

0933

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

785016

ACC

10000/142/580
(VOL. 13)

REVIEW
CORRES
FEB. 194

0934

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

785016

0000/142/580
VOL. 13)

REVIEW OF ALLIED MILITARY COURT CASES,
CORRESPONDENCE
FEB. 1945

IC/4083/1/L.

vol. 13

FROM : No. 1296

TO : No. 1416

SUBJECT : REVIEW OF ALLIED MILITARY COURT CASES - CORRESPONDENCE

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0936

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

785016

SUBJECT : REVIEW OF ALLIED MILITARY COURT CASES - CORRESPONDENCE -

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THIS FOLDER

CONTAINS PAPERS

FROM

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CATALOGUE -

0937

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

785016

MINISTERO DELLE CORPORAZIONI

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

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La Precise. Romu. - 3000

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

785016

3-11-60

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE



025 / 100001

PLEASE RETURN TO:
WORLD WAR II RECORDS DIVISION
KING AND UNION STREETS
ALEXANDRIA, VA.

1121

1295	1333	1372	1411
1296	1334	1373	1412
1297	1335	1374	1413
1298	1336	1375	1414
1299	1337	1376	1415
1300	1338	1377	1416
1301	1339	1378	
1302	1340	1379	
1303	1341	1380	
1304	1342	1381	
1305	1343	1382	
1306	1344		
1307	1345		
1308	1346		
1309	1347		
1310	1348		
1311	1349		
1312	1350		
1313	1351		
1314	1352		
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1316	1354		
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1319	1357		
1320	1358		
1321	1359		
1322	1360		
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To : VP CA Sec

Letter (1345) 2.

Herewith reply to folio ~~14~~ for signature of Chief Commissioner if approved.

Legal S/C
8 Feb 45

W.F. BEHRENS
Colonel

Deputy Chief Legal Adviser

3

Cos

Draft reply for signature by CC if approved.

241

8 FEB. 1945

4

So. to CC.

CC 368

I recommend C.C. Sign this letter which is in answer to A OCHA is in white in this in memorandum this sheet.

Stallard-Roye

10.2.45.

in Cos

5

CA Sec Legal, ✓

See letter
1345

S.O. to C.C.

I received C.C. Sepi this letter
which is in answer to 1A
DCLA's minute in this is
underneath this sheet.

Exhibit Day's
to COS

10.2.45.

C.A. See Legal, ✓
S

Reply to General Infante in
returned, duly signed by Chief
Commissioner, for dispatch

10 Feb 45

Phorden Capt
Office of COS.

1325
11

6 Feb 45

1. Returned herewith please find letter from General Infante to the Chief Commissioner dated 16 Jan. 45 about the case of ZOLI Mario.

2. It has not been possible to supply any information previously as it was necessary to procure the record from Forlì province.

3. ZOLI ~~was~~ was charged with 2 offences:-

Under Proc. 1 art. V (46) for travelling from Rome to Predappio without a permit: and

Under Proc. 1 art IV (20) for altering a civilian movement permit issued by A.G.

4. He pleaded Guilty to both offences, and was sentenced to 3 months imprisonment on the 1st charge and to 6 months imprisonment on the 2nd charge.

5. The following is a copy of the judge's note of the statement made by ZOLI in Court:-

1st. Charge - As per statement exhibit B also accused is from a very old family of Predappio having about 90 dependants. Naturally anxious to get back to Predappio. Asked Allied Commission in Rome for permit who said that it would be a long time before one could be issued. Met Polish soldiers who had come from Predappio. They offered him a lift saying that no permit was required. AC at Rome gave him to understand that he could go as far as the control line without permit and that it would be easier to get a permit for Predappio from AMG some where near the control line. Poles insisted that no permit was necessary. From Gerni to Predappio the vehicle did

not stop. So he could not make enquiries as to where was the control line. As soon as he arrived at Predappio he started work on his property mending roads and houses to give employment to his people. He lent his private Chapel to the Polish Chaplains. He came not for his own interests but for his people.

2nd charge - Heard in Rome that his cousin PIOLANTI

785016

1st. Charge - As per statement, is from a very old family of Predappio having about 90 dependants. Naturally anxious to get back to Predappio. Asked Allied Commission in Rome for permit who said that it would be a long time before one could be issued. Met Polish soldiers who had come from Predappio. They offered him a lift saying that no permit was required. AC at Rome gave him to understand that he could go as far as the control line without permit and that it would be easier to get a permit for Predappio from AMG some where near the control line. Poles insisted that no permit was necessary. From Terni to Predappio the vehicle did not stop. So he could not make enquiries as to where was the control line. As soon as he arrived at Predappio he started work on his property mending roads and houses to give employment to his people. He lent his private Chapel to the Polish Chaplains. He came not for his own interests but for his people.

2nd charge - Heard in Rome that his cousin PIOLANTI was going to Predappio with permit. PIOLANTI much worried that his permit was only for Florence and in ~~description~~ desperation asked accused to add Rocca San Gasciano to the permit.

Accused thinking that no permit was necessary did this just to calm him. Accused is married and has five children. Has bad health and has already been in prison 15 days.

6. The statement by ZOLI is in contrast with that in the second paragraph of General INVERNIZZI's letter.

7. The record is being retained here pending receipt of any instructions the Chief Commissioner may wish to give.

8. It is suggested that no grounds exist for treating this case in any way differently from any other case of a similar type and that it should be returned to Emilia Region for review in the normal way.

1 Campbell

for W.E. BEHRENS,
Colonel,

Deputy Chief Legal Advisor.

0946

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

785016

FROM : No. 1296

TO : No. 1416

13

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

4083/1

(1416)

File Ref:

RVIII/19/3008.

Date:

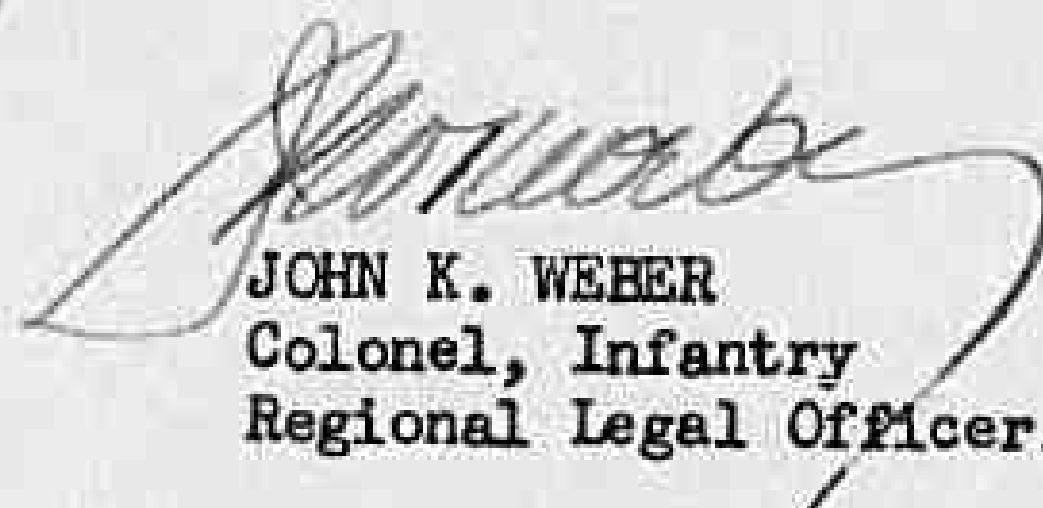
27 February 45

SUBJECT: Cases of CANTONI Guido etal.

TO : LEGAL SUB-COMMISSION, HEADQUARTERS AC.

1. The enclosed cases are sent to your office for review, in conformity with Article 32, Section 3 (a)(1) Consolidated Instructions.

2. These cases have been ^{twice} returned to the trial Judge for correction. It is regretted that too much time has been consumed in getting the records to reflect the facts for review. The policy of requiring records to conform to Consolidated Instructions has been progressing very satisfactorily, however.


JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer.

file
4083

(1415)

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Ref : RIX/LE/668/140

WHI/dsh.
27 February 1945.

SUBJECT : Record of Trial (VALLINI Adolfo and BURATTI Ercole).

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

1. Forwarded herewith Form No. 8, notes of evidence and exhibits in above cases, tried at Cesena on 24-27 January 1945.

2. In view of the evidence produced at the trial as to the accused's mental condition, I have had him examined by a qualified medical officer and his report is attached.

3. No petitions for review have been received in these cases.

For the Regional Commissioner:

*W H Levit*WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional legal Officer.

Encls. as above.

X5

(1418)

26/2/45

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : RZ/LTG/2/6150

SUBJECT: Case record(s) forwarded for review.

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

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

No application for review of sentence has been received.

FAM/Sun/212/DE L'ELISI, Guterma

213 CAROZZINI, Marco

214. DE PALO, Paolo

215 MARTELLI, Gianni

by ~~BRASCO, Stefano~~ ~~other~~

220 NTRANNOVO, Giovanni

221 CHIMANNO, Michele

222 ARGENTIERI, Francesco

224 VIOLANTE, Emilio

E 11

FARI/Sun/212/ DE L'ELISI, Guterma
 213 CAROZZINI, Mario
 214 DE PALO, Nealia
 215 MARTELLI, Giovanni
~~216 BASSANO, Leonardo~~
 220 NTRANUOVO, Giovanni
 221 CHIMANUO, Michele
 222 ARGENTIERI, Francesco
 224 UOLANTE, Emilio
 BARI/S/136 DE FILIPPIS, Michele.

113

T. A. Boyd-Carpenter
 Major, L.C.,
 Apulia & Calabria

(1413)

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

28 February 1945

SUBJECT: Case of GIGLIO Gennaro di Raffaele.

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

1. Attached hereto is record in the case of the above subject. In this case more than 30 days have expired and the accused was sentenced to 3 years imprisonment. Same is forwarded to your HQ for review.

For the Regional Commissioner:

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Relation Section	
CL RK3	
1 MAR 1945	

L. F. Dawson
L.F. DAWSON, By *E. T. Ken*
Lt.Col., G.L., *major*
Reg.Chief Legal Officer. 118

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

27 February 1945. /mt.

SUBJECT : Application for Review - TERNI Renato.

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

1. Returned herewith is the application for Review presented on behalf of TERNI Renato.

2. Although this case had already been reviewed and affirmed at this HQ prior to receiving this application, the facts of the case were fresh in the mind of the reviewing officer and hence it was not necessary to call back the record.

3. The application raises no question which was not considered both at the trial and on review. Conviction and sentence as affirmed must therefore stand.

4. Please attach this application to the record of the case.

By command of Rear Admiral STONE:

W. H. E. BEHRENS, Jr. Col.
Colonel,
Deputy Chief Legal Advisor

117

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(H)

/mt.
27 February 1945.

AC/4083/1/L.

SUBJECT : Record of case - CATULLO Arturo et al.
TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. With reference to your RVIII/19/3008 of 24 Feb 45 forwarding the request made by the lawyer of the above named for a copy of the record of this case.

2. Since this case was affirmed on review there can be no purpose in re-opening the matter unless it can be shown that there is now available some new evidence directly bearing on the case, which was not brought out at the trial and which would have influenced either the decision or the sentence of the court.

3. Unless and until you are satisfied on this point the record of the case cannot be made available to the lawyer simply to enable him to present fresh arguments on the original facts and evidence.

By command of Rear Admiral STONE:

3 Encls: letter of E. Paul Yaselli
Letter from Avv. Arrighi
to Major Glenn
Copies of above

W. E. Behrens
W. E. BEHRENS, LT Col
Colonel,
Deputy Chief Legal Advisor.

116

4083/1

23/2/45

ALLIED COMMISSION
LEGAL OFFICE
EARI

REF : BZ/LUG/2/6150

SUBJECT: Case record(s) forwarded for Review.

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

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

No application for review of sentence has been received.

