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

ACC

10000/142/578

REVIEW
DEC. 1944

0545

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

00/142/578

REVIEW OF COURT CASES, CORRESPONDENCE
DEC. 1944

26

AC/4083/1/L.

CONFIDENTIAL

VOLUME : 11

FROM : No. 1081

TO : No. 1139

SUBJECT : REVIEW OF COURT CASES - CORRESPONDENCE

(71)

0646

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

SUBJECT : REVIEW OF COURT CASES - CORRESPONDENCE

(71)

CONFIDENTIAL

10000 142 578

THIS FOLDER
CONTAINS PAPERS
FROM Dec. 44
TO
CATALOGUE-

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

0647

0648

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

1114 — So Reg 20 Dec.

1115 — So. Reg. 22 Dec.

1116 Bozzo Urgent 26 Dec

1117

1118 Bozzo 23 Dec

1119

1120

1121 26 Dec

~~1122~~ — Reg 5

~~1123~~

~~1124~~

1125

1126 — Bari 21 Dec

~~1127~~ — Bari 26 Dec

~~1128~~

~~1129~~ — Urgent 28 Dec

1130

1131 — So Reg 29 Dec

0649

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

PARTITO FASCISTA REPUBBLICANO

FEDERAZIONE DI ROMA

AMMINISTRAZIONE

Bilancio : ..... 194...

Esercizio : 194... - 194...

Capitolo N. .....

V° IL REVISORE

ORDINE DI PAGAMENTO N° .....

Il Cassiere pagherà, per conto di questa Federazione, a nominativ sottoindicat la somma di Lit. [redacted] *e cent.* [redacted] *a presentazione del presente ordine.*

COGNOME E NOME DEL PERCIPIENTE	CAUSALE DEL PAGAMENTO	IMPORTO	Firma per quietanza
	TOTALE L.		

Roma, lì 194... - *A*

IL CAPO DELLA RAGIONERIA

Bollo

IL

ESEGUITO IL PAGAMENTO

Operazione n. ..... del

V°: per il riscontro

IL CASSIERE

IL CONTABILE

0650

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

1114 — So Reg — 20 Dec.

1115 — So. Reg. — 22 Dec.

1116 Bozzo Urgent — 26 Dec

1117

1118 Bozzo — 23 Dec

1119

1120

1121 — 26 Dec

Reg 5

1123

1124

1125

71

27 Dec

1126 — Bonn — 26 Dec

1127 — Bonn

1128

1129 — Attempt

1130 — So Reg — 28 Dec — 29 Dec

1131

0 6.5 1

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

PARTITO FASCISTA REPUBBLICANO

FEDERAZIONE DI ROMA

AMMINISTRAZIONE

Bilancio : ..... 194..

Esercizio : 194.. - 194..

Capitolo N. .....

V° IL REVISORE

.....

ORDINE DI PAGAMENTO N° .....

Il Cassiere pagherà, per conto di questa Federazione, a.. nominativ sottoindicat la somma di Lit. [redacted] *e cent.* [redacted] *a presentazione del presente ordine.*

COGNOME E NOME DEL PERCIPIENTE	CAUSALE DEL PAGAMENTO	IMPORTO	Firma per quietanza
	TOTALE L.		

Roma, li ..... 194.. - *A*

IL CAPO DELLA RAGIONERIA

Bollo

IL

ESEGUITO IL PAGAMENTO

Operazione n. ..... del .....

V°: per il riscontro

IL CASSIERE

IL CONTABILE

0652

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

1132	—	Reg 8	28 Dec.
1133	—	Reg 8	28 Dec
~~1134~~	—	~~Reg 8~~	~~29 Dec~~
~~1135~~	—	Reg 8	27 Dec
~~1136~~	—	Reg 8	29 Dec
~~1137~~			27 Dec
1138		Bri	29 Dec
1139		Bri	

30

0653

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

4083/16

RICCI RENATO

(ESPIONAGE)

(SAFE)

0654

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

TARGA	MOTORE	TELAIO	MARCA	CARROZZERIA	PORTATA
N.BZ 595	N.	N. 121310	VIBERTI		T.

ALTRE CARATTERISTICHE: Benzina, Gasolio, Gasogeno, Metano:

STATO ATTUALE: EFFICIENTE

CONSEGNATARIO: IMPRESA Fll. Ingg. A.M.RAGAZZI

BOLZANO, Piazza Impero 1 PROV.: BOLZANO

ENTE ASSEGNANTE:

VERBALE DI CONSEGNA:

ATTO DI NOTORIETÀ:

28.3.46

PRIMORCHIO

0655

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

FROM : No. 1081

TO : No. 1139

GY

PARTITO FASCISTA REPUBBLICANO

FEDERAZIONE DI ROMA

AMMINISTRAZIONE

Bilancio : 194

Esercizio : 194 .... - 194 ....

Capitolo N. .....

V° IL REVISORE

ORDINE DI PAGAMENTO N° .....

Il Cassiere pagherà, per conto di questa Federazione, a nominativ sottoindicat la somma di Lit. [redacted] *e cent.* [redacted] *a presentazione del presente ordine.*

COGNOME E NOME DEL PERCIPIENTE	CAUSALE DEL PAGAMENTO	IMPORTO	Firma per quietanza
	TOTALE L. . . .		

Roma, li 194 .... - *A* ....

IL CAPO DELLA RAGIONERIA

Bollo

IL

ESEGUITO IL PAGAMENTO

0656

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

Il Cassiere pagherà, per conto di questa Federazione, a nominativo sottoindicato la somma di Lit. [redacted] e cent. [redacted] a presentazione del presente ordine.

COGNOME E NOME DEL PERCIPIENTE	CAUSALE DEL PAGAMENTO	IMPORTO	Firma per quietanza
	TOTALE L.		

Roma, li 194 - *A*

IL CAPO DELLA RAGIONERIA

Bollo

IL

ESEGUITO IL PAGAMENTO

Operazione n. ..... del

IL CASSIERE

V°: per il riscontro

IL CONTABILE

0657

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

1081 — ~~[illegible]~~ 30 Nov.

1082 — [illegible] 1 Dec

~~1083 — [illegible] 2 Dec~~

1087 — [illegible] 2 Dec 44

1088 — [illegible] 18 Nov.

~~1089~~ — ~~[illegible]~~ Prisoner 7 Dec.

~~1098 — TOSCANA 4 Dec~~

1099 — TOSCANA 4 Dec

~~1100 — [illegible] 4 Dec.~~

~~1101 — Reg 4 R/5814 12 Dec.~~

~~1104 — Reg 4 R/1002/I 13 Dec.~~

1105 —

~~1106 —~~

1107 — TOSCANA Reg. 12 Dec.

~~1108~~ Reg 4 14 Dec

~~1109~~ So Reg 15 Dec

~~1110~~ So Reg. 16 Dec

~~1111~~ — ~~AF~~ HQ US 17 Dec

~~1112~~ — So Reg 15 Dec

reassign 1 ~~1113~~ — So Reg 17 Dec.

68

0658

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

~~1098 — Toscana — 4 Dec~~

1099 — Toscana — 4 Dec

~~1100 — Emilia — 4 Dec.~~

~~1101 — Reg 4 R/5864 12 Dec.~~

~~1102 — Reg 4 R/1002/I — 13 Dec.~~

1105 —

~~1106 —~~

~~1107 — Toscana Reg. 12 Dec.~~

~~1108 Reg 4 14 Dec~~

~~1109 So Reg 15 Dec~~

~~1110 So Reg. 19 Dec~~

~~1111 — AFHQ US 17 Dec~~

~~1112 — So Reg 15 Dec~~

~~1113 Bari 17 Dec.~~

~~1114 So Reg. 19 Dec.~~

~~1115 Toscana 17 Dec.~~

~~1116 So. Reg. 20 Dec.~~

68

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

0660

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

1134

4083

ALLIED COMMISSION
LEGAL OFFICE
BARI

29 Dec. 44.

Ref : BZ/LEG/2/6163/0

Subject : Application for review of sentence.

To : C.L.C., Legal Sub Commission, HQs Allied Commission

1. Forwarded herewith is application for review of sentence by D'AVENA, Teresa, together with record of case in which she was jointly tried with MAGLIARACHI, Basilio, who was acquitted on the same charge.

