deputy Chief Legal Adviser.

HEADQUARTERS ARMED COMMISSION
AIO 394
LEGAL SUB-COMMISSION

102-0

AC/4085/1/L.

/gn.
1st Nov. 44.

SUBJECT : Case of VALENTINI Aurelio,
VALENTINI Ernesto,
BAGLANTI Giovanni,
BAGIARDI Italo.

TO : Regional Commissioner, Toscana Region.
(Attn. for Regional Legal Officer).

1. A petition on behalf of the above accused has been forwarded to this Sub-Commission by the Minister of Grace and Justice.
2. The trial which resulted in imposition of sentences from 3 months to 1 year and six months, appears to have been held at "S. GIOVANNI VALDARNO".
3. The record of the proceedings is requested so that the above petition may be considered. May the same be sent to this Office, please.

RE COMMAND OF COMMISSIONER STONE :

W.F. B.
W.F. BENTLEY,
Colonel,
Deputy Chief Legal Advisor.

0 6 4 3