BARIS/5/132 NICOLI, Emanuel
BARIS/5/107 MATTEA, Renato and others
BARIS/5/193 PIPANO, Carlo
194. LOSITO, Michele
195. DI MATTEO, Severo
196. CACUARELLO, Franco
197. ATTOLICO, Giovanni
199. LAPISA, Michele
200. COLCERANO, Corrado & others
201. COCE, Nicola

100/5/107 MATTEA, Mariano and others
 100/5/107 PIPANO, Carlo
 100/5/107 LOSITO, Michele
 100/5/107 DI MATTEO, Saverio
 100/5/107 CAUARELLO, Francesco
 100/5/107 ATTOLICO, Giovanni
 100/5/107 LAPISA, Michele
 100/5/107 COLCERANO, Carmelo & others
 100/5/107 CIOCE, Nicola

112

T. Boyd-Carpenter
 J.A. BOYD-CARPENTER
 Major, U.S.A.
 Apulia & Calabria

28 FEB 1945

45/

40831
7409
ALLIED COMMISSION
LEGAL OFFICE
/BARI

24 Feb 45

Ref: 322/Sum/Ba/182/Sum/Ba

Subject:- Application for review of sentence

To :- C.L.A., Legal Sub-Commission
Hqs Allied Commission

1. Forwarded herewith is application for review of sentence submitted by RICCI, Nicola fu Giovanni together with record in his case.
2. It is pointed out that accused plea of Guilty is inconsistent with grounds now raised on application.
3. As accused was represented by an advocate with the biggest practice before the A.M. Courts in BARI, it is improbable that this plea was due to any misapprehensions as to effect of a plea of Guilty. Having regard to quantity of articles involved it is submitted that sentence is a proper one and should stand.
4. Also forwarded is application for review of sentence by GIORDANO Giuseppe, together with record in his case.
5. It is pointed out that application is misleading in that 9 pre of hose-tops were also involved in case. It is submitted that sentence is a proper one and should stand.

28 FEB 1945

J.A. Boyd-Carpenter
Major LO,
Apulia & Calabria

JABC/im

ALLIED COMMISSION
LEGAL OFFICE
BARI

24/2/99

REF : BZ/1004/2/6150

SUBJECT: Case record(s) forwarded for Review.

TO : C.L.C., 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/5/134. Bot, Canelle

BARI/5/135 BENNETT, Francesco & allies

BARI/5/203 COPRAVE, Nicola & allies

204. BRUNETTI, Angelo

205. USPO, Tommaso and allies.

206. MONTERISI, Lucilla

207. D'AGOSTINO, Canelle.

208. GIANNI CARL, Canelle & allies

209. GAGLIARDI, Anna.

BARI/5/134. ROT, Carmello
 BARI/5/135 BENEDETTO, Francesco & wife
 BARI/5/203 CORRADI, Maria & wife
 204. BRUNETTI, Angelo
 205. VISPO, Tommaso and wife.
 206. MONTERISI, Lucilio
 207. D'AGOSTINO, Carmelo.
 208. GIANNICARRE, Carmelo & wife II.
 209. GAGLIARDI, Anna.

J A Ryck-lyth

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

23 FEB 1945

23

40831
4082/23
ALLIED COMMISSION
LEGAL OFFICE
BARI

1407
24 Feb 45

Ref : BI/S/28

Subject : Application for review of sentence.

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

1. Forwarded herewith are applications for review of sentence by NASCA, Giovanni and CASSANO, Antonio, together with record in case of these men and 5 others with whom they were tried.
2. Application are simply appeals for leniency, but it is considered that the sentences are on the high side and should be reduced.
3. As Trial Judge is NOT now at this HQs it has NOT been possible to obtain his comments.

JABC/gv

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

112

28 FEB 1945

HEADQUARTERS ALLIED COMMISSION
APO 394-4
LEGAL SUB-COMMISSION

/rm.

AC/4083/1/L.

27 Feb. 45

SUBJECT : Case of PROVVEDI Vasco, FIORELLI Silvio, FOMI A.
NUTTI Bino and MARCONI Carlo.

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

1. The writer has perused the record in this case and has concluded that the sentence imposed was inevitably influenced by a perusal of the confessions of the accused.

This is clearly indicated by the remarks of the trial judge endorsed on the record and the sentence imposed.

2. The charge of possession of fire arms alone could not possible justify the extremely heavy sentence and the first consideration was that the same must be drastically reduced.

3. It is not clear from the record why the prosecution asked to have the second charge withdrawn or indeed, why the Court becoming aware of the contents of the confessions did not order a hearing on the second charge.

4. The writer discussed this situation with Colonel BEHRENS Deputy Chief Legal Advisor who, it appears, was in Court when this case was heard. The result, as Colonel BEHRENS has instructed, a new trials if possible on both charges before a different superior Court judge.

5. Colonel BEHRENS further instructs that if it is determined that the second charge ought not to be proceeded with by reason of the confessions not being admissible as evidence and no other proper evidence available then under no account are the confessions to be brought to the knowledge of the trial judge in considering sentence in the first charge.

6. The entire record is returned for the use of the prosecutor.

By command of Rear Admiral STONE:

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

(14011)

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
26 February 1945.

AC/4083/1/L.

SUBJECT : Case of NEBBIA Aldo.

TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHE Region.

1. Lt. Col. Welsford has visited this sub-commission and has requested that in view of certain information now in his possession, the case of NEBBIA Aldo be re-reviewed.

2. NEBBIA was sentenced to three years imprisonment on the 23rd March at Chieti, that in 8th Army territory, for offences against Sections 20 and 45 of Procl. 2. The case was reviewed by Col. R. H. Wilmer on the 24th May 1944.

3. Please forward record for review.

By command of Rear Admiral STONE:

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

BF.
19 mar.

XS

109

HEADQUARTERS VIII LEGAL OFFICE NO. 5472
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

(1403)

FL/1

14 February 1945

SUBJECT : Reviews

TO : R.I.O. HQ., AMG, Toscana Region

I enclose herewith applications for review filed
on behalf of the following:

TERNI RENATO ✓ R5492
MICHELBUCCI Alberto

Henry L. Glenn
HENRY L. GLENN, Major, JAGD.,
Legal Officer for the Province
and City of Florence

HLC/FV

Encl.

21 February 1945

1st Ind.

RVIII/19/3008

Regional Legal Officer - Toscana Region.

TO: Headquarters Allied Commission - Chief Legal Advisor.

1. Application for Review TERNI Renato, herewith
forwarded.

HEADQUARTERS ALLIED COMMISSION

CLO

CLO

CLO

CLO

CLO

CLO

25 FEB 1945

John K. Weber
JOHN K. WEBER

Colonel Infantry

Regional Legal Officer

HEADQUARTERS

108

File

11

ALLIED COMMISSION
LEGAL OFFICE
BARI

22/2/45

REF : BA/LEG/2/6150

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 50 days from date of trial are record(s) in undermentioned case(s).

No application for review of sentence has been received.

BAR/5/129	ARDINO, Pasquale	BAR/5/177	AMENDOLA, Luigi
BAR/5/131	STRAMBELLI, Gaetano	178	CASORSA, Nicola
PITONTO/5/21	G/ACOMANDONIA, Mario	179	LALARIA, Angelo
BAR/5/165	MERCOLE DISANTO, ^{Mario} & others	181	GIANFRANCO, ^{Mario} & others
166	TERLUZZI, Nello	184	DI MONTE, ^{Antonio} & others
167	DANIELE, Gaetano	186	SANUSCINO, Ubaldo
168	DI TORI, Raffaele	187	DI FORTE, Nicola
169	GRIELLO, Luigi	188	MORSA, Raffaele
170	MASTRANTONIO, Nello	189	MIGLIANO, Gaetano
171	VENASTRO, Nello	190	SCAGLIARINI, Gaetano
172	MACINA, Mario	PITONTO/5/22	DI SCORSA, ^{Angelo} & others
173	RADICCHIO, Emilio		
174	BILENZA, Achille		

BARI/5/129 ARDINO, Piersi BARI/5/177 AMENIOLA, Luigi
 BARI/5/131 STRAMBELLI, Gianni 178 CASORSA, Nino
 BERTONTO/5/21 G/ACOMANNOVA, Mario 179 LALABIA, Angelo
 BARI/5/165 MERCOLE DISANTO, ad all. 181 GIANNI, Mario
 166 TERLUZZI, Nello 184 DI MONTE, Franco
 167 DANIELE, Gianni 186 SANUSOLINO, Udo
 168 DI TORI, Raffaele 187 DI FORTE, Nicola
 169 GRIELLO, Luigi 188 MOSCA, Pasquale
 170 MASTRANTONIO, Nello 189 MIGLIANO, Carlo
 171 VENASTRO, Nello 190 SCAGLIARINI, Carlo
 172 MACINA, Maria BERTONTO/5/22 DI SCOSTA, Angelo
 173 RADICCHIO, Emilio d. 2 all. 191
 174 BRIENZA, Antonio
 175 LOROSSO, Paolo
 176 ROCE, Nello

T. H. Ryndel-14/10
 J. A. BOYLE-CAMPBELL
 Major, L.C.,
 Apulia & Calabria

25/

0/4083/1

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

L-3028

22 February 1945

SUBJECT: Case of APONTE Claudio et al.

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

1. Your letter, reference number AC/4083/1/1,
19 February 1945, refers.

2. In accordance with your instructions, the
decisions taken with respect to APONTE Claudio and
CARDILLO Nunzia have been acted upon.

3. That concerning the reduction of sentence
has also been duly noted.

4. The other convictions and sentences are to
stand.

For the Regional Commissioner:

LEGAL SUB-COMMISSION
CIO
DELO
ETH/ptv Chief Counsel
CIO
Italian Section
CLERKS
24 FEB 1945

for *Carl G. Mason, 1st Lt AC*
L.E. DARTON,
Lt.Col., G.I.,
Reg.Chief Legal Officer.

100

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

WGE/ap.
23 February 1945.

SUBJECT : Case of IACOMINI Luigi et al.

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

1. This case has been reviewed and it is clear that there is no evidence to support a conviction against any of the accused.

2. The only suggestion of evidence is that of Sgt. THOMPSON which is hearsay of a secondary nature detailing oral statements allegedly made by IBELLO, not under oath, concerning alleged conspirators who are the accused. IBELLO; for the prosecution, under oath repudiates having made them and all accused deny complicity or guilt.

3. In addition to the foregoing it is pointed out that the witness IBELLO would be an accomplice of the accused and that there is no corroboration implicating these accused. See Art. 22 Sec 3 (c).

4. The result therefore will be that the conviction and sentence against each and all accused are quashed.

By command of Rear Admiral STONE:

18-4-8
W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor.

1332

fill

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/1.

WGB/pa.
23 Feb 45.

SUBJECT : Records of Cases.

TO : Regional Commissioners (Attn: R.I.Os.) , ~~ABRUZZO, MARCHE,~~
TOSCANA, ~~EMILIA,~~ ~~LIIGERIA,~~ ~~PIEMONTE,~~ ~~LOMBARDIA,~~ and
~~VENETIA~~ Regions.

1. The Chief Commissioner has directed that all records of cases where the death penalty is imposed must be type-written.

2. The Legal Sub-Commission is prepared to undertake this work but to avoid unnecessary delay such records should be submitted at once without waiting for the termination of the 30 day period for filing petitions for Review.

3. The rule laid down in Consolidated Instructions remains unaffected in regard to all other cases.

By Command of Rear Admiral STONE :

W. E. Richards
W. E. RICHARDS, Lt Col
Colonel,
Deputy Chief Legal Advisor.

X/3

file 0

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1398)

AC/4083/1/L.

WGB/pa.
23 Feb 45.

SUBJECT : General Court Case Record.

TO : Regional Commissioner, ABRUZZI-MARCHE Region.
(Attn: Regional Legal Officer)

Returned herewith is the record of the case of MORRESI Giuseppe
acquitted by a General Court at Macerata on 12 Feb 45.

By command of Rear Admiral STONE :

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

Incl. : 1 record.

NR

103

15

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref:

RVm/19/3008

Date: 19 February 45

SUBJECT: Case of FENI Alessandro.

TO : LEGAL SUB-COMMISSION, HEADQUARTERS, AG.

1. Under 'Consolidated Instructions', Article 32, Section 3, the records enclosed are sent to your office for review.

2. A record is kept by this office of outstanding suspended sentences in Toscana Region. Each new case undergoes a routine check against such record. In the case of FENI, Alessandro, it appears that he is under a prior suspended sentence issued in Case No. 1510. It will be observed that in each case, the name of the accused, his age, and the town of residence is the same, though the street address is different. We enclose the complete record of Case 1510, and ask that it be returned to us when it has served its purpose.

John K. Weser
JOHN K. WESER,
Colonel, Infantry
Regional Legal Officer.