2. It is submitted that the explanation raised on the application and at the trial to effect that accused was unaware that articles concerned were in house is fantastic.
It is further submitted that the sentence is a proper one.

3. The accused is a prostitute, and it is confirmed that the sickness referred to in application is V.D.

J.A. Boyd-Carpenter

J.A. BOYD-CARPENTER
Major LC,
Apulia & Calabria.

JABC/gv

61

X5

40831

Legal S/C

(1138)

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LEG/2/6150

28/12/44

SUBJECT: Case record(s) forwarded for Review.

TO : C.L.O., Legal Sub-Commission, HQs
Allied Commission

1. Forwarded herewith for review on expiry of 30 days from date of trial are record(s) in undermentioned case(s).

No application for review of sentence has been received.

Barn/Sum/4. COLELLA, Carmelo

Barn/Sum/5 SCARDICCHIA, Rosa.

65

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

0661

No application for review of sentence has been received.

Rom/Sum/4. COLELLA, Carmelo

Rom/Sum/5 SCARDICCHIA, Rocco.

65

J.A. Boyd-Carpenter

J.A.BOYD-CARPENTER
Major, L.C.,
Apulia & Calabria

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

0663

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

1137

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jrl

AC/4083/1/L

31 Dec. 44

Subject: Case of CANTINI Umberto

To : Regional Commissioner, Att. Regional Legal Officer, Toscana Region.

1. Ref. your letter RVIII/19/3038 of 29 Dec. 44

2. Returned herewith is the informal petition of Cantini Umberto.

3. According to our records the papers in the above case have not been received by this HQ.

By Command of Rear Admiral Stone.

W.E. BERSEY
Colonel
Deputy Chief Legal Adviser.

encs: 1 petition/

65

0664

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

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

1136

File Ref: RVIII/I9/3008

Date: 29 December I944

SUBJECT: Review BINI, Raffaele Case - R.No. 29I3

TO : CHIEF LEGAL ADVISOR, HEADQUARTERS A.C.

1. Herewith, enclosed for review, is the case of BINI, Raffaele, Prov.No.I6.

2. See your letter AC/4002/L 7 Dec.I944.

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

66

Note Legge 8 July 1941 No 645 was abrogated by Art 34 RDL 22 April 43 No 245.
Art 12 Law No 645 is repealed by Art 22 RDL No 245.

XS

Wafe.

0665

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

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/I9/3008 Date: 29 December I944

SUBJECT: Review GEMIGNANI, Annibale Case - R.No.2914

TO : CHIEF LEGAL ADVISOR, HEADQUARTERS A.C.

1. Herewith enclosed for review is the case of GEMIGNANI, Annibale, Prov.No.I7.

2. See your letter AC/4002/L 7 Dec.I944.

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

0666

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

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/I9/3008 Date: 29 December I944

SUBJECT: Review CANTINI, Umberto Case - R.No. 2306

TO : CHIEF LEGAL ADVISOR, HEADQUARTERS A.C.

1. The case to which this petition relates was sent on I5 December I944 to the Chief Legal Advisor.

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

HEADQUARTERS
A. C.

0667

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

408311

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

1133

File Ref: R VIII/19/3008

Date: 27 December 1944

SUBJECT Case of SANTONI, Adolfo.

TO : Chief Legal Advisor, Headquarters, AC.

1. Attention is invited to the basic letter received from the Provincial Legal Officer, Pisa.

2. To what extent, if any, are Italian soldiers being equipped with our stores? I do not recall any official announcement thereon, and find none, but that does not mean that we can proceed herein; may we have your advice hereon in view of the uncertainty that has crept in on this subject?

JOHN K. WEBER
Colonel, Infantry,
Regional Legal Officer

U.S. SUB COMMISSION
Control Section
1 DEC 1944

61

AO →

2 Jan

0668

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

4083/1

.1132

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3008

Date: 28 December 1944

SUBJECT: Reviews cases under Italian Law: MATTEONI, Amelio, DAINI, Alvarado, PIERI, Giuseppe. R.No.2096-2092-2091.

TO: Chief Legal Advisor A.C.

1. In compliance with letter WEB/pa. 7 December 1944 /AC/4002/L the above cases are forwarded for review.

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

HEADQUARTERS
30 DEC 1944
A. C.

XJ

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0669

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

4083/1.

1131

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

29 December 1944

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 documents listed below for review of sentences. In each of these cases the sentences exceeded 2 years imprisonment.

NAME	COURT	DATE OF TRIAL	DOCUMENT
LANDOLFI Gennaro et al.	Sup.Ct.No.7	30 Nov.44	Form 8 and Application.
ANIELLO Alberto et al.	" " " "	1 Dec.44	Form 8 and Applications
VIGILANTE Antonio et al.	" " " "	8 " 44	Form 8 and Applications.

For the Regional Commissioner:

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

ETK/pv

·55

0670

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

H 083/1.

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

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

SUBJECT : Petitions for Review - ANTINORI Federico
SCARPA Nazzareno

REF. : AMR/511/14/ANC

DATE : 28 Dec. '44

Legal Sub-Commission
C.C.
D.C.O.
Chief Counsel
C.I.C.
Italian Section
C.A.C.S.
30 DEC 1944

1. Records and Petition for Review in above cases are forwarded herewith.

2. It is thought that the original conviction on the rationing charge in both cases was bad and ought to have been quashed. It is now too late to remedy matters, both men having already served their sentences, but their remains the order confiscating the truck. It would appear that this order should be rescinded both because the original convictions were bad and because as is brought out in the Petition for Review the accused ANTINORI was only part owner of the truck and the other part owner was not involved at all in the offence.

3. It has been pointed out to the P.O. concerned that the Record is inadequate and that separate sentences on each charge should have been imposed.

For the Regional Commissioner

R. G. S. Alexander

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

4556

0671

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

File

1-9

Headquarters Allied Commission
APO 394
Legal Sub Commission /jpa

AC/4083/1/L 30 Dec. 44

Subject: Case against CAO KIEN CHUONG, SCLAGNI & others.

To : Regional Commissioner, Southern Region, For Regional Legal Officer

1. The papers in the above case (the "Benevento shooting case") are returned herewith.

2. The papers were submitted for review many months ago but have been deliberately retained at this HQ until now. It was appreciated that the Court felt constrained to impose heavy sentences: it was desired substantially to reduce those sentences on review, but it was not wished to promulgate that decision until the sentences imposed by the Court had had time to have effect and until some of the passing excitement caused by the case had subsided.

3. Please ensure that the Decision on Review is communicated to the accused.

W.E. BEHRENS
Colonel
Deputy Chief Legal Adviser

Encl: 1 record.

57

0672

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

4083/1

ALLIED COMMISSION
LEGAL OFFICE
BARI

9128

REF : BZ/LEG/2/6150 26 Dec 44

SUBJECT : Case record forwarded for Review.

TO : C.L.O., Legal Sub-Commission, HQs Allied Commission

1. Forwarded herewith for review on expiry of 30 days from date of trial is record in undermentioned case.

2. No application for review of sentence has been received.

Case of ROSSINI, Vincenzo

J.A. Boyd-Carpenter

J.A. BOYD-CARPENTER
Major, LO,
Apulia & Calabria

JABC/mk

LEGAL SUB COMMISSION
OCLO
Chief Counsel
CLO
30 DEC 1944

Conv. sentence affirmed

0673

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

File

(1127)

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

:0/4083/1/L

30 Dec. 44

Subject: Case of Latini Lato

To : Regional Commissioner, Toscana Region, For Regional Legal Officer.

1. The record in the proceedings against LATINI Lato is returned herewith.

2. Please ensure that the Decision on Review is communicated to the prisoner and that he understands the effect of a suspended sentence -see Consolidated Instructions Art. 26 3 (e) and (g).

W.E. BEHRENS
Colonel
Deputy Chief Legal Adviser.

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Enc: 1 Record

0674

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

U 003/1

1126

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LLG/2/6150

27.12.44.

SUBJECT: Case record(s) forwarded for Review.

TO : C.L.O., Legal Sub-Commission, HQs
Allied Commission

1. Forwarded herewith for review on expiry of 30 days from date of trial are record(s) in undermentioned case(s).

No application for review of sentence has been received.