LEGAL SUB-COMMISSION	
CIO	
OCIO	
Chief Counsel	
CIO	10
Section - Section	
CLERKS	
23 FEB 1945	

4083/1 ✓
96
ALLIED COMMISSION
LEGAL OFFICE
BARI

Ref : BA/SUM/256

19 Feb 45

Subject : Application for review of sentence✓

To : C.L.A. Legal Sub Commission HQ Allied Commission.

1. Forwarded herewith is application for review of sentence by RUGGIERO Michele, together with record in his case.
2. Although stated on Form 11 to have been tried by Capt. Christians, accused was in fact tried by Maj. Setton. As latter officer is no longer in this theatre of operations, it has NOT been possible to obtain his comments.
3. It is considered that sentence is ⁱⁿ every way a proper one, and should stand.

J.A. Boyd-Carpenter
J.A. BOYD-CARPENTER
Major LO
Apulia & Calabria.

ALLIED COMMISSION
LEGAL OFFICE
BARI

17/2/45

1395

REP: BZ/LEC/2/6150

SUBJECT: Case record(s) forwarded for review.

TO : C.I.A., 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/Sun/152.

UNCERIA, Maykenda

BARI/Sun/153

LA PRESSA, Ambroliu

SUB COMMISSION

C.O.

1530

Chief Counsel

No application for review of sentence has been received.

BAR/Sun/152. UACERIA, Maryland
 BAR/Sun/153 LA PRESA, Antioquia, Colombia

JAIL SUB COMMISSION	
C.O.	/
C.O.	/
Chief Counsel	/
C.O.	/
Italian Section	/
CLERKS	/
SEP 1945	

100

J. A. Boyd-Carpenter

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

CP

ALLIED COMMISSION
LEGAL OFFICE
BARI

1394

Ref : BA/SUM/299

17.2.45

Subject: Application for review of sentence.

To : C.L.A. Legal Sub Commission, HQe
Allied Commission.

1. Forwarded herewith is application for review of sentence by SCHREIER, Paolo, together with record in his case.
2. Accused would appear to have been fortunate that he was NOT charged with theft and even under Art 712 having regard to quantity of property in question the sentence is a lenient one.
3. It is submitted that conviction and sentence should stand.

LEGAL SUB COMMISSION
CLO
CCLO
Chief Counsel
CLO
Italian Section
CL RKS
21 FEB 1945

JABC/ee

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

XJ

11083/1. ✓
**ALLIED COMMISSION
 LEGAL OFFICE
 BARI**

1393

Ref : BA/S/164

18 Feb 45

Subject : Case of Martire, Pietro di Giovanni.

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

1. Above case is forwarded for review for the following reasons.
2. It is NOT considered that conviction is satisfactory. Evidence amounts merely to suspicious behavior on neighbourhood of petrol dump, and there does NOT appear to be any evidence of acts " unequivocally adopted and directed " to commission of the offence, such as are required by Article 56.
3. Further accused, on oath, gave a plausible explanation of his presence near the dump.
4. In the circumstances, though the case is NOT ^{FREE FROM} ~~brief~~ suspicion, it is recommended that conviction be quashed.

LEGAL SUB COMMISSION

CLO

DOLO

Chief Counsel

CLO

Hofen Section

CL RKS

21 FEB 1945

J.A. Boyd-Carpenter
J.A. BOYD-CARPENTER
 Major LO
 Apulia & Calabria.

JABC/ee

98

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : B3/TMG/2/6150

SUBJECT: Case record(s) forwarded for review.

TO : C.L.A., Legal Sub-Commission, HQS
Allied Commission

1. Forwarded herewith for review on expiry of 90 days from date of trial are record(s) in undermentioned case(s).

No application for review of sentence has been received.

BARI/Sum/155.	OTTOMANO, Porzella
BARI/Sum/156	TER ENZIO, Porzella
BARI/Sum/157	PARTIPILO, Netteo
BARI/Sum/158	GRAMMATICO, Angelo & 2 others
BARI/Sum/159	PIZZONIO, Antonio
BARI/Sum/160	FACCILONGO, Michele

LEGAL SUB COMMISSION

BARI/Sun/155. OTTOMANO, Pasquale
 BARI/Sun/156 TER ENZIO, Pasquale
 BARI/Sun/157 PARTIPILO, Matteo
 BARI/Sun/158 GIAMMATI, Angelo & 2 others
 BARI/Sun/159 PIZZONIO, Antonio
 BARI/Sun/160 FACCI LONGO, Michele

LEGAL SUBCOMMISSION	
CLO	/
DCLO	/
Chief Counsel	/
CJO	/
Religion - Section	/
CL RKS	/
21 FEB 1945	

J.A. Boyd-Lth

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

ATTORNEY GENERAL
LEGAL OFFICE
BARI

19/2/43

1391

REF: BARI/100/2/0150

SUBJECT: Case record(s) forwarded for review.

TO : C.L.A., Legal Sub-Commission, HQS
Allied Commission

1. Forwarded herewith for review to comply or to date from date of trial are record(s) in unmentioned case(s).

No application for review of sentence has been received.

BARI/5/128 ACQUINIA, Gennaro M. & others

BARI/5/154 GRANECA, Pergande

BARI/5/161 CIANPA, Felice

BARI/5/163 BASILE, Luca

BARI/5/164 DI GARRO, Terence

LEGAL SUB-COMMISSION

CIO

BARI/5/128 ACQUINUA, GRACIOSA, PERQUALE
 BARI/5/154 GRANEGNA, PERQUALE
 BARI/5/161 CIANPA, FELICIA
 BARI/5/163 BASILE, CURA
 BARI/5/164 DI GIARRO, TERESA

LEGAL SUBCOMMISSION	
CLO	
CLIO	
Chief Counsel	
(C.D.)	
Section Section	
CL RKS	
21 FEB 1945	

TFB-1-11/15

J.A. ROY-CAPITAN
 Major, L.O.,
 Apulia & Calabria

X +

1390

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mt.
20 February 1945.

AC/4086/8/L.

SUBJECT : Trial of Italian soldiers by AMG Courts.
TO : Regional Commissioner (Attn: Regional Legal Officer),
ABRUZZI-MARCHE Region.

In reply to your letter R5/511/14/AMC of 19 Feb 1945, it is considered by this HQ that the case of CINA Rosario should be tried before an AMG Court.

By command of Rear Admiral STONE:

W. E. Behrens
W. E. BEHRENS, Lt Col. 95
Colonel,
Deputy Chief Legal Advisor.

Copy to file AC/4083/1. ✓

85

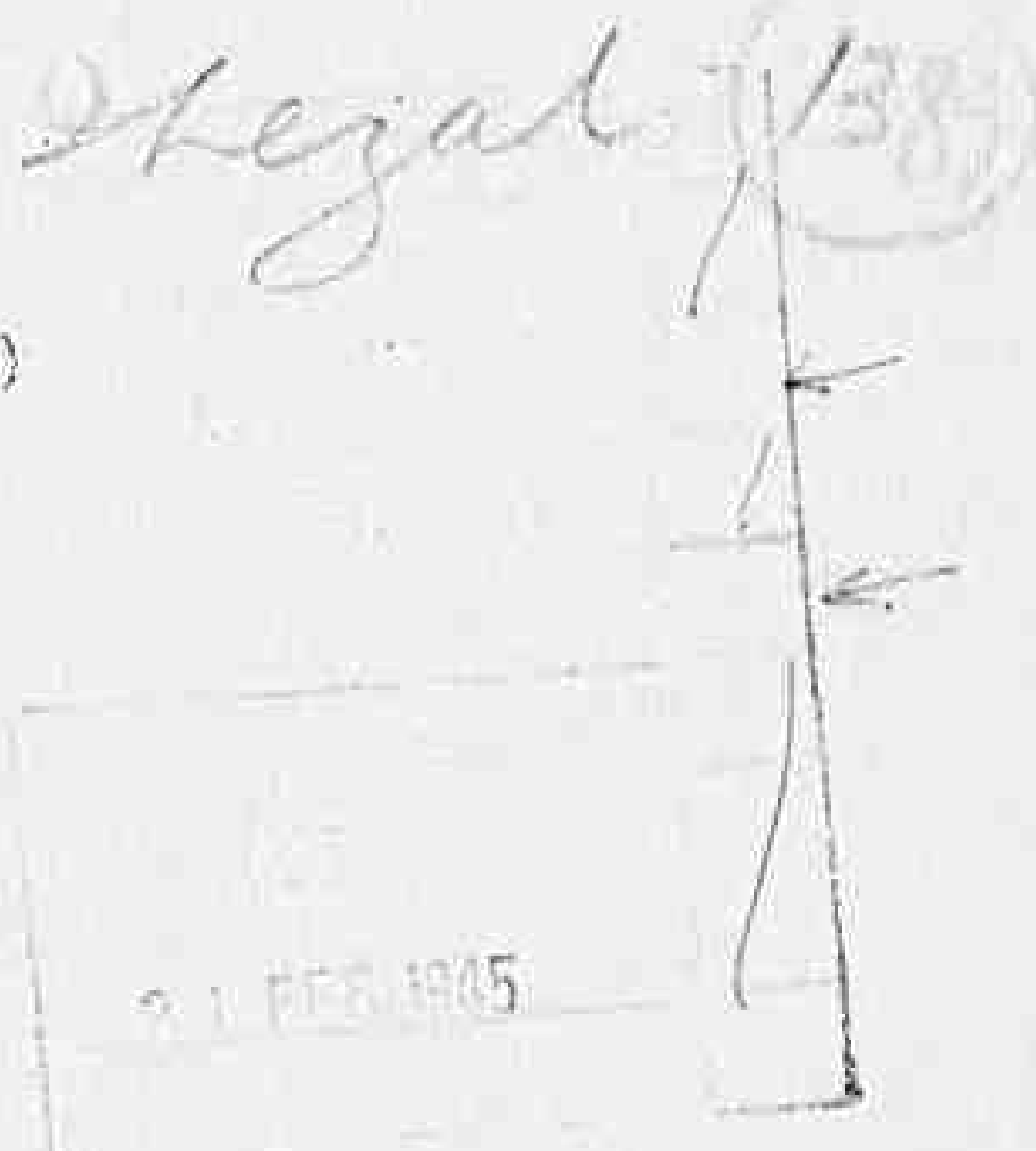
TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ NAC/AC ABRUZZI MARCHE REGION

SUBJECT : General Court Case

REF. : R5/511/14/M

DATE : 20 Feb. '45



1. Herewith Record in General Court Case of MORRESI Giuseppe for review.
2. The trial took place at Macerata on 10 and 12 Feb. '45. Col. Behrens presided. Accused was found ~~guilty~~ Not Guilty.

For the Regional Commissioner



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

1981

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMC/AC ABRUZZI MARCHE REGION

SUBJECT : Petitions for Review

REF. : R5/511/14/AP

DATE : 19 Feb. '45

✓

4083/1

Herewith Record and Application for review in the following Superior Court Case :

AP/Sup/106/80

{ANGELINI} MARINUCCI Augusto
GASPARI Nazzeno

For the Regional Commissioner



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

R. G. S. Alexander

1774

1387

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4083/1/L.

19 February 1945.

Subject: Case of APONTE Claudio et al.

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

1. This case has now been reviewed and the following decisions reached in respect to the undermentioned accused.

2. There is no direct evidence against the accused APONTE, Claudio except statements of LELLI and PANZA. The former under oath repudiated his statement while the latter in his evidence made no reference to APONTE. There is the danger that the implication arose from APONTE accompanying BERTONI to restaurant which was explained both at the trial in statement by APONTE. APONTE at trial and in statement denies all guilt. On such evidence it would be unsafe to convict, and accordingly the conviction and sentence against this accused is quashed.

3. In the case CARDILLO, Nunzia it is not considered that she in her statement made any confession of guilt, any interpretation so construed in the former part of her statement is clarified by her evidence at trial when she thought it was by posting bail at 400 lire per day and her emphatic assertion in the statement that she did not know Servillo was using false orders. Her entire conduct is as consistent with innocence as guilt. This conviction and sentence will be quashed.

4. The accused ^{LELLI, ALDO} ~~BARRA~~ Luigi was sentenced to 5 years. This is felt to be too severe and quite out of alignment with others of greater guilt. This accused is not yet 20 and his offence was his agreement to accept 2,000 lire hush money which in fact was never paid. He did no other overt act and made no attempt to participate further. Accordingly his sentence will be reduced to 2 years.

5. In the case of PANZA his sentence will be reduced to 3 years in conformity to others imposed in this case.

X5

- 2 -

6. All other convictions and sentences are affirmed.

7. Might the necessary action be taken to carry into effect this revision and this Headquarters advised please.

By Command of Rear Admiral STONE:

W. E. Behrens
for W. E. BEHRENS, Lt Col.
Colonel,
Deputy Chief Legal Adviser.

BF
6 mar 44

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4086/8/L.

WEB/pa.
19 Feb 45.

SUBJECT : Case of CERQUONI Umberto.

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

1. Reference your RVIII/19/3000 of 13 February 1945 the accused in this case was apparently dealing in counterfeit currency.

2. I do not consider 18 months excessive for this offence and I feel sure that any Italian Military Court would have inflicted a penalty at least as severe.

3. In these circumstances I am of opinion that the case should be affirmed. I do not consider that it is necessary or even desirable to waste time and trouble in referring the case to the Italian Military Courts, more particularly as the accused appears to have become a deserter and may therefore have been struck off strength. In any case his offence cannot have been even remotely connected with his service.

4. Thank you for drawing the case to my attention.

By command of Rear Admiral STONE :

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

Copy to : AC/4083/1/L.

HEA QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ra.

AC/4083/1/L.

19 Feb. 1945.

SUBJECT : Case of BELILACQUA Giuseppe.

TO : Allied Commission, (attn. Legal Officer)
Bari Zone.

1. Returned herewith is the application for review
on behalf of BELILACQUA Giuseppe.

2. Sentence in this case have already been reduced
to 2 months reclusionione and this application puts forward
no reasons for any further action in this matter.

3. Please attach this petition to the record of the
case.

By command of Rear Admiral STONE:

W.E. Behrens
for. W.E. BEHRENS, Lt. Col.
Colonel,
Deputy Chief Legal Advisor.

NR

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF: BZ/LMG/2/0150

SUBJECT: Case record(s) Forwarded for review.

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

16/2/45

1382

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

No application for review of sentence has been received.

BARI/S/123.	SATALINO, Salvatore
BARI/Sun/145.	GRIELLI, Ferruccio
BARI/Sun/146	FORZA, Francesco
BARI/Sun/147	FLORE, Francesco
BARI/Sun/148	D'ALBA, Tomaso
BARI/Sun/149	BENEDETTO, Nicola
BARI/Sun/150	MASTRANTONIO, Cotroneo x 2 others

MAR 15 / 1943. MARINO, ...

BARI/Sm / 145. GRILLI, Ferrante
 BARI/Sm / 146. FORZA, Francesco
 BARI/Sm / 147. FLORE, Francesco
 BARI/Sm / 148. D'ALBA, Tomaso
 BARI/Sm / 149. BENEDETTO, Nicola
 BARI/Sm / 150. MASTRATO, Vito, Cotrone & 2 others

34

J. A. Boyd-Carter

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

15

ALLIED COMMISSION
LEGAL OFFICE
BARI

4083/f

1381

REF : Ba/Sum/192

16 Feb 45

SUBJECT : Case of IACOVANGELO, Grazia.

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

1. Forwarded herewith is application for review of sentence of IACOVANGELO, Grazia together with record in her case.
2. It will be noted that with the exception of the telephone, case raised on application is inconsistent with story told by her at the trial.
3. Having regard to amount of property involved it is submitted that sentence is a proper one, and should stand.

JABC/mk

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

4083/1 ✓

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

1380

17 February 1945

SUBJECT: Case of IACOMINI Luigi et al.

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

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

For the Regional Commissioner:

file

L. F. Dawson.

ETK/pv

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

138

XJ

1379

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4083/1

19 February 1945

Subject: Statement of Pfc Farrell.

To : Regional Commissioner, Attn: Regional Legal Officer,
Bari Zone.

1. Returned herewith is a statement forwarded presumably
in error to this H.Q. with records for review.

By Command of Rear Admiral STONE:

1 Incl: Statement of Farrell

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

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrb

AG/4083/1

16 February 1945

Subject: Case of VERNOLA Nicole, ELIFANI Giuseppe and
ISAIA Enrico.

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

1. This case has occasioned considerable concern to the officer reviewing not only as to the legality of the conviction, the sentences imposed but more important the method and means employed to procure the conviction.

2. In the summary of judgment the trial judge at page 42 expressed the opinion that he ought not to accept the evidence of De Fulvio unless it was corroborated. For such corroboration he looked to the evidence of Cpl. Young. The evidence given by this witness did not amount to corroboration see Roscoes Cr. Evidence 15 edition page 120-1 under heading "Former statements confirming ones own witness". It reads in part "such evidence is now generally inadmissible either on direct examination to confirm his testimony or on re-examination to re-establish his credit when impeached by proof of a previous contradictory statement".

3. The finding of the court then brings us to the position that the evidence of the witness Vernola will have to be accepted as what occurred at the initial meeting between De Fulvio and this accused. This then reduces the situation to the point that De Fulvio and later Sgt. Neumayer were agents provocateurs see article 24, page 61 Consolidated Instructions.

4. It is considered that methods adopted to bring convictions such as was done in this case should be discouraged to the greatest possible degree and such was the opinion of the higher authorities who enacted the above article 24 which inter alia provides that a court will always scrutinize the evidence in such cases with special care and will be very reluctant to convict on such cases even if the facts appear to be proved.

- 2 -

5. This trial has been conducted by the trial judge with every consideration and in a painstakingly efficient manner involving a great deal of time and thought. While the circumstances would lead to the almost conclusive belief of the guilt of all accused, yet, there is despite all circumstances the slight possibility of innocence, particularly in view of what the trial judge had to say as to the evidence of De Fulvio.

6. Under all the circumstances, but with the greatest reluctance it is felt that the convictions registered against the accused VERNOLA and ELIFANI in this case, for the reasons among others, above stated, should be, and the same are hereby quashed.

7. For similar reasons, notwithstanding his plea of guilt on charge 4 by the accused ISAIA, this conviction and sentence is quashed as it was a part of the general transaction. The conviction and sentence on charge 2 is quashed. The conviction on charges 3 and 5 are confirmed but the sentences are varied to read 5,000 lire and in default 50 days imprisonment and a fine of 50,000 lire and in default of payment one years' imprisonment respectively. The goods ordered forfeited to be returned to the accused.

By Command of Rear Admiral STONE;

W. E. BEHERNS, Atty.
Colonel,
Deputy Chief Legal Adviser.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ra.

AG/497/1/L.

17 Feb. 1945.

SUBJECT : Cases of BIAGGIOTTI Astensio and
SERRESI Francesco.

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

1. On review of this case the following points have arisen and your attention is drawn to the same.

2. The evidence and indeed the admissions made by each of the accused justifies their conviction of both on the first charge.

3. There is no evidence to support the second charge as against either accused. Any use to which the truck was put was in furtherance of the agreement made with the driver and acquiesced in by him and the truck was still in the driver's possession and under his control. The circumstances here are not within the contemplation of the Section mentioned. In any event the use to which the truck was put flows from and is the natural sequence and part of charge number three.

4. In respect to charge 3 there is not the slightest evidence that the accused, SERRESI, negotiated with or offered any money or other consideration to or was in any way a party to the transaction with the driver for the use of the truck. This was solely the transaction of the accused BIAGGIOTTI. There is no evidence to show that SERRESI was even present at the time the agreement was made.

8.

5. The result must therefore be as follows:-

- (1) a. The conviction against both accused on charge 1, will be affirmed.
- b. The sentence against accused SERRESI

will be attended to remit the fine and term of imprisonment in default of payment. The sentence and fine on the accused BIASCHIOTTI is affirmed.

- (2) The conviction and sentence under charge two is quashed as against both accused for reason stated in paragraph 3 of this letter.
- (3) The conviction and sentence as against the accused DIAGGIOTTI is affirmed but the conviction and sentence against the accused SPERDI, for the reasons given in paragraph 4 are quashed.

6. By the necessary steps to comply with the result of this revision be taken and this Headquarters advised, please.

By command of Rear Admiral STONE:

~~BA-6 May~~
~~10~~

W. G. Egan.
W. G. Egan, Lt Col.
Colonel.
Deputy Chief Legal Advisor.

4083
✓
ALLIED COMMISSION
LEGAL OFFICE
BARI

1376

REF : Bi/S/31

15 Feb 45

SUBJECT : Case of CRISTOFLO Virgilio.

TO : C.I.A., Legal Sub-Commission,
HQs Allied Commission

1. Forwarded herewith is application for review of sentence by CRISTOFLO Virgilio together with record in his case.
2. The evidence connecting accused with the articles found in the truck is somewhat tenuous, and was disputed by accused on oath. The experienced Trial Judge, however, came to the conclusion that accused was guilty, and it is submitted that evidence as recorded is sufficient to justify conviction.
3. The sentence is on the severe side and it is suggested be reduced.

JABC/mk

J.A. Boyd-Carpenter
Major, IC,
Apulia & Calabria

4083/1
ALLIED COMMISSION
LEGAL OFFICE
BARI

1375

Ref: BZ/LEG/2/Mo/Sum/21

15 Feb 45

Subject:- Case of MONOPOLO, Vincenzo

To :- C.I.A., Legal Sub-Commission
HQs, Allied Commission

1. Record in case of MONOPOLO, Vincenzo is forwarded for the following reasons.
2. It is considered by this HQs that the sentence is unduly severe, and it is suggested that it be reduced to one of 6 weeks reclusione and fine of 300 lire.

J.A. Boyd-Carpenter
Major LO,
Apulia & Calabria

JANC/1m

x5

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1374

15/2/95

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LG/2/6150

SUBJECT: Case record(s) forwarded for review.

TO : C.L.A., 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.

BIONTO/5/116	QUAGARELLA, Antonio
BARI/5/119.	PETTICO, Udo & another
BARI/5/120	COLAIANNI, Giovanni
BARI/5/130	COLAPETRO, Sebastiano & another
BARI/5/131	VASANELLI, Carmine
BARI/5/133.	SCHERZA, Pasquale
BARI/5/134	GAROFALO, Nicola
BARI/5/135	TENDESCHI, Orlando

BARI/5/136

CUCINIA, P.

Major, U. S.,
 Austin & California

BARI/Sm/139 DI MOLFETTA, Grotte & colla
 BARI/Sm/140 MOSSA, Poggio
 BARI/Sm/141 QUATELA, Torance
 BARI/Sm/143 LAGICIA, Fencharchio
 BARI/Sm/144 DAKUMATI, Grotte & colla

4003/1 1873

ALLIED COMMISSION
LEGAL OFFICE
BARI

14 Feb 45

Ref: BZ/LEG/2/Mo/Sum/4

Subject:- Application for review of sentence

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

1. Forwarded herewith is application for review of sentence by BELILACQUA, Giuseppe.
2. Record was forwarded with this HQs BZ/LEG/2Mo/Sum/4 of 8.2.45.
3. This HQs continues to be of the opinion expressed in above letter that it would be proper to accept Trial Judge's recommendation that sentence imposed by him be reduced to 2 months for reasons given.

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

JABC/im

78

4083/1

1372

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCH E REGION

SUBJECT : Review of cases

REF. : R5/511/14/ANC

DATE : 16 Feb. '45

LANARI, POSSANZINI and CARDELLINI

1. Record, with statement of evidence and exhibits annexed, is enclosed for review by you, the second charges against the first two accused being in respect of breaches of Italian law.

MEKA and BEDIN

The papers in this case are also sent to you for review, as the accused are ~~Yugo-Slavs~~, and the case not without difficulty. There is, it is thought nothing to prevent any Italian from holding and spending British coins or currency of any description as Art. VII Sect. 5 of Proclamation 2 expressly excepts from the restriction thereby imposed the coins and currency described in Art. VI Sect. 1 of that Proclamation.

LEGAL SUB-COMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
Legal Section	
CLERKS	

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

17 FEB 1945

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1371

13/2/45

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LGG/2/6150

SUBJECT: Case record(s) forwarded for Review.