BARI/Sum/1 LOGUERICO, Carlo
BARI/Sum/2 PANZA, Saverio
BARI/Sum/3 MANISCALO, Paolo.

5

BARI/Sum/1 LOGUERICO, Carlo

BARI/Sum/2 PANZA, Sandro

BARI/Sum/3 MANISCALO, Paolo.

5

J.A. Boyd-Carpenter

J.A.BOYD-CARPENTER
Major, L.C.,
Apulia & Calabria

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

0676

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

4083/1

1125

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

L-3020 26 December 1944

SUBJECT: Records of cases tried in BARI.

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

1. Reference is made to your letter AC/4083/1/L, 24 December 1944, relative to the above subject.

2. It is my suggestion that the records of the cases tried at Bari be returned direct to Bari without being sent first to this HQ.

For the Regional Commissioner:

(1) Lt Bryce to see
(2) Sgt Latella to note
VR
27 Dec

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

ETK/pv

0677

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

1124

HEADQUARTERS ALLIED COMMISSION
AMG 394
Legal Sub-Commission

/jpl

AC/4083/1/L

28 Dec. 44

Subject: Records in AMG Cases.

To : Regional Commissioner, Att. Regional Legal Officer
Toscana Region.

1. Attention is drawn to Consolidated Instructions Art. 32 6 (a) which provides that Records for Review at this HQ shall be forwarded upon receipt of a Petition for Review or upon expiration of the period for presenting such petition.

2. Recently several records have been forwarded before either receipt of a petition or expiration of such period, e.g.:-

MAVELLI	Vladimiro	: Tried 30 Nov. No petition.
PAOLETTI	Vincenzo and others	: Tried 12 Dec. No petition.
ZERRINO	Giovanni and others	: Tried 14 Dec. No petition.
[illegible]	Giuseppe	: Tried 5 Dec. No petition.
CATELLO	Arturo and others	: Tried 25 Nov. No petition.

3. It will be appreciated if the instruction above quoted can be complied with in future, as the office system here is organised on that basis.

W.E. BENZIE
Colonel
Deputy Chief Legal Adviser

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0678

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

1 (1123)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

28 December 1944

SC/408 /1/1.

SUBJECT : Case of CARDELLA Raffaele and PETRICCIUOLO Raffaele.

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

1. The record of proceedings against CARDELLA Raffaele and PETRICCIUOLO Raffaele are returned herewith.

2. Both convictions and sentences have been affirmed.

3. It is however only with some hesitation that the conviction of PETRICCIUOLO has been confirmed: not from any doubts as to his participation in the disposal of the cigarettes, but from the fact that he was charged first with theft of the cigarettes and secondly with conspiracy to steal or assistance in stealing the cigarettes. There is no evidence whatever to show that he took part in the theft or that he conspired to steal or took any part in the theft: indeed, all the evidence shows that he came into the picture at a later stage. However, in spite of the above considerations the conviction has been affirmed as the point was not taken either at the trial or on petition for review, and no injustice was in fact done, the accused having admitted his participation and being well aware of the facts in respect of which he was before the court.

4. It is unnecessary to stress the importance of framing proper charges especially in superior court cases: perhaps you will think fit to bring the above remarks to the attention of those concerned with preparation of charges.

5. One copy of this letter will be attached to and kept with the record.

By command of Rear Admiral STONE:

W. T. BEARDMORE,
Colonel,
Deputy Chief Legal Adviser.

0679

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

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

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

SUBJECT : Case of CECCARELLI Leopoldo and CORONA Vittorio

REF. : AMR/511/14/ANC

DATE : 26 Dec. '44

4083/1

1122

1095

Ref. your AC/4083/1/L dated 6 Dec. '44 I am now advised by P.L.O. Ancona that para 3 thereof cannot be complied with because the 7 head of cattle which were forfaited to the Prefect have been butchered and the meat distributed to the population. The Prefect has reported that the total live weight of the cattle was Kg 2852 and that the legal price (live weight) is L 25 per Kg. Since it is impossible to restore the cattle to the owner the next best thing is for the Province of Ancona to pay Signora Briganti the legal price calculated as above and P.L.O. Ancona has directed the Prefect that this be done without delay.

For the Regional Commissioner

DCLA
In answer to folio 1095 - a case reviewed & decided solely by you.
R/ Lab. 27 Decem

HEADQUARTERS 27 DEC A.C.

R. G. S. Alexander

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

Copy to R.L.O. Lazio Umbria Region for information.

50

4292

0680

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

1121

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

26 Dec. 44

AC/4083/1/L

Subject: Case of CECCARELLI Giuseppe and CECCARELLI Sisto.

To : Regional Commissioner, Att. Regional Legal Officer, LAZIO-Umbria Region.

The record in the case of CECCARELLI Giuseppe and others is returned herewith: please note that the convictions have been affirmed but that the sentences have been varied.

By command of REAR ADMIRAL STONE.

W.E. BEHREND
Colonel
Deputy Chief Legal Adviser.

XJ

0681

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

enter to file

HEADQUARTERS ALLIED COMMISSION
Legal Sub Commission
APO 394

1120

/JPL

AC/4093/1/L

24 Dec. 44

Subject: Records of cases tried in BARI.

To : Regional Commissioner, Att. Regional Legal Officer
Southern Region

1. It is observed that record of cases tried in BARI are being sent direct to this Headquarters.

2. It is assumed that these records are to be returned (after review) to the Regional Headquarters. Will you please let us know if it would be more convenient to you if we return them direct to BARI.

By Command of Rear Admiral STONE.

W.A. LAMBERT
Colonel
Deputy Chief Legal Adviser.

43

0682

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

file

1119

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mt.
23 December 1944.

AC/4083/1/L.

SUBJECT : Case of Rella Kario.

TO : Regional Commissioner SOUTHERN Region.

The record in the above proceedings is returned herewith. The conviction has been affirmed but the sentence has been suspended on the instructions of the DCLA.

By command of Rear Admiral STONE:

W. R. BEARDMORE,
Colonel,
Deputy Chief Legal Advisor.

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0683

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

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

1118

40831

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

23 December 1944

L/C/1002-I

SUBJECT : DE RAGGIS Romolo et al.

TO : Chief Legal Advisor,
Legal Sub Commission,
HEADQUARTERS ALLIED COMMISSION.

1. Enclosed herewith record and proceedings in respect to the above-mentioned case.

2. Since this case falls within article 32, paragraph B.3 of the consolidated instructions for Allied Military Courts, the same is forwarded for your attention.

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

ENCLOSURES:

Record and proceedings Re. the above case.

RCH/BA.

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer
for Chief Civil Affairs Officer.

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

0684

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

4083/1

1112

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/dsh.

Ref : RIX/LE/650/148 — 17 December 1944.

SUBJECT : Superior Court Case, SANCHI Luigi, et al, Forli Province.

TO : Deputy Chief Legal Advisor, Legal Sub-Commission, Headquarters, Allied Commission, APO 394.

1. Reference your AC/4083/1/L, 14 December 44, receipt for decision on review forwarded herewith.

2. The decision on review has been forwarded to the PLO and he has been instructed to release SANCHI Luigi forthwith.

3. Reference DOLCE and para 3 of your letter, I agree that the judge followed the authorized procedure. In my haste to get this record off to you, I looked at para. 20(a) of the Rules of Procedure instead of 20(b).

For the Regional Commissioner:

WILLIAM H. LEVIT
Major, J.A.G.D.
Regional Legal Officer.

1 Incl. as above.

LEGAL SUB COMMISSION
CLO
DC/C
Chief Counsel
CJO
Italian Section
CL RKS
23 DEC 1944

45

0685

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

(1116)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
26 December 1944.

AC/4083/1/L.

SUBJECT : Decision on Review.

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

1. Returned herewith is the case of BARTOCCI Appollonia.

2. The conviction on the first charge has been quashed. By Art. 554, Penal Code, a person can be convicted of infecting another with gonorrhea only when that other person suffers as a result of the infection some very serious personal injury (lesione personale gravissima), i.e., some injury more serious than the normal development of the disease. There is no evidence that the soldier did in fact suffer any such injury.