TO : C.L.A., 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/Sm/125	VUCANOVIC, Sumil & 2 others
BARI/Sm/126	MONTI, Oreste
BARI/Sm/127	ZUCCARO, Gaetano
BARI/Sm/128	GAROFALO, Francesco
BARI/Sm/129	ANGELILLO, Domenico

LEGAL SUB-COMMISSION

CLO

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BAR/Sm/125 VOCAMMOUC,
BAR/Sm/126 MONTI, Oreste
BAR/Sm/127 ZUCCARO, Gaetano
BAR/Sm/128 GAROFALO, Francesco
BAR/Sm/129 AUGELLILLO, Domenico

LEGAL SUB-COMMISSION	
CLO	
DOLO	
Chief Counsel	
Section	
1961-1962	

T. Boyd-Carrenter
J.A. BOYD-CARRENTER
Major, L.C.,
Apulia & Calabria

X

4083/1
ALLIED COMMISSION
LEGAL OFFICE
BARI

1370

REF : Ba/Sum/211

13 Feb 45

SUBJECT : Application for review of sentence.

TO : C.L.A., Legal Sub-Commission, HQS Allied
Commission

1. Forwarded herewith are applications for review of sentence by CHIRICO, Pietro and MARCIANO, Edoardo, together with record in case of these two men and of COLAIANNI, Saverio.
2. It is submitted that there was sufficient evidence to justify Court in coming to conclusion that both appellants were guilty as principals in the theft.
3. Thefts of this nature by persons employed at BARI Docks are very prevalent and cause a great deal of loss. It is submitted that the sentences are proper and should stand.

J.A. Boyd-Carpenter

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

JABC/mk

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Clerk	
CJO	
Italian Section	
CLERKS	
RECEIVED	

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41

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
LEGAL SUB-COMMISSION

WGB/esp

AG/4083/1/1.

16 February 1945

SUBJECT : Case of COLALUNNI Antonio
CAMPANA Sabino

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

1. In reply to your letter RVIII/19/3006 of 9 February 1945 and with reference to the above case, any case that results in the conviction of the accused must be reviewed irrespective of the sentences imposed. Your attention is drawn to Consolidated Instructions, Art 32, para 4.
2. In the above case the order confiscating the liquor is clearly wrong. The normal sentence which should be imposed is a fine, the charge being the violation of an order and it is considered that a proper fine would not be in excess of the powers of a summary court and the case therefore should be reviewable by the Regional Commissioner.
3. A new trial cannot be ordered in this case as the accused cannot be tried twice for the same offence or for one like in substance.
4. It would appear that the only manner in which to deal with this case is to confirm the conviction but quash the forfeiture and order that the liquor be returned to the accused.
5. The documents and record of the case are returned herewith.

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

Incl. 1 Record.

1368

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4083/1

15 February 1945

Subject: Application for Review CAMMISA Giambattista.

To : Allied Commission, Attn. Legal Officer, Bari Zone.

1. With reference to your BZ/LEG/2/Ba/S/112 of 8 February 1944 forwarding the above petition, the sentence in this case was suspended on condition that the accused spent one year in a reformatory. This is as you recommended in your letter of 29 January 1945.

2. As the petition advances no reasons to alter the sentence other than the youth of the accused it is not proposed to take any further action on the matter.

3. I return the application for review herewith. Will you please attach it to the record.

By Command of Rear Admiral STONE;

1 Incl: Petition for Review.

W. E. Beherns
W. E. BEHERNS, *for Col*
Colonel,
Deputy Chief Legal Adviser.

HR

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

1367

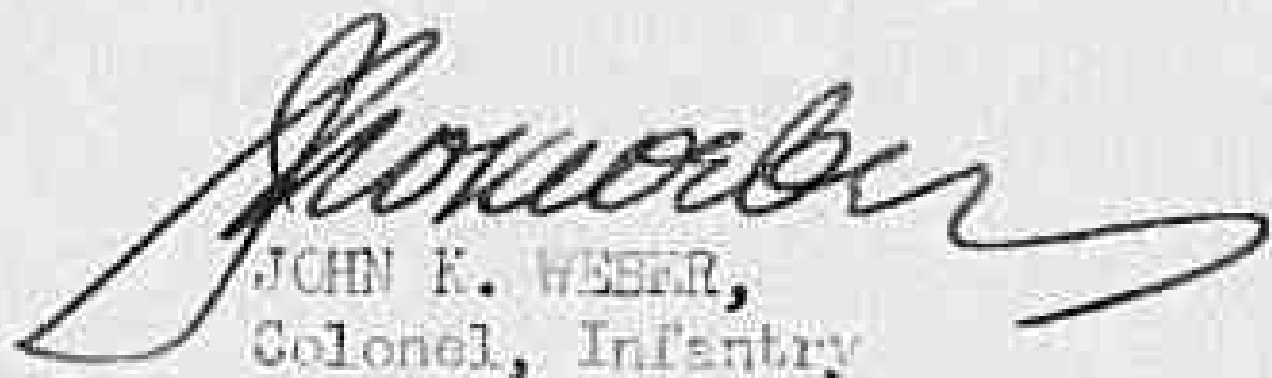
File Ref: RVIII/19/3008

Date: 13 February 1945

SUBJECT: Case of CALATABIANCO Giuseppe and others (5042).

TO : LEGAL SUB-COMMISSION, HEADQUARTERS, ALLIED COMMISSION.

1. Exhibit No. 5 A in the above case is being forwarded
to you under separate cover.


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

See 15/2 16/2/45

ALLIED COMMISSION
LEGAL OFFICE
BARI136
12 Feb 45

Ref: BZ/LEG/2/B1/S/20

Subject:- Application for review of sentence

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

1. Forwarded herewith is application for review of sentence by PAPARELLA, Angelo, together with record in his case.
2. It is submitted that this is a perfectly clear case, in which accused was caught in flagrante at 14 B.A.D. stealing ammunition components and damaging ammunition in the process.
3. So far as sentence is concerned your HQs will recollect that thefts of ammunition and ammunition components at 14 B.A.D. have been matters of serious concern to the military authorities concerned by reason of their operational consequences, and it is submitted that this is precisely the type of case which occasioned the setting up of an A.M. Court at BITONTO.
4. In the circumstances it is considered that the sentence erred on the side of leniency, and should stand.
5. Your HQs AC/4129/6/L of 10.12.44 refer to this case.

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

JABC/im
XJ

72

ALLIED COMMISSION
LEGAL OFFICE
BARI

1363

REF : BZ/LEG/1/Ba/Sum/289

11 Feb 45

SUBJECT : Case of SANTORSOLO, Donato.

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

1. Record in case of SANTORSOLO, Donato is forwarded for following reason:
2. Accused pleaded guilty to "incauto acquisto" of 3 blankets in the following circumstances:
3. He was a civilian driver employed by HQs, A.C., BARI, and purchased the 3 blankets from an American Corporal who was also so employed at the ~~mentioned~~ ^{MATERIAL} time.
4. He was accommodated in the building of A.C. HQs, and Trial Judge states required to find his own bedding.
5. The blankets were found openly displayed on his bed in the A.C., HQs, building.
6. In the circumstances it is submitted that the sentence is unduly severe, and it is suggested that it be reduced to one of one month's arresto.

J.A. Boyd-Carpenter
J.A. BOYD-CARPENTER
Major, I.O.,
Apulia & Calabria

JABC/mk

Red 20

Copy to Captain Christians.

XJ

1010

12/2/95 (1362)

4083 ✓

ATTORNEY GENERAL
LEGAL OFFICE
BARI

REF: BZ/LEG/2/6150

SUBJECT: Case record(s) forwarded for Review.

TO : C.I.A., Legal Sub-Commission, HQs
Allied Commission

L. 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/5/114 CALONE, Emilio RITORIO/5/59 MANCIOTTA, Ignazio
- BARI/5/116 SIGARILE, Saverio RITORIO/5/60 MUNO, Corrado
- BARI/5/117 CASTELLANO, Nicola RITORIO/5/62 DI PAOLO, Gaetano
- CASTELLANO, Emilio RITORIO/5/64 DI CHIO, Raimondo
- BARI/5/117 GAROFALO, Michele RITORIO/5/68 COSTANZIELLO, Nuzzo
- BARI/5/118 LASORSA, Riccardo
- BARI/5/119 STOKER, Saverio & others
- BARI/5/120 GARGANO, Saverio
- BARI/5/121 NASTASOPOREA, Nemesio
- BARI/5/122 CARESSA, Ruffino
- BARI/5/123 ROZZIERI, Delucio & others

101

- BATTAL/16 TONTO, TONTO
- BATTAL/17 TONTO, TONTO
- BATTAL/18 TONTO, TONTO
- BATTAL/19 TONTO, TONTO
- BATTAL/20 TONTO, TONTO
- BATTAL/21 TONTO, TONTO
- BATTAL/22 TONTO, TONTO
- BATTAL/23 TONTO, TONTO
- BATTAL/24 TONTO, TONTO

ABYd-ck

Major, L.S.,
April 8, 1964

1361

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

14 February 1945

SUBJECT: Transmission of Enclosed Documents
relating to review of the sentences.

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

1. Pursuant to appropriate order there are enclosed herewith the documents listed below relating to review of sentences. In each of these cases the accused received more than two years imprisonment.

NAME	COURT	DATE OF TRIAL	DOCUMENT
LEBINA Maria et al,	Sup.Ct.7	11 Jan.45	Form 8
OLIVIERO Luigi "	" " "	12 " 45	Form 8, Appl.
INCARNATO Giovanni	" " "	16 " 45	Form 8
BUONAIUTI Dino	" " "		

For the Regional Commissioner:

ETK/pv

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

4083/1

1360

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

13 Feb. 1945

SUBJECT: Case of IMPARATO Luigi et al, case of
DEL VECCHIO Enrico et al and case of
SPARANO Gaetano and CAPASSO Antonio.

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

1. Reference is made to your three communi-
cations AC/4083/1/L all dated 9 February 1945,
relative to the cases listed in the above subject.

2. These communications have been called to
the attention of the trial judge for his informa-
tion.

For the Regional Commissioner:

ETK/pv

✓
L. F. Dawson
L.F. DAWSON, By C. T. Hein
Lt.Col., G.L., Major
Reg.Chief Legal Officer.

45

1359

INVESTIGATING ADJUTANT COMMISSIONER
AFD 331
LEGAL 332-COM 105

/r.

A/3 1/2/15

14 Feb. 1945.

SUBJECT : Case of MARINCE Enno.

TO : Regional Commissioner (attn: Regional
Legal 105), Second Region.

1. Reference case N. 34 Superior Region VIII Legal
Office N. 3350 case against MARINCE Enno.

2. This case having been reviewed the following
points are brought to your attention:-

(a) It is considered highly improper that the
official appointed to prosecute should give evidence. It
was clearly unnecessary in this case, production of the
documents to the Court was sufficient. The act of his doing
so resulted in the expression of certain deductions from the
C.I.C. report (see page 4). This ^{might} could have influenced
the Court.

(b) Dealing with charges 1 and 2 it is noted that
the accused in charged with falsely stating he required the
permit for the sole purpose of ill health. The evidence
in this case does not substantiate this restricted purpose.

The question is one of intent which is inferable from
all circumstances surrounding the conduct of the accused. It
is true he asked for a permit because of ill health but the
evidence shows he went to Chiavari supported in that he
had just altered at Genoa for Fuggi and went to Fuggi. The
accused's evidence is that he did not hear of the thread nor
did he get the funds until later (page 14 and statement). The
evidence of Enno while it might contradict the accused as to
time when he first heard of the thread is not conclusive that
the accused had the sole intent referred to in the charge. The
report of the C.I.C. is the finding of the officials and
deductions made by them as a result of interrogations, not

clarified by ^{all} the evidence, it is impossible to make definite finding as a fact from the same that the sole purpose was commercial and not one of ill health. From all the evidence it is considered that a positive finding that the accused's representation to procure the pass was either false or the sole purpose is not possible. It is not understood why the Court should in its sentence make such a vast discrimination in the penalty between the two charges.

(c) In reference to charge four Proc. 1 Art. V Sec. 41 this refers to identification of the person and not an automobile.

(d) In respect to charge 6 it is pointed out that operating a car in a forbidden area is not in itself an act to the prejudice of good order, safety or security. The charge should be failing to obey an order (ie General N.24) article 5 section 42. As no injustice has been occasioned to the accused Rule of procedure 21 is applied and the conviction confirmed.

(e) Charge 7 would appear to be most serious offence committed by the accused. The offence is not misuse of permit for at the time of the offence he was in fact without a proper permit, but that of failing to obey an order. It is understood that there was at the time in existence a Regional Blocking restriction on such goods and consequently Rule 21 ante is applied. The penalty is inadequate but the Reviewing authorities have no power to increase the same.

(f) Charge 8 should have been laid under section 42 failing to obey an order ie (General Order N. 20 article IV Sec. 1). As the evidence would justfy a conviction had the charge been so laid, The conviction will be affirmed.

(g) Charge 9 does not, it is believed, disclose an offence. Whilst there is, a order on the Eight Army Area, prohibiting the transport or delivery of mail, there is no similar order, this section is informed, pertaining to 5th Army Area. There is no proof if any such order in the evidence or of judicial notice having been taken of any such order.

3. Your attention is invited to the amendment by addition to article 12 page 33 of Consolidated instructions. This deals with charges under Procl. 1 Art V Sec. 45.

4. The result therefore will be that the Convictions registered in charges 1, 2 ~~and 4~~ ^{and 9} will be quashed and the penalties remitted. The balance of the convictions and sentences are affirmed. May the necessary action be taken to comply with this revision and this office advised, please.

By command of Rear Admiral STONE:

W. E. Berrens
W. E. BERRENS, Lt Col
Colonel,
Deputy Chief Legal Advisor.

4083/1
file
ALLIED COMMISSION
LEGAL OFFICE
BARI
1358

REF : BZ/LEG/2/Ba/S/112

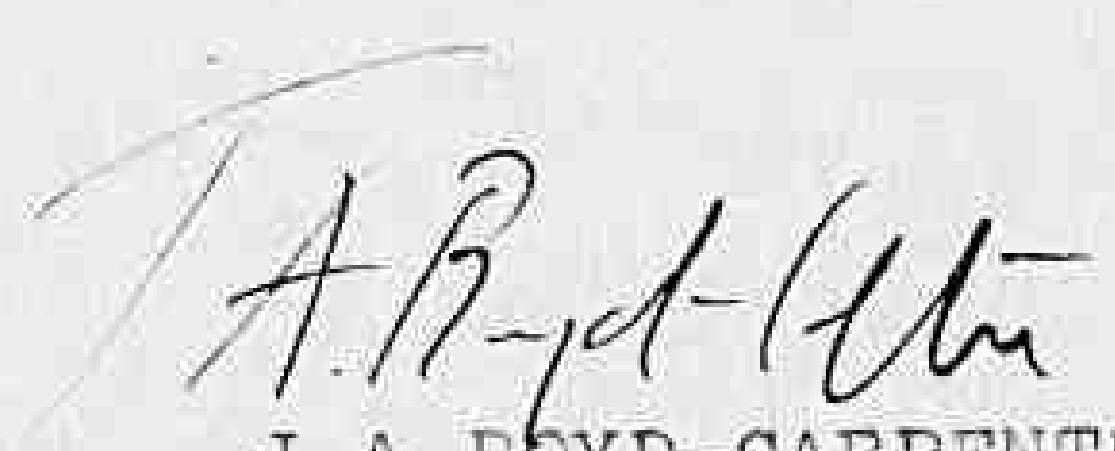
8 Feb 45

SUBJECT : Application for review of sentence.

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

1. Further to this HQs BZ/LEG/2/6163/O of 29.1.45.
2. Forwarded herewith is application for review of sentence on behalf of CAMMISA, Giambattista, described in the record as CAMMISA, Giovanni.
3. Record was forwarded with this HQs letter above mentioned.
4. Reasons for application are, it will be noted, a mistranslation of the Italian.
5. Recommendations of this HQs with reference to this case are contained in this HQs above mentioned letter.

JABC/mk


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

4083/1

9/2/45

1357

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LIG/2/6150

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/5/72. PASQUALE, Paolo & 5 others.

BARI/5/111 CORTESI, Anselmo

BARI/5/113 NAPOLITANO, Ferdinando

BARI/5/114 ZECCHINI, Pericle

BARI/5/115 BREGLIA, Filippo

BARI/5/116 MITACCHIONE, Melino & another

BARI/5/72. PASQUALE, Rancho & 3 others.
BARI/5/111 CORTESI, Aurelio
BARI/5/113 NAPOLITANO, Ferdinando
BARI/5/114 ZECCHINI, Pasquale
BARI/5/115 BREGLIA, Filippo
BARI/5/116 MITACCHIONE, Michele & another

62

J. A. Boyd-Carpenter

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

15

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4086/8/L

14 February 1945

Subject: Trial of member of Italian Army (MARILLI Luciano).

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

Reference your letter RV111/19/2011 of 8 February 1945.

1. It is considered by this HQ that the case of the above Italian sailor should be tried by an A.M.G. Court together with that of the civilian also concerned in the theft.

By Command of Rear Admiral STONE:

W. E. BEHERNS, L. Col.
Colonel,
Deputy Chief Legal Adviser.

Copy to 17C/4083/1/L.

61

XJ

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4086/8/L

14 February 1945

Subject: Trial of member of Italian Army (L'AMANTE Ettore).

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

1. In reply to your letter RM11/19/2011 of 8 February 1945 regarding the above Italian soldier, it is considered by this HQ that this is a proper case for trial before an A.M.G. Court.

2. I return herewith the report on the case as requested.

By Command of Rear Admiral STONE:

W. E. Egan
W. E. BEHEM, LT Col
Colonel,
Deputy Chief Legal Adviser.

Copy to AC/4083/1/L

HEADQUARTERS
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

Legal (1352)

FL/1

5 February 1945

SUBJECT: Case of LOSSA Riccardo

TO : R.L.O. HQ., AMG., Toscana Region

1. Referring to your first endorsement of the 29th January (RVIII/19/3008) to a letter of the Legal Sub-Commission 24 January (AC/4033/1/L), this is to advise you that a copy of such letter has been communicated to Lossa.

Henry L. Glenn
HENRY L. GLENN, Major, JAGD.,
Legal Officer for the Province
and City of Florence

HLG/FV

1st Ind.

RVIII/19/3008.

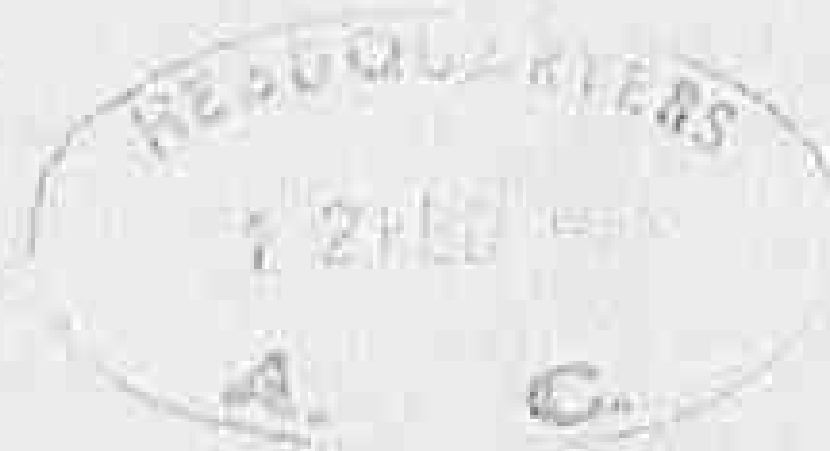
Headquarters, Toscana Region, AMG, 9 February 1945.
To: LEGAL SUB-COMMISSION, Headquarters, AC.

1. Forwarded, for your files, being your number 2391.

For the Regional Commissioner:

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

13 FEB 1945



HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref:

RVIII/19/3008.

Date: 9 Feb. 45.

SUBJECT: Cases of COLAIANNI Antonio and CAMPANA Sabino (1329)

TO : LEGAL SUB-COMMISSION, HEADQUARTERS AC.
Attention Chief Legal Advisor.

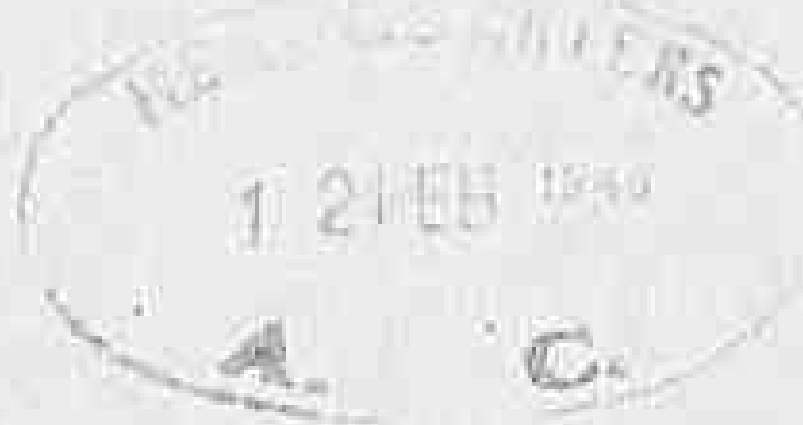
1. At the very threshold, in the review of the above cases, is presented a question of import to all Allied Military Courts: upon conviction, is an order of confiscation of property without any other lawful punishment, i.e., death, imprisonment or fine, a final judgment by the trial court which entitles the case to review?

2. It is insisted by the trial court that the answer to the above question is in the affirmative. After very careful consideration of the question, it is the opinion of this office that the answer is in the negative. Before entry of such determination, it has been decided to ask for a ruling thereon, because of the import thereof beyond the borders of this Region.

3. To the end that you may have the views of the trial Court and of this office, we send the full record, to be returned to us when it has served such purpose.

For the Regional Commissioner :

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



58

13 FEB 1945

File

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrb

AC/4083/1

13 February 1945

Subject: Case of VITIELLO Candido.

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

The enclosed exhibit became detached from the record
of the case. May the same please be joined with record of the
proceedings.

By Command of Rear Admiral STONE:

1 Incl: Exhibit

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

NR.

HEADQUARTERS ALLIED COMMISSION
AND
LEGAL SUB-COMMISSION

File

AC/10/1/1.

6 Feb. 1945.

SUBJECT : ZOLI Mario.

TO : C.A. Section.

1. Returned herewith please find letter from General Infante to the Chief Commissioner dated 16 Jan. 45 about the case of ZOLI Mario.

2. It has not been possible to supply any information previously as it was necessary to procure the records from Forli province.

3. ZOLI was ~~was~~ charged with 2 offences:-

Under Proc. I art. V (16) for travelling from Rome to Predappio without a permit: and

Under Proc. I art. IV (23) for altering a civilian movement permit issued by A.C.

4. He pleaded Guilty to both offences, and was sentenced to 3 months imprisonment on the 1st charge and to 6 months imprisonment on the 2nd charge.

5. The following is a copy of the judge's note of the statement made by ZOLI in Court:-

1st. Charge - As per statement exhibit B also enclosed is from a very old family of Predappio having about 90 dependants. Naturally anxious to get back to Predappio. Asked Allied Commission in Rome for permit was told that it would be a long time before one could be issued. Met Polish soldiers who had come from Predappio. They offered him a lift saying that no permit was required. AC at Rome gave him to understand that he could go as far as the control line without permit and that it would be easier to get a permit for Predappio from AMG some where near the control line. Police insisted that no permit was necessary. From Terni to Predappio the vehicle did

not stop. So he could not make enquiries as to where was the control line. As soon as he arrived at Predappio he started work on his property mending roads and houses to give employment to his people. He lent his private Chapel to the Polish Chaplains. He came not for his own interests but for his people.

2nd charge - Heard in Rome that his cousin PIGLIANTI was going to Predappio with permit. PIGLIANTI much worried that his permit was only for Florence and in ~~description~~ *desperation* asked Accusado to add Rocca San Casciano to the permit.

Accusado thinking that no permit was necessary and this just to calm him. Accusado is married and has five children has bad health and has already been in prison 15 days.

6. The statement by ZOLA is in contrast with that in the second paragraph of General IRRADI's letter.

7. The record is being retained here pending receipt of any instructions the Chief Commissioner may wish to give.

8. It is suggested that no grounds exist for treating this case in any way differently from any other case of a similar type and that it should be returned to Emilia Region for review in the normal way.

lc

F.E. BERNERS,
Colonel,
Deputy Chief Legal Advisor.

55

BF 13 Feb

NY 10037/1/1.

10 February 1945.

Dear

On receipt of your letter dated the 16th January 1945 about Engineer WILL Merio, I had enquiries made into the case.

It appears that WILL Merio was charged with two offences: travelling from Rome to Predappio without a permit; and altering a civilian movement permit issued to one Piccini by Allied Military Government. He pleaded guilty to both charges and was sentenced to 3 months imprisonment on the first charge and to 6 months imprisonment on the second charge. He also made a statement in court in mitigation of his offences: in this statement he again admitted his offences.

As you will no doubt appreciate, such offences are serious, as it is essential from the point of view of security that movement of civilians in forward areas should be controlled, and I am afraid that I cannot see any way to interfere in the case.

As you may know, all cases tried by an Allied Military Court are reviewed by appropriate authority to ensure that the conviction is good in law and that the penalty imposed is not excessive, and this case will be so reviewed in the usual course.

Very truly yours,

W/ Henry W. Stans

ALBERT E. STONE
Rear Admiral, USN
Chief Commissioner

Generale Adolfo Infante
Primo Aiutante di Campo Generale di
S. A. G. 12 Luogotenente Generale del Regio
E. O. M. A.

Letter dispatched 1/20/45

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/P.
12 Feb. 45.

SUBJECT : Case of GIAMPIETRO Rodolfo, GIAMMOCARO Nicola,
DE NICOLA Francesco.

TO : Provincial Legal Officer, Allied Commission,
Legal Division, HARI.

Reference your AC/LSC/2/6165/C dated 22 January 1945.

1. It has been decided not to quash these convictions.
2. It is, of course, true that the evidence given by Sgt. Eagle as to what T/5 Woodworth had told him is hearsay; but as Woodworth at the time of trial was on duty several hundred kilometers away, it is thought that there was a proper case to admit hearsay "for what it is worth."
3. Sgt. Eagle was able also to give a substantial amount of first hand evidence:-

"Giampietro stated to me he had cut the leather..."

"Giammocarò told me...he ran away with the leather and left it near a door...I went with Giammocarò near door and found the leather in a small bag."

"DeNicola...told me that he was with the other two boys when the leather was cut and taken."

4. The accused made admissions to the P.S. While it is true that the accused in Court said that these statements were obtained by force, the Court was justified in accepting that this was not so, particularly having regard to the evidence in rebuttal.

By Com And of Rear Admiral STONE

/e

53

W.E. BRIDGES
Colonel,
Deputy Chief Legal Advisor

It is regretted that the HQ is still not able to make any helpful or constructive suggestion as to how these infants can best be dealt with.

(sgd) I C

letter dictated by order of Capt. R. Y. D.

T/4 Estelle

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

12 Feb

/rd.

12 Feb. 1945.

AC/4083/1/L.

SUBJECT : Case of ZOLI Mario, and FLORENTI Giuseppe
TO : Regional Commissioner (attn. Regional
Legal Officer) Emilia Region.

Thank you for the use of the record of the above
case which is returned to you herewith for review in the
normal way.

By command of Rear Admiral STONE:

NR

W.F.
W.F. BARRIS,
Colonel,
Deputy Chief Legal Advisor.

52

4083/1

Translation

19 GEN 1945

COA SEC

23/10/R.G.

Rome, 16 January 1945

19 JAN 1945

Dear Admiral,

Princess Pallavicini drew my attention on the case of Engineer Mario ZOLI, brother of Adv. Adone Zoli, Mayor of Florence, chief of the Christian Democrat Party in Tuscany; it seems that he as well as Mr. Pino Piolanti, have been condemned to nine months jail for having gone in December to Predappio, with a faked pass, issued by the Allied Authorities to Piolanti, and valid for a journey in Tuscany. It seems that Engineer Zoli and Mr. Piolanti have already been one month in jail.

It appears that the document hasn't been faked by Zoli, who took the responsibility to help Piolanti to see again his family, that he left in September 1943, when having crossed the line, he joined the Italian Government, and because he himself wanted to go to Predappio to reorganize his own enterprises which were without a manager.

I should be most grateful if you will kindly see whether it is possible to show indulgence to Eng. Zoli, who is a man of great probity and the father of five children, by changing detention into a fine.

Waiting for your answer, I remain,

truly yours,

S. A. Infante

Admiral Ellery Stone
Chief of the Allied Commission
R o m e

51

e.c.

→

COS Hist - 18 Jan 45

Action - C A SEC

INFO - CHIEF COMAR

COS

XS.

262

1745
Roma, 16 GEN. 1945

2319/A.G.

IL PRIMO AIUTANTE DI CAMPO GENERALE
DI S.A.R. IL LUOGOTENENTE GENERALE DEL REGNO*Ammiraglio,*

la Principessa Pallavicini mi segnala il caso dell'Ing. Mario ZOLI, fratello dell'Avv. Adone ZOLI, sindaco di Firenze, capo del Partito Democratico Cristiano in Toscana, il quale sarebbe stato condannato a nove mesi di carcere, unitamente al Sig. Pino Piolanti, per essersi recato nel novembre u.s. a Predappio con un permesso alterato, rilasciato dall'Autorità Alleata al Piolanti e valevole per un viaggio in Toscana. L'Ing. Zoli e il Sig. Piolanti avrebbero già scontato un mese di pena.

Sembra che l'alterazione del documento non sia stata fatta dallo Zoli, il quale ne avrebbe assunta la responsabilità per favorire il desiderio del Piolanti di rivedere i propri famigliari, lasciati nel settembre 1943, quando, traversate le linee, raggiunse il governo italiano e per recarsi egli stesso a Predappio per mettere in efficienza le proprie aziende rimaste prive del direttore.

Le sarei molto grato se volesse esaminare la possibilità di adottare un provvedimento di indulgenza in favore dell'Ing. Zoli, persona proba, ammogliato con cinque figli, convertendo, se del caso, la pena detentiva in quella pecuniaria.

In attesa di cortese suo riscontro, Le porgo con l'occasione i miei cordiali saluti.

Adolfo Infante
(Generale Adolfo Infante)

All'Ammiraglio Ellery STONE
Capo della Commissione Alleata in Italia
R O M A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AD/4083/1/L.

WGB/mt.
9 February 1945.

SUBJECT : Case of IMPARATO Luigi et al.

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

1. Your attention is drawn to the enclosed record of the case of IMPARATO Luigi et al.

2. Very briefly the facts are as follows:-

On morning of 2 Dec: An American Sergeant was approached by an Italian, dressed in Italian Military uniform, who offered to buy a load of sugar if the sergeant could obtain one. The sergeant agreed and the price to be paid and time and place of delivering were agreed. The sergeant then reported the matter to his superiors. In the afternoon two American officers dressed as private soldiers and an American sergeant, but not the sergeant to whom the offer had been made that morning, drove in a truck loaded with sugar to the appointed place. There they were met by one of the accused and guided to a farm yard where the other accused gathered round the truck to unload. After a demand for payment by one of the Americans, whereon one of the accused unidentified pulled out his pocket book, all the accused were arrested. The man who had made the original offer to the sergeant that morning was not among those arrested.

3. The accused were all charged with the same offences:

- a) offering a bribe. There is no evidence whatsoever that any of those arrested had any part in offering a bribe;
- b) conspiring to bribe and to steal. There is no evidence that any of the accused were concerned in an agreement to offer the bribe nor except in the case of the accused who acted as guide to the farm yard that they had made any agreement to steal.
- c) attempting to steal sugar.

It is quite clear that the officer responsible for framing the charges did not consider the evidence available against each of the accused and charge them accordingly.

- 2 -

4. Your particular attention is drawn to the trial judges comments in his judgment: "All guilty of all charges - All were present at the appointed place and started to take active part in unloading, some admittedly in only minor capacity probably as hired labourers but having failed to disclose who are the principles have only themselves to blame if the police and courts cannot deal with them according to their respective responsibilities".

5. It is thought that these comments are, perhaps, a little "unjudicial". The only evidence against the accused other than MINOPOLI was that they acted as an "unloading and reloading party": there was no evidence (though there may be suspicion) that any of them played a more important part in the affair: and the court should have dealt with them accordingly..

6. It is noteworthy that three "avvocati" state in the applications for Review of sentence, that the Prosecution was of the opinion at the close of the case that there was no evidence against one of the accused and that he should therefore be discharged and the judge stated that he agreed with this opinion but felt he must convict to make an example. (See Applications for Review on behalf of IMPARATO Luigi, IMPARATO, PICCIULLO, CHIAROLENZA and RUSSOLILLO. It is hoped that the judge did not really make any such remark.

7. The decision on review is:
- (1) All convictions on first charge (bribery) quashed.
 - (2) " " (except that of MINOPOLI) on second charge (Conspiracy) quashed
 - (3) All convictions on third charge (attempting to steal) affirmed.

The sentences of all the accused with the exception of MINOPOLI Ferdinando, have been reduced to one year. The sentence on MINOPOLI has been affirmed.

By command of Rear Admiral STONE:


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

Incl: 1 Record.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4083/1/L

9 February 1945

Subject: Case of SPARANO Gaetano and CAPASSO Antonio.

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

1. Returned herewith is the record in the case against SPARANO Gaetano and CAPASSO Antonio.

2. The conviction of SPARANO Gaetano has been quashed. Though there are many grounds for suspicion it cannot be said that the case against him is proved beyond reasonable doubt. Convictions and sentence of CAPASSO Antonio have been affirmed.

3. It is noticed that Pvt Anderson is reported as saying that he drove the truck "as described by previous witness". While that may be only due to the form of the note taken, it suggests that Anderson was in court and heard the previous witness: if this is so, it is incorrect: see consolidated instructions article 20 at foot of page 20.

4. Please also call the attention of the judge to the fact that he should impose a separate sentence in respect of each charge on which he finds an accused guilty.

By Command of Rear Admiral STONE:

W. E. BEHERNS

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

IGMO/pa.
9 Feb 45.

SUBJECT : Case of DEL VECCHIO Enrico and MINOPOLI Luigi, and DI NAPOLI Vincenzo.
TO : Regional Commissioner, SOUTHERN Region.
(Attn: Regional Legal Officer)

1. The form 8 does not show where the Court was held: on what day it was held (a pencil note shows that it was adjourned to 27 Dec.): or before whom it was held. Also the judge has not stated in respect of DI NAPOLI of which charges he is found guilty or not guilty and in respect of MINOPOLI he has not so stated in respect of the second and third charges. Presumably the findings are NOT Guilty. Also, the form 8 is very mutilated.

2. The only "evidence" against DEL VECCHIO on charges 1 and 2 (stealing and conspiracy) are the statements oral and written by the accused DI NAPOLI. By English and, presumably, American laws, statements made to the police by one accused are not evidence against another accused. It is true that an Allied Military Court, under Consolidated Instructions Art. 22, may admit as evidence statements which would not normally be admissible. The fact that such evidence would be inadmissible under ordinary laws implies that such evidence is of little probative value or by its nature, dangerous. Further, the same Art. para (3) (c) provides that on no account should an accused be convicted on such evidence unless there is ample corroboration. In this case there is no corroboration. The convictions on these two charges have been quashed on the above grounds.

3. In respect of the third charge, wrongful possession of 12 cans of American cheese, the judge has imposed a sentence of three years imprisonment. This is excessive. It is thought that the judge having imposed sentences of 3 years imprisonment on the 1st and 2nd charge did not address his mind seriously to the proper penalty on the 3rd charge, all terms of imprisonment being made concurrent. The sentence on this charge has been reduced to 6 months imprisonment.

4. As to DI NAPOLI. The only evidence against him is (a) the fact that he was found in possession of the beans and (b) his admissions. In all his admissions he states most emphatically that he took no part whatever in the theft but that he was a mere courier of the goods after the theft. There appears to be no evidence to support a conviction on the first charge against him (stealing). The second charge is technically bad and in practice undesirable as it charges "conspiracy and/or advising, assisting or procuring". However, the gravamen of the charge was that he was an accessory before the fact; and this he clearly was on his own admission. The conviction on charge 1st has been quashed: the conviction on the 2nd and 3rd charges have been affirmed.

By command of Rear Admiral STONE:

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

1038

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

785016

4083/10
1339
TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) ←
FROM : HQ AMG/AC ABRUZZI MARCHE REGION
SUBJECT : Petitions for Review - PELLACCHIA Antonio and others.
REF. : R5/511/14/ANC
DATE : 5 Feb. '45

RECORDED
4 FEB 1945

Ref this office letter of even file dated 3 Jan. '45 a further appeal on behalf of above is attached.

For the Regional Commissioner

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

40
132

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4083/1/L

9 February 1945

Subject: Allied Military Court Case *1. - SANTORO & others*

To : Allied Commission, for Legal Officer, Bari Zone.

1. Ref AC/4083/1/L of 24 January (with enclosed papers) and BZ/Leg/2/6163/0 of 1 February.
2. All the papers in the case are returned herewith.
3. In the cases of the 5 persons mentioned in para 4 of the letter of 24 January the convictions have been quashed. The statement of the court is amply borne out by the further papers now submitted: but I am advised that their conduct as described in that statement does not constitute the offence with which they were charged. Fines paid must be refunded.
4. All other convictions have been affirmed: and only formal amendment to sentences by deletion of the ~~form~~ *fine* in default has been made in cases where the fine has not been paid.

By the Command of Rear Admiral STONE:

10

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

IGHC/ap.
8 February 1945.

SUBJECT : Case of RIVARA Ferdinando.

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

1. The record of the case of RIVARA Ferdinando is returned herewith.

2. The conviction on the first charge has been quashed because the alleged false statement if made at all was made in ROME, which is not under Allied Military Government: therefore no offence ^{against the law} was committed and any offence committed was not within the jurisdiction of an Allied Military Court.

3. The conviction on the second charge has been affirmed but the sentence has been reduced.

4. It is thought that the observations of the judge "the accused when arrested bribed....the RRCC.....: this too indicates that he was violating the law." is, to say the least "unjusticial". The commission of one offence is not evidence of the commission of another: a man accused of an offence, even if entirely innocent, might offer a bribe to be released rather than face the horrors of arrest, detention and trial. But, moreover, the accused in this case was only charged with bribery - he hasn't been tried or convicted for bribery. The old-fashioned presumption that a man is innocent until found guilty still applies.

By command of Rear Admiral STONE:

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

Incls.

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref:

RVIII/19/3008

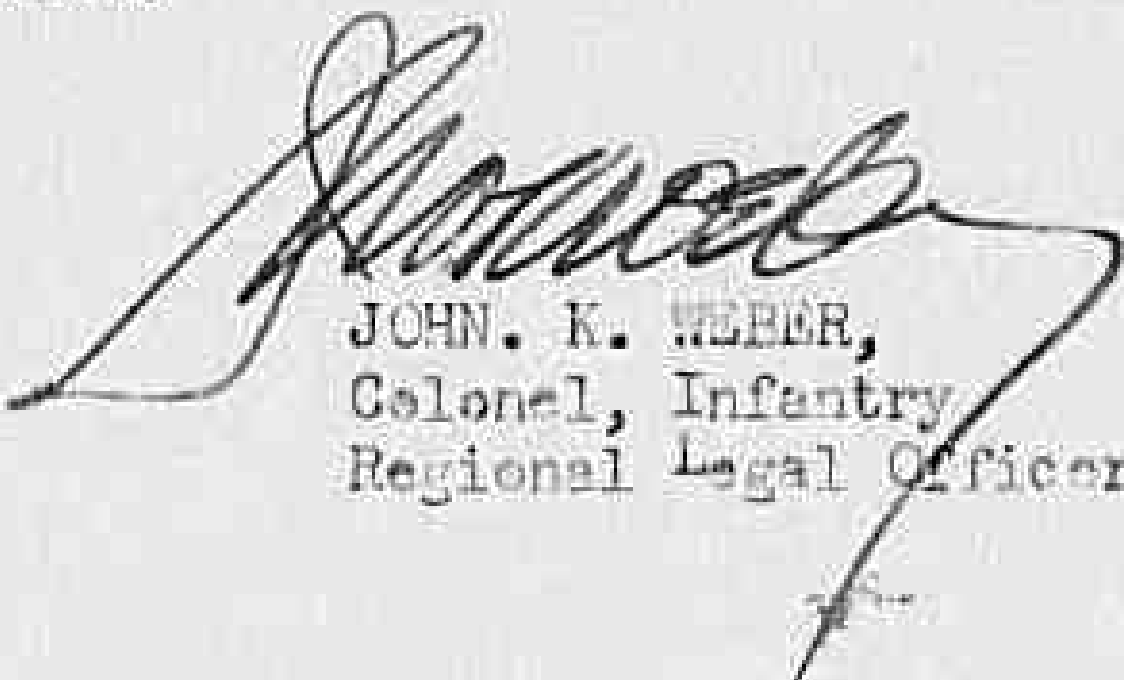
Date: 6 Feb. 45

SUBJECT: Reviews

TO : LEGAL SUB-COMMISSION, Chief Legal Adviser (A.C.) ✓

1. In addition to your regular forms of receipts herewith enclosed, properly executed, we also here by acknowledge receipt of records and decisions in following cases :

WANGINI Sergio
PACLETTI Vincenzo
CHITI Guido.


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

HEADQUARTERS

10 FEB 1945

A. C.

HEADQUARTERS
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

Legal
1335

FL/1

5 February 1945

SUBJECT: Petitions - LANGANO Biagio, BONCINI Giuseppe
TO : R.L.O. HQ., AMG, Toscana Region

1. Mangano Biagio and Boncimino Giuseppe have been advised of the decision contained in the letter of the Legal Sub-Commission 25 January (AC/4083/1/L) forwarded to us with your first endorsement of 29 January (RVIII/19/3008.)

RLG/TV

Henry L. Glenn
HENRY L. GLENN, Major, JAGD.,
Legal Officer for the Province
and City of Florence

1st Ind.

✓ *RVIII/19/3008*
Headquarters, Toscana Region, AMG, 8 February 1945.
To: LEGAL SUB-COMMISSION, Headquarters, AC.

1. Forwarded, for your files.

For the Regional Commissioner:

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



HEADQUARTERS
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

Legal
1234

FL/1

3 February 1945

SUBJECT: Reviews - CAVALIARO Umberto

TO : R.E.O. HQ., AMG., Toscana Region

In reply to your letter 29 January 1945 (RVIII/19/3008)
Cavallaro Umberto has been advised of the decision contained
in the letter of the Legal Sub-Commission 25 January
(AC/4083/1/L).

Henry L. Glenn
HENRY L. GLENN, Major, JAGD.,
Legal Officer for the Province
and City of Florence

HLG/FV

1st Ind.

RVIII/19/3008.

Headquarters, Toscana Region, AMG, 8 February 1945.
✓ TO: LEGAL SUB-COMMISSION, Headquarters, AC. ✓

1. Forwarded, for your files.

For the Regional Commissioner:

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

10 FEB 1945

40831
ALIED COMMISSION
LEGAL OFFICE
BARI

8 Feb 45

Ref: BZ/LEG/2/Mo/Sum/4

Subject:- Case of BELILACQUA, Giuseppe

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

1. Record in above case is forwarded for the following reasons.
2. As appears from attached correspondence this HQs drew the attention of trial Judge to fact that Italian military property had been included in the charge in this and another case.
3. As will be noted Trial Judge states that in case of BELILACQUA, Giuseppe sentence was increased by reason of inclusion of Italian military property, and recommends that sentence be reduced to 2 months imprisonment.
4. In view of this it is recommended that sentence be so reduced.
5. Other case involved a substantial quantity of W.D. property apart from the Italian items, and will be forwarded on ending of 30 days or receipt of Form 11 whichever is the earlier.

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

JABC/im

39

4083/1
✓
ALLIED COMMISSION
LEGAL OFFICE
BARI

1332

REF : BZ/LEG/1/6163/45

8 Feb 45

SUBJECT : Case of CIRASOLE, Pasquale.

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

1. Forwarded herewith is application for review of sentence by CIRASOLE, Pasquale, together with the record in his case.
2. The case is a most serious one, involving deliberate damage to an operational petrol pipe line, and it is submitted that the sentence is in every way a proper one.
3. Presumably your HQs will delete the ~~time~~^{TERM} of imprisonment imposed in default of payment of fine.
4. This case was originally submitted for trial by General Court. Your AC/4129/6/L of 7.12.44 and AC/4129/28/L of 29.12.44 refer.

J.A. Boyd-Carpenter

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

JABC/mk

36

ALLIED VENTURES
LEGAL OFFICE
BARI

REF : BZ/LEG/2/6150

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/5/109 BATTISTA, Giovanni
BARI/5/110 DE BENEDETTIS, Luigi
BARI/5/112 GIANFRANCO, Francesco
BARI/5/119 STORELLI, Francesco

9/2/45

BARI/5/109 BATTISTA, Giovanni
 BARI/5/110 DE BENEDETTIS, Luigi
 BARI/5/112 GIANNINI, Francesco
 BERTONTO/5/19 STORELLI, Francesco

T. H. Rygel-H. H. H.

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

✓
408311
ALLIED COMMISSION
LEGAL OFFICE
BARI

9 Feb 45

Ref: BZ/LEG/2/Ba/S/118

Subject:- GIANNONE, Bonaventura

To :- C.L.A., Legal Sub-Commission
Hqs, Allied Commission

1. Forwarded herewith is application for review of sentence by GIANNONE, Bonaventura, together with record in his case.
2. Having regard to comments of trial Judge it is submitted that conviction is proper.
3. The sentence is, it is submitted on the severe side, and it is suggested that it be reduced to one of 15 months of reclusion. Your Hqs will also presumably delete term in default of payment of fine.

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

JABC/im

ALLIED COMMISSION
LEGAL OFFICE
BARI

1329

REF: BZ/LEG/2/Ba/Sum/216

8 Feb 45

SUBJECT : Case of PORCELLI, Angelo and 2 others.

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

1. Record in above case is forwarded as it appears that sentence on PORCELLI is out of line with that on other 2.
2. It is submitted that Trial Judge was right to take into account previous conviction, but that he allowed it to have a disproportionate effect, and that a sentence of 6 months would have been adequate.
3. Previous conviction (Bari/Sum/7) involved 6 weeks imprisonment for theft of a small quantity of cigarettes.

→ 4// It is consequently recommended that sentence be
reduced to one of 6 months imprisonment.

JABC/mk

J.A. Boyd-Carpenter
Major, LC,
Apulia & Calabria

35

408311 8/2/45 1323

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : E2/LDC/2/6150

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/5/102 MASI, Carmelo
- BARI/5/103. Bocci, Aurelio
- BARI/5/104 LANZA, Oreste.
- BARI/5/105 DI CORATO, Sergio
- DI CORATO, Renato
- BARI/5/106 MALDERA, Alessandro
- BARI/5/108 MASTRO PASQUA, Domenico
- BARI/5/109 SCARDINO, Carmine

No application for review of sentence has been received.

BARI/5/100/MASTI, Carmelo

BARI/5/103. BOCCI, Angelo

BARI/5/104 LANZA, Onofio.

BARI/5/105 DI CORATO, Sergio

DI CORATO, Renato

BARI/5/106 MALDERA, Arcangelo

BARI/5/108 MASTRO PASQUA, Donato

BARI/5/109 SCARDINO, Carmine

BARI/5/110 GORGOLIONE, Nucleo

BARI/5/111 TARRICONA, Benedetto

J.A. SOYD-CARPENTER

Major, L.C.,

Apulia & Calabria

25

1049

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

785016

ALLIED COMMISSION
LEGAL OFFICE
BARI

1327

✓
4083/11

REF : BZ/LEG/1/Ba/S/141

7 Feb 45

SUBJECT : Case of MANZI, Luigi.

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

1. Record in above case is forwarded for the following reason.
2. Trial Judge in addition to a sentence of one year's imprisonment on first charge purported to impose a fine of 50,000 lire on second which he had previously reduced to one under Art.712.
3. As maximum amercement under this article is 10,000 lire, with a possible increase up to 30,000 lire with a special finding as to financial position of accused, it is clear that Trial Judge exceeded his jurisdiction.
4. As maximum fine under Art.647 under which accused was convicted on first charge is 3,000 lire, it is submitted that fine ~~assessable~~ be reduced to a maximum of 13,000 lire, and it is recommended that it be reduced to that figure.

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

33

Copy to Major F.J.Aulisi (pending HQs AC decision please
do NOT accept payment of this fine)

JABC/mk

9 FEB 1945

✓ 1083/1

6/2/45

13225

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LUG/2/6150

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.

ANTONIO/5/17. CALABROLA, Pergande
BARI/5/106. DI BELLA, Antonio
BAR/5/107. CAPONIO, Felice

LEGAL SUBCOMMISSION	
CLO	
ECLO	
Chief Counsel	
CID	