3. The conviction and sentence on the second charge have been affirmed.

By command of Rear Admiral STONE:

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

Incl, Case BARTOCCI Appollonia.

46

27

0686

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

Ea 83/1

115

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

22 Dec.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 the applications for review in the case of STRAVALE Antonio and Vittorio ALBERTO for review of the sentences. In this case the sentences exceeded 2 years imprisonment.

For the Regional Commissioner:

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

Reg E. Nitzberg Capt.

43

ETK/pv

XJ

Conv & sentences affirmed.

28 Dec

0687

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

✓ 4083/1

(A)

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

19 December 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 I enclose herewith the form 8 and application for review in the case of ACUNZO Raffaele di Giuseppe, for review of the sentence. In this case the sentence exceeded 2 years imprisonment.

For the Regional Commissioner:

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CLO
Deputy Dep CLO
ETR/pvRKS
20 DEC 1944

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

Reviewed.
Conv + Sent aff
K
27 Dec

0688

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

4083

1114

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

20 December 1944

SUBJECT: FILALTRO Luigi.

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

1. Pursuant to appropriate order there is attached hereto the form 8 and application for review in the case of the above subject. In this case the sentence exceeded 2 years imprisonment.

For the Regional Commissioner:

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

ETK/pv

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CLO
Italian Section
CL RKS
21 DEC 1944

41

Conviction and Sentence affirmed

0689

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

ALLIED COMMISSION
LEGAL OFFICE
BARI

4083/1 (113)

REF : BZ/LEG/2/6163/O

17 Dec 44

SUBJECT : Application for review of sentence.

TO : C.L.O., Legal Sub Commission, HQ A.C.

1. Forwarded herewith direct in accordance with instructions received from HQ Southern Region is application for review of sentence by LO BUONO, Leonardo fu Giuseppe, together with record in the case.

2. It is submitted that advocate's reference to the querela required under Art.647 PC is irrelevant as charge was under Art.648.

3. It is further submitted that as articles the subject matter of the charge, in particular the article of clothing made from parachute silk, were of type so frequently stolen from 14 B.A.D. BITONTO, the sentence is a proper one, with a view to deterring other persons from dealing in and with such articles.

J.A. BOYD-CARPENTER
Major, LO.,
Apulia & Calabria

JABC/mk

Legal Sub Comm
CLO
DLO
Chief Counsel
Section Section
CLERKS
20 DEC 1944

48

0690

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

408 3/1

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

L-3028 A 19 December 1944

SUBJECT: CRISCUOLO Vito.

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

1. The above subject was convicted on 26 August 1944 before a General Military Court at Salerno. Major Rolfe acted as President of the General Court. Upon completion of said case, the record was delivered to the Regional Legal Officer, Prefettura. Because of the extreme difficulty of reading Major Rolfe's handwriting it was suggested that the record be typed. Major Rolfe delivered the record to a civilian employee by the name of ORSATTI Marseno. When the civilian completed the record he delivered the same to Major Rolfe. I discussed this matter with Major Rolfe who stated that he received the record after it was typed but as he recalled, the same was delivered to myself or to Capt. Kerr. Neither of us ever received the record from Major Rolfe. I requested Capt. Rogers to search the files at Lucera to determine if Major Rolfe left the files there, but Capt. Rogers was unable to locate the files.

2. I am writing to Major Rolfe in England and asking that he examine the personal papers that he returned with him to see if he did not make a mistake and put this record with his personal papers. We have made a careful examination of all the files in this office and have been unable to locate the same.

3. The typewritten record was delivered to Major Rolfe the day before he left for Lucera to take over the duties of Legal Officer there.

0691

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

4. I will continue the investigation with the hopes of locating this record.

5. The civilian employee ORSATTI Marseno is still with my Department and is considered to be most reliable and dependable .

For the Regional Commissioner:

L.F. Dawson
L.F. DAWSON, Reg E.T. Ker Capt.
Lt.Col., G.L.,
Reg.Chief Legal Officer.

ETK/pv

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CIO
Italian Section
CLERKS
20 DEC 1946

0692

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

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

15 December 1944

SUBJECT: FLORIDIA Giuseppe, tried before a General Military Court.

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

1. There is attached hereto Form 8 and application for review in the case of the above subject. The accused in this case received a sentence of 2 years imprisonment. Since I acted as President of the General Court in the trial of the accused I am disqualified as a reviewing authority in this case and therefore sending the same to your HQ. for review.

2. Brigadier Lush desires to peruse this record before the same is returned to this office.

3. There is also enclosed herewith application for review in the case of MONACO Gennaro. Form 8 and application in this case were sent to your HQ. 4 December 1944.

For the Regional Commissioner:

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

ETK/pv

0693

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

4083/1

ALLIED COMMISSION
LEGAL OFFICE
BARI

5989

1110

15 Dec. 44.

Ref : BZ/LEG/2/6163/0

Subject : Application for review of sentence imposed by A.M. Court ~~[illegible]~~, BARI.

To : C.L.C., Legal Sub-Commission, HQs Allied Commission.

1. In accordance with instructions contained in HQs Southern Region A.C. R/1234 of 19.11.44 to forward cases tried by A.M. Courts in BARI direct to your HQs for review, forwarded herewith is application for review of sentence, by RELLA, Kario, together with record in her case.

2. For the information of your HQs RELLA, Kario, is no longer pregnant having suffered a mis-carriage prior to trial. It is also pointed out that the Sergeant HARD referred to in the evidence is the same person as the Pte HARD who gave evidence.

3. It is submitted that the sentence is a proper one having regard to the seriousness of the offence. As appears from Trial Judge's comments he took into account the compassionate considerations which exist in this case.

4. It is pointed out that this case was tried prior to receipt of your A.C./4173/1/L of 29.11.44 with instructions on subject of charges.

J.A. Boyd-Carpenter

J.A. BOYD-CARPENTER
Major LO,
Apulia & Calabria.

JABC/gv

10 DEC 1944

35

0694

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

1109

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

15 December 1944

SUBJECT: CARDELLA Raffaele et al.

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

1. Attached hereto is the Form 8 and application for review in the case of the above subject. In this case one of the accused received more than 2 years imprisonment.

For the Regional Commissioner:

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

ETK/pv

35

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

4083/6 R-E-S-T-R-I-C-T-E-D 11 08

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

b.2660

14 December 1944

L/I002-I

SUBJECT : Case of Campi Ettore

TO : To Chief Judicial Officer
(Lt.Col. Campbell)
HEADQUARTERS ALLIED COMMISSION

1. Herewith please find record in the above case forwarded for action of the Chief Commissioner, pursuant to Rule 20 of the rules of proceedure.

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

RCH/PA.

ENCLOSURE:

Record in the above case.

DOWN GRADED
TO
UNCLASSIFIED

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CIO
Italian Section
CL RKS
16 DEC 1944

36

for the
Chief Judicial Officer
for Chief Gov. Affairs Officer

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

0696

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

1107

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/pc.
12 Dec 44.

AC/A033/1/1.

SUBJECT : Trial in AMG Courts.

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

1098

1. Reference your BVIII/19/3005 dated 4 Dec 44.

2. Authority is granted for the trial in an AMG Court of the two soldiers mentioned in the letter from Pistoia Province.

3. The ground for this decision is that there is no Italian Tribunal to which the case can conveniently be referred near Florence, and that delay and inconvenience would be caused by referring the matter to Rome.

4. On the simple facts of the case it is not considered that these circumstances are exceptional as cases of this type are being daily referred to the Italian Courts. Then therefore a military tribunal is established near Florence it should handle cases of this type.

By command of Commodore STONE :

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

35

0697

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

4080/K 140185 Legal 1106

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394.

AC/14018/3/PS. 12 Dec 1944.

SUBJECT : Control of Civilian Movement.

TO : Regional Commissioner, Lazio-Abbric Region.
(Attn. R.P.O.O.).

1. It has been reported that persons travelling in the Army and Restricted Zones have produced Travelling Permits (Foglio di Via), issued by the Ufficio Trasporti di Roma, as their authority for such travel.

2. Attention is called to the provisions of Executive Memorandum No. 77 and letter AC/14080/3/PS, dated 30 Nov, 1944, relating to the Control of Civilian Movement, and to Executive Memorandum No. 51, relating to the Circulation of Motor Vehicles. Corresponding Memoranda have been issued by the Italian Government.

3. Fogli di Via must not be used in lieu of standard civilian movement passes or motor vehicle permits.

4. It is requested that immediate steps be taken to ensure that:-

a) Fogli di Via to places in the Army and Restricted Zones are only issued when the persons named on the Fogli are in possession of movement passes covering the journey. Semi permanent passes may be issued to places in the Restricted Zone in approved cases.

b) Motor Vehicles are not used unless circulating permits have been issued covering the use of the vehicles.

32

5. As the present wording of the Fogli di Via indicates that the Fogli are issued with the approval of AMG/AC, an impression has arisen that no further passes or permits covering the movement of persons or vehicles concerned are necessary.

6. In order to correct this impression it is requested

0698

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

that the Fogli di Via be overprinted or stamped to indicate:

"This Foglio di Via is not a Movement of Civilian pass nor a motor Vehicle circulating permit" (Italian).

7. It is further requested that this Headquarters be informed of the steps taken by you to carry out the provisions of paragraphs 4 and 6.

By Command of Commodore STONE:

G.S. Parkinson
Brig

G.S. PARKINSON Brig
A/VP CA Sec
A/DCOS, AC.

Copy : Economic Section.
S.C.A.O., AMG Fifth Army.
S.C.A.O., AMG Rear Eighth Army.
R.P.S.O., Toscana Region (Your RVIII/PS.17.5 of 1 Dec. refers).
Legal Sub-Commission (Your AC/4083/1/L refers)
Ministry of Interior. (Direzione Generale della Pubblica Sicurezza).
Ministry of Communications (E.N.A.C.)
DCCAO (Your DCCAO/1/5.1 of 21 December, refers)

1096

6 Doc. 44

0699

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

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

4083/1

1105

D-7604

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

13 December 1944

L/1002-I

SUBJECT : Case of Bartocci Appollonia

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

1. Herewith please find record in the above case, which is forwarded pursuant to consolidated instructions, art. 32, and your directive of 7. December, 1944.

2. With the record you will find a memorandum of our conclusions with respect to the case.

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

RCH/PA.

ENCLOSURE:

Record and proceedings Re. the above case.

DOWN GRADED
TO
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer
for Chief [illegible]

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

0700

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

file

1104

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/40 2/1/L. 15 Dec. 1946

SUBJECT : Applications for review.

TO : Regional Commissioner (attn. R.L.O.),
Southern Region.

1. Returned herewith are the application for review on behalf of

IMPROTA Salvatore
MANFRO Francesco
GUERRIERI-GONZAGA Francesco

2. Our records show that applications for review on behalf of GUERRIERO-GONZAGA and MANFRO Francesco have already been received and considered at this H.Q.

3. In no case do any of these applications raise any point that was not considered by the Court and by the Reviewing authority. The decision on review of 7 Dec. 44 will therefore remain unchanged.

4. Please attach these documents to the record of the case.

By command of Rear Admiral STONE:

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

0701

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

1103

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WRB/pa.
14 Dec 44.

AC/4063/1/L.

SUBJECT : Superior Court Case : SANCHI Luigi, et al; Forli' Prov.

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

1. Herewith is returned the record in the case of SANCHI Luigi and DOLCE Sante, with decision on review endorsed.

2. With regard to SANCHI there is no evidence that he assisted in the theft of the boots and he cannot have conspired since DOLCE is a lunatic. If the boots became Allied property at the time of removal, which is doubtful, SANCHI is guilty of illegal possession but in any case the imprisonment he has already endured is sufficient punishment.

3. With regard to DOLCE, the judge appears to have followed the authorised procedure to the letter. However, it is in this case reasonable to assume that DOLCE was a lunatic at the date of the crime. The crime itself, although revolting if committed by a sane person, is not of an intrinsically dangerous nature. The most satisfactory method of dealing with the case therefore appears to be for the case to be dismissed, and for DOLCE to be handed over to the medical authorities to receive such treatment as he needs and as is available. After such treatment DOLCE should be released.

By command of Commodore STONE :

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

Incls.

47

0702

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

1102

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.

AC/4083/1/L. 14 December 1944.

SUBJECT : Case of REINA Vincenzo.

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

1. Herewith is returned the record in the case of REINA Vincenzo with decision on review endorsed.

2. The judge believed the story of the accused and accepts him as an old and honest state servant. In these circumstances, the penalty imposed was excessive; in addition it is undesirable that such an individual should be sent to prison for what in his case was an honest, even if serious, mistake. For this reason, I have suspended the whole of the prison term to be served in default of the reduced fine, although I am not unaware that such suspension may reduce the incentive to pay the fine.

By command of Commodore STONE:

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

Incls:

0703

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

13 DEC 1944

1101

0.1446

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION
AFO 394

R/5864

12 December, 1944

SUBJECT: Case of CRETI MARIO.

TO : HQ Allied Commission
Civil Affairs Section

1093

Reference your AC/4083/1/2/ dated 5 December, the information will be of some help and we are very grateful for it.

In conclusion it is hoped that we have made clear our intentions in raising this matter. Hitherto we have met trouble when FSS/CIC security prisoners have, to the fury of the local populace, been released. This is the first time that trouble is anticipated over the release of a person convicted by AMG Court. The feeling in the Province is that Creti is a rich and strong Fascist and that his comparatively light sentence will lead to very undesirable criticisms of us and, possibly, attempted violence against him. Thus publicity to the reasoning behind the judgement on appeal is our only means of taking preventive action. Perhaps you will consider this as a general principle.

As far as we know, no security question arises.

For the Regional Commissioner:

A.D. Bonham-Carter

A.D.BONHAM-CARTER
Lt.Colonel
Executive Officer

Copy: P.C. Viterbo
Legal Division

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
12 DEC 1944

0704

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

4083/1

(1400)

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/dsh.
6 December 1944.

Ref : RIX/LE/662/94

SUBJECT : Superior Court Case; SANCHI Luigi, et al; Forli Prov.

TO : Chief Legal Advisor, Legal Sub-Commission, Headquarters, Allied Commission, APO 394.

1. Record of trial and petition for review in the above case are forwarded herewith.

2. This record was received this date without any comments of the trial judge or an explanation of the reason for delay in forwarding the record and petition for review.

3. In view of the serious question presented as to whether there is any evidence to support the finding of guilty as to defendant SANCHI, the record is forwarded herewith rather than to cause further delay by returning it to the PLO.

4. In view of the trial judge's failure to follow para. 20 of Rules of Procedure, your instructions are requested as to the disposition of the charges against defendant DOLCE.

For the Regional Commissioner:

25

William H. Levit

WILLIAM H. LEVIT
Major, J.A.G.D.
Regional Legal Officer.

Incls:
1. Record of trial SANCHI & DOLCE.
2. App. for review.

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLERKS
11 DEC 1944

0705

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

1st Ind. 408311 Legal 1098

AVIII/19/3005
Regional Legal Officer, TOSCANA Region,
TO : CHIEF LEGAL ADVISOR, Headquarters, AGC.

4 December 1944.

1. The matter of the trial of the Italian Army Sergeant and Corporal is referred to the Chief Legal Advisor for instructions, as required under Article 4, I (c) Consolidated Instructions.

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

HEADQUARTERS AGC REGION TOSCANA
9 DEC 1944
OFFICIAL
617

HEADQUARTERS
9 DEC 1944

26

10 DEC 1944

(1098)

RLO

HEADQUARTERS
PISTOIA PROVINCE
ALLIED MILITARY GOVERNMENT

Ref :PP/110/4

SUBJECT: A.M.G. Courts

Date: 1st Dec 1944

TO : The Regional Legal Officer
HQ. Toscana Region
Allied Military Government

1. On 17/11/44 at S. Marcello in this Province, 3 tons of Allied flour was bought by a Civilian from two italian soldiers in charge of an A.M.G. 5th Army truck, which was delivering the flour to the Commune.

2. 2 Civilians as well as the Italian Sergeant and Caporal have been arrested and await trial, and there is evidence that the flour, which is valued at about 16.000 lires, was sold for L.60.000.

3. Two points arise:

(a) It is obviously a Superior Court Case.

(b) Two Italian soldiers are involved.

As to (a). I have not been authorised by you to direct a Superior Court in the first instance. (In, see amendment to Rule of Procedure 6 Par (a), and Executive Commissioners' Letter 283/122 CA d.26 Sept.1944).

As to (b). It is considered desirable to try these soldiers by an A.M.G. Court and Sanction of the

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

0706

3 tons of Allied flour was bought by a Civilian from two italian soldiers in charge of an A.M.G. 5th Army truck, which was delivering the flour to the Commune.

2. 2 Civilians as well as the Italian Sergeant and Caporal have been arrested and await trial, and there is evidence that the flour, which is valued at about 16.000 lires, was sold for L.60.000.

3. Two points arise:

(a) It is obviously a Superior Court Case.

(b) Two Italian soldiers are involved.

As to (a). I have not been authorised by you to direct a Superior Court in the first instance. (In amendment to Rule of Procedure 6 Par (a), and Executive Commissioners' Letter 283/122 CA d.26 Sept.1944).

As to (b). It is considered desirable to try these soldiers by an A.M.G. Court, and Sanction of the C.L.O.A.C. is sought (Art 4. 1(c) of Consolidated instructions.

4. I hope to fix the trial for Monday 11th December, and will be glad if you can let me have the necessary sanction of the C.L.O.A.C. to the trial of the two soldiers.

5. If I am not authorised by you to direct a Superior Court in the first instance, the case of course, must come before a Summary Court. In this latter event, I propose that a C.A.O. takes this summary proceeding and remits to a high Court.

I can then direct a Superior Court, which I propose to take myself.

RVMC/19/3005/851 o/o

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

HEADQUARTERS TOSCANY SUB AREA
RECEIVED
22 DEC 1944
FILE
2911X

Your remarks will be appreciated.

I may add that the incident occurred in IV Corps Area

WALTER J. PURCELL - Lt.Col.
Provincial Legal Officer
Pistoia Province.

0708

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

0709

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

[redacted]

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1097

AC/4044/5.

MOR/pa.
8 Dec 44.

SUBJECT : Records of cases.

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

1. Herewith are returned the records in the cases of :-

a. MORMONE Carlo
b. MONACO Gennaro
c. DE VITO Salvatore et al.
d. NARDI Renato and MORANO Salvatore.

2. You will notice that in the case of MORMONE Carlo the sentence has been reduced to 5 years imprisonment in respect of all charges on which the accused was convicted. Please ensure that the accused is advised of this fact.

By command of COMMANDER STONE :

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

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

Indicare sempre nella risposta, la data e i numeri della presente.

✓ 40831

Roma, addì 7 dicembre 1944

(1096)

PROCURA GENERALE MILITARE

DEL ~~REX IMPERATOREX~~ REGNO

PRESSO IL

TRIBUNALE SUPREMO MILITARE

N. 1279 prot. 1.9 risp.

STAMPERIA REALE DI ROMA

ALLEGATI N.

OGGETTO: Procedimento penale a carico di MOSCA Guido, TAGLIA= VINI Tullio e PISCITELLI Luigi.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale - Via Veneto

= ROMA =

Si prega voler trasmettere copia della decisione, con la quale l'ufficiale legale regionale, col.W.L.BERHENS annullò il processo svoltosi davanti alla Corte militare di Napoli a carico di MOSCA Guido, TAGLIAVINI Tullio e PISCITELLI Luigi, dovendone questa Procura Generale prenderne conoscenza in relazione ad un procedimento penale pendente presso il Tribunale Militare di Napoli a carico dei predetti.

Si ringrazia anticipatamente.

IL PROCURATORE GENERALE MILITARE

...e PISCITELLI Luigi.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale - Via Veneto

= ROMA =

Si prega voler trasmettere copia della decisione, con la quale l'ufficiale legale regionale, col.W.L.BERHENS annullò il processo svoltosi davanti alla Corte militare di Napoli a carico di MOSCA Guido, TAGLIAVINI Tullio e PISCITELLI Luigi, dovendone questa Procura Generale prenderne conoscenza in relazione ad un procedimento penale pendente presso il Tribunale Militare di Napoli a carico dei predetti.

Si ringrazia anticipatamente.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

U. Borsari

21

Seen by Col. Behrens & returned without comment.
10 Dec 44
T/4 Intelli

11 Dec. asked Col. Behrens for instructions: No further action. G. Intelli T/4

Indicare sempre nella risposta, la data e i numeri della presente.

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

0712

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

HEADQUARTERS ALLIED CONMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/jm.
24 Nov 44.

AC/4093/1/1.

SUBJECT : Case of PISCITELLI Luigi, TAGLIAVINI Tullio and MOSCA 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 PISCITELLI Luigi, TAGLIAVINI Tullio and MOSCA 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 avvocato 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.

0713

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

NOTIFICATION OF DECISION ON REVIEW

Case of

MOSCA GUIDO, PESCITELLI LUIGI and
TAGLIAVINI TULLIO

---

1. PESCITELLI Luigi, MOSCA Guido and TAGLIAVINI Tullio were sentenced by a Superior Military Court, sitting at Naples, on 8 May 44.

2. The accused were charged and/all found not guilty of various charges but were charged and convicted of

   (a) disobeying an order of Allied Military Government by the sale of restricted goods contrary to Proclamation 2 Article 2 Section 44;
   (b) conspiring to commit this offence contrary to Proclamation 2 Article 3 Section 1;

3. The accused were sentenced to 5 years imprisonment each.

4. The accused submitted a petition for review claiming that the Court had no jurisdiction to try these offences on the ground that they had been committed (if at all) in Italian Government Territory where Allied Military Government Proclamations had ceased to be effective.

5. I, Colonel W.E. BEHRENS, an officer duly authorised by the Acting Chief Commissioner of Allied Control Commission to review petitions, have considered this argument in relation to the particular facts of the case. I am of opinion, without considering the evidence upon the merits of the case, that the Court had no jurisdiction to try the offences charged. I therefore annul the trial in the case of PESCITELLI Luigi, MOSCA Guido and TAGLIAVINI Tullio. I recommend that the case be referred to the Italian Courts for trial since in the result the offences charged have never been considered by a competent Court and the question of the guilt or innocence of the accused remains to be determined.

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

2 October 44

0714

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

Entry to Front

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

AGC/4083/1/L

2 October 44

Subject: Certificate of Decision on Review

To : Regional Legal Officer, Southern Region.

1. Reference your letter L/3031 dated 30 September 44.

2. Enclosed herewith is the requested certification in the case of PISCITELLI Luigi et al.

W.E. BEHRENS
Colonel
Deputy Chief Legal Advisor

Encl: Certification
(1 original and
1 copy.)

Note added by hand.

Note. Paragraph 2 of the certificate has been completed from our records here. If it is substantially inaccurate it will have to be done again. In this case please submit xxxxxxx amended document for signature.

WEB

18

0715

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

WED /jpl

1095

AC/4083/1/L

6 Dec. 44

Subject: Case of CECCARELLI Leopoldo and CORONA Vittorio.

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

1. Herewith is returned the review in the above case.

2. The decision on review is that the convictions are quashed. The fines will be repaid and the cattle will be restored.

3. The cattle must be released to the order of Signora Brigenti. In view of all the circumstances provisions must be granted for the transport of the cattle to ALBANO. Pending arrangements for their collection they should be returned to Signora Bucci at Belvedere.

4. The reasons for this decision are:

(a) On charge 1 the accused were not charged with crossing the Army Control Line. The effect of the permit, with which they were issued is such in this case as to preclude a conviction under General Order 24 Sec 1 (a)

(b) On charge 2 the Court apparently convicted the accused under RDL 245 of 23 April 1943 (4). On the true constructions of this article there was no offence committed thereunder. The judge refers to a Prefectoral Decree No. 71 . This formed no part of the entirely inadequate charge sheet and is not therefore material.

By Command of Commodore Stone.

W.E. BEHRENS
Colonel
Deputy Chief Legal Adviser.

Copy to : Regional Commissioner
(Att. Regional Legal Officer)
Lazio Umbria Region, (your
R/1010 of 18 Nov. 44 refers)

0716

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

1094

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION
APO 394

R/5804 5 December, 1944

SUBJECT: Review - MARIO CRETI - Case N° A - 157

TO : HQ Allied Commission
Civil Affairs Section.

1. On 18 August 1944 the above was sentenced by a Superior Court at Viterbo to 3 years in jail, 1 year suspended on good behaviour.

The decision on review, dated 18 September 1944, was "Conviction affirmed. Sentence to read 2 (two) years imprisonment."

On 22 November 1944 by further review the sentence was reduced to six months. Notice of the latter has not yet been served on the prisoner.

2. This HQ requests some sort of explanation of the second review, not because its correctness is doubted but because it is anticipated that public reaction is almost inevitable. The Provincial Commissioner and Public Safety Officer hope that by giving them an indication as to the reasons for so exceptional a decision, they will be able to handle their side of the results more easily.

3. It is because this request is made from a Civil Affairs point of view rather than Legal, that it is not being addressed to the Sub-Commission by the Legal Officer.

For the Regional Commissioner:

A.D. Bonham-Carter

A.D.BONHAM-CARTER
Lt.Colonel
Executive Officer

Copy: R.L.O.
Provincial Commissioner, Viterbo.

5532

0717

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

1093

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4083/1/L. /rlp.
5 December 1944.

SUBJECT : Case of CRETI Mario.

TO : Regional Commissioner, LAZIO-UMBRIA Region.

1. In reply to your letter R/5804 of 5 Dec 44 concerning the case of CRETI Mario.

2. After this case had been reviewed, a further petition was received at this HQ. In accordance with normal practice, it was read to see whether it raised any point justifying further consideration. The officer who read it felt that it did raise such a point in that it alleged (truly, I believe) that one of the weapons, in respect of which CRETI was charged, was merely a target rifle. The record was therefore asked for from your HQ and the case was reconsidered.

3. On re-consideration, it was decided that having regard to the age of the accused, some 65 years, the term of 6 months imprisonment would be sufficient.

4. I understand that the reason why such a general interest is being taken in this case and why "public reaction" is expected is that CRETI Mario may be undesirable from a security point of view. This fact, even if true and even if known, could not properly be taken into consideration in reviewing the case. Of course there is nothing to prevent him being interned in the ordinary way on his release from prison, provided the facts so justify.

By command of Commodore STONE,

G. R. Upjohn

G. R. UPJOHN, Brig.
VP CA Sec
Dep COS

0718

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

1092

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

4 December 1944

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 Documents listed below relating to review of sentences. In each of these cases the sentences exceeded 2 years imprisonment.

Name	Court	Date of Trial	Documents
MORMONE Carlo	Sup.Ct.No.7	22 Nov.44	Form 8 and Application
PICCOLO Vincenzo	" " " "	" " "	" "
MONACO Gennaro	" " " "	20 Nov.44	" "
NOTARO Salvatore	" " " "	6 " 44	" "

For the Regional Commissioner:

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

ETK/pv

36

0719

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

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

2 ~~FCI~~
1091

408711

File Ref:

Date: 20th Nov. 1944

SUBJECT: Reviews, case of Bellandi, Vittorio

TO : LEGAL SUB-COMMISSION A.C.

1. In compliance with Art. 32 Par. 3 Sec. b. 2 Cons. Inst. the complete record in case Reg. n°I 325 BELLANDI, Vittorio is herewith forwarded for review.

2. The Regional Legal Officer as well as Provincial Legal Officer is of the opinion the sentence of 2 years and fine of I 20.000 Lire, is too severe, under the evidence in the case.

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

Reduced by cancellation of the fourth fine, the cigs etc having been confiscated. lc

0720

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

1090

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/jpl
4 Dec. 44

AC/4083/1/L

Subject: Certification of Decision on Review(DE MURTAS DOMENICO fu Francesco)

To : Comando Stazione Carabinieri, Villa Ludovisi, Roma.

This is to certify that the convictions and sentences imposed on DE MURTAS Domenico fu Francesco by An Allied General Military Court on 9 Aug. 44 were quashed on Review on 8 Oct. 44 by the Allied Commission.

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

0721

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

COMMISSIONE ALLEATA
APO 394
SOTTOCOMMISSIONE LEGALE

1090

AC/4083/1/L. /jpl

4 dicembre 1944

OGGETTO : Certificato di Decisione presa in appello
(DE MURTAS DOMENICO fu Francesco)

AL Comando stazione Carabinieri, Villa Ludovisi, Roma.

La presente è per certificare che le condanne e le sentenze inflitte a DE MURTAS Domenico fu Francesco dalla Corte Militare Generale addì 9 Agosto 1944 furono annullate in data 8 Ottobre 1944 dalla Commissione Alleata.

firmato da: W.G. BRYCE, Tenente per

W. E. BEHRENS,
Colonnello,
Sottocapo Consigliere Legale.

0722

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

File of Italian Cases

1089

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

AC/4083/1/L 4 Dec. 44

Subject: Cases of MIGLIORINI Ezio and
MICHELINI Attilio
ROSSI Vittorio
BERGELINI Pietro
MASINI Livio

To : Regional Commissioner, (att. Regional Legal Officer) Toscana Region.

1. The records in the following cases:

(a) MIGLIORINI Ezio
(b) ROSSI VITTORIO and others

are returned herewith.

2. In fact, each of the accused will only serve 2 months imprisonment. Therefore these cases really fall within your competence to review. This point is being clarified in the new Art. 33 now in course of preparation.

3. While it is in no way wished to interfere with your discretion it is thought that MIGLIORINI might well have his sentence substantially reduced. As to the others, the accused admitted that the reason why they had weapons was that the Commander of the local partisans had told them to try and find certain Fascist Republicans. From the point of view of law and order, it is highly undesirable that armed partisans, however well meaning, should hunt Republican Fascists: and therefore perhaps this sentence should be affirmed.

By Command of Commodore STONE.

W.E. HEMENS
Colonel
Deputy Chief Legal Adviser

Enc: 2 Records.

0723

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

File

1088

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L. 1 December 1944

SUBJECT : Case of BERACHA Alberto and LUSTIG Richard.

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

1. I return herewith the record of the case of BERACHA Alberto and LUSTIG Richard.

2. On review the convictions against both the accused on charge one (1) have been affirmed.

3. However the convictions on the second charge, namely "conspiring with persons unknown to commit acts constituting offences under Proc: 10", have been quashed.

(a) There are no proper particulars to this charge and hence it is not clear to which set of acts this charge refers, i.e. does it refer to the acts referred to in the particulars of charge (1) buying blue seal dollars from the American S/Sergeant at various dates. In such event to punish the accused with conspiring to commit such acts is tantamount to punishing him twice over for the same set of acts; or

(b) the sales by BERACHA to Aloahny and Rosdief. But these transactions took place at Bari i.e. not in Military ~~court~~ Territory

Furthermore there is no evidence that LUSTIG had any part whatever in these Bari transactions; or

(c) some other and distinct transactions: but there is no evidence of any such conspiracy.

4. The sentences were considered unduly severe; they have been modified accordingly to read as follows

(a) BERACHA Alberto: 2 years imprisonment and a fine of 100.000 lire or in default of payment a further 1 year in prison. Credit to be allowed in respect of the 500 dollars confiscated towards payment of the fine.

(b) LUSTIG Richard, 1 year in prison.

5. Please arrange for the decision of review to be communicated to the accused.

By command of Commodore STONE:

W. A. BARRAS, 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 : Case of CECCARELLI Leopoldo and CORONA Vittorio - D4/Sen/101

REF. : AMR/511/14/ANC

DATE : 2 Dec. '44

1. I enclose :-
(a) Record of above Superior Court Case tried at Senigallia on 23 and 25 Nov. 1944.
(b) Copy letter from R.L.O. Lazio Umbria Region L/1010 dated 18 Nov. 1944 relative thereto.

2. I feel that in view of the inter-Regional questions involved this case should be reviewed by you and not at this H.Q..

3. My own view is that the sentences on both accused ought to be quashed or suspended for the following reasons:-

(a) As regards the first charge on which both accused were found Guilty I do not think the facts disclose a breach of General Order No 24 Sec. 1 (c) (which section is incidentally, imprecisely stated in the charge). I think the two exibits 'A' and 'C' between them constitute a 'pass' issued 'by or under the authority of the Allied Control Commission' within the meaning of the Section. It is true that the accused crossed the Army Control Line but they are not charged with doing so.

(b) As regards the second charge on which CECCARELLI was found Guilty and CORONA Not Guilty the following considerations apply :-

(i) The Prefectural Order alleged to have been contravened is not particularised in the charge.

(ii) CECCARELLI was a mere employee and simply carried out orders. He certainly committed a technical breach of the Prefects Order but the circumstances in which he did so were such as might induce a reasonable man to believe that the whole transaction had received the blessing of the Allied Authorities. In the circumstances perhaps suspension of the sentence would be the more correct course.

4. It seems to me that steps should be taken to prevent the Ufficio Trasporti of Rome from placing its employees in a false position. The documents given to the two accused in the present case do not comply with the ~~requirements~~ of Executive Memorandum No 77 but it appears clear that they were intended to do so. Some supervision, too, might be exercised by the Ufficio to see that authority is not given for journeys whose purpose is, in fact, illegal.

5. No Petition for Review has yet been received in this case.

For the Regional Commissioner

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

...ative thereto. ... Region 1/1010 dated 18 Nov. 1944

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(ii) CECCARELLI was a mere employee and simply carried out orders. He certainly committed a technical breach of the Prefects Order but the circumstances in which he did so were such as might induce a reasonable man to believe that the whole transaction had received the blessing of the Allied Authorities. In the circumstances perhaps suspension of the sentence would be the more correct course.

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5. No Petition for Review has yet been received in this case.

HEADQUARTERS 4 DEC 1944 1. C.

For the Regional Commissioner

R. G. S. Alexander

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

Copy to R.L.O. Lazio Umbria Region whose letter mentioned above refers.

0725

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

0726

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

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

L/1016

18 November 1944

SUBJECT : Civilian Motor Truck, Roma;61997; drivers CORONA Vittorio, CECCARELLI Leopoldo, c/o. Ditta Pucciatti Edoardo, Via Francesco Barocci 22 - ROMA.

THRU : Regional Commissioner.

TO : Regional Legal Officer, ABRUZZO-MOLISE REGION.

1. The above-named accused were arrested on the 3rd. or 4th. November 1944, charged with travelling without proper permits and transporting live-stock in violation of regulations.

2. Actually the accused were operating the truck for the Management Technician Service, which firm had been authorized by both the Agriculture Division and the Movement Control Division of the Lazio Umbria Region, to transport six hands of live-stock from Jesi to Albano Laziale.

3. From the information at hand these accused were brought before an Allied Military Summary Court and the cause was considered of such importance that it was remanded to a superior Court. In the meanwhile the accused are being held in prison at Senigallia. On the facts submitted to me we are not only doing these drivers an injustice but we are depriving already overtaxed transportation schedules of valuable employees.

4. Herewith please find two letters which in a large measure substantiate facts as they have been presented at this Headquarters.

5. Will you kindly investigate the case and if my informants are correct, see that the matter is disposed of as justice would dictate in such situation.

DOWNGRADED
UNCLASSIFIED

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

RCH/Pa.

P. S. Letter from the Agriculture Division and letter from Movement Control Division, will have either been transmitted by Messenger or will follow.

Note These letters not received at this H.Q. 2 Dec. 44.

R.C.S. Major R.L.O. Region

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

0727

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

HEADQUART RS REGION VIII
ALLIED MILITARY GOVERNMENT

File Ref: A VIII/19 8000 JS-2

Date: 1st December '44

SUBJECT: Reviews: MICHELINI, Attilio - MAGINI, Livio - ROSSI, Vittorio - DEBOLINI, Piero.

TO : Legal Sub-Commission A.C.

1. Attached find joint petition for review Toscana Reg. N°1358 above named accused.

2. Records forwarded 22 November 1944.

John R. Webb
JOHN R. WEBB
Colonel, Infantry,
Regional Legal Officer.

0728

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

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

CONFIDENTIAL

1084

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

2 December 1944

L/C/1037

SUBJECT : Case of CECCARELLI Giuseppe et al.

TO : Chief Legal Advisor
Legal Sub Commission,
HEADQUARTERS ALLIED COMMISSION.

1. Enclosed herewith please find, record, proceedings and exhibits in connection with the above.

2. Since this case falls under article 32, paragraph 3-b, of consolidated instructions for Allied Military Courts, the same is forwarded to you for your attention.

DOWN GRADED
UNCLASSIFIED

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

RCH/PA.

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

ENCLOSURES:

Record, proceedings and exhibits Re. the above case.

C-O-N-F-I-DEN-T-I-A-L

CONFIDENTIAL

0729

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

1083

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

2 Dec. 44

AC/4083/1/1

Subject: Case of MADONNA Giuseppe
To : Regional Commissioner, (Att. Regional Legal Officer)
ABRUZZI MARCHE region.

1. The petition on behalf of MADONNA Giuseppe was received after the review of the case.

2. The said petition contains no points which were not considered ~~at the trial or~~ on Review. However, it is to be noted that the original sentence of the Court was reduced at the review of the case.

3. Please join the petition for review with the record of the case.

By Command of Commodore Stone.

W.A. BEHRENS
Colonel
Deputy Chief Legal Adviser.

Enc: 1 petition

0730

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

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

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

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

4083 108

AMR/511/14/CH

1 Dec. '44

Ref this office letter of even file dated 23 Nov. '44 herewith Petition for Review by above accused received in this office today.

For the Regional Commissioner

R. G. S. Alexander

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

1800.

0731

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

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

D.6130 1081

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

30 November 1944

L/1002-I

SUBJECT : Case of Betti Mario et al.

TO : Legal Sub Commission,
Deputy Chief Legal Advisor,
HEADQUARTERS ALLIED COMMISSION.

1056 vol. 10

1. Receipt is acknowledged of the letter, record, proceedings and decision on review of the above-mentioned case.

2. This is to inform you that the decisions have been filled in on the respective Form 8's of the separate trials, which were within my jurisdiction.

DOWNGRADED
UNCLASSIFIED

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

RCH/PA.

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

Seen
N.A

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

0732

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

1080

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4063/1/L.

1 December 1944.

SUBJECT : Case of BERAHA Alberto.

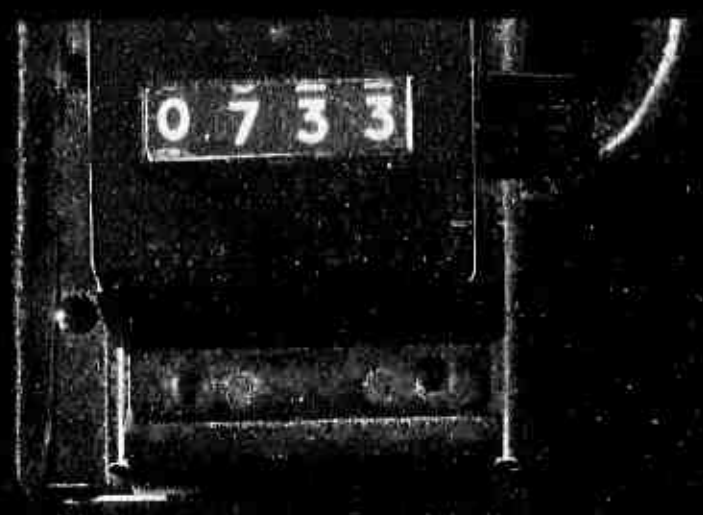
TO : Legation Royale de Yougoslavie prés le Saint Siége. Vatican-City.

1. In reply to the letter of 23 Nov. from the Chargé d'Affaires I have to state that the case of Albert BERAH involved a serious violation of the currency laws.

2. Your letter refers to saving BERAH's family from starvation. In view of the fact that BERAH bought 3.800 dollars at an approximate average price of 170 lire per dollar -a total of 646.000 lire- it appears that BERAH was well able to make disposition for his family.

3. I do not feel that grace can properly be shown in this case, but in order to bring the sentence into line with those passed in other cases I have reduced this prison sentence to 2 years.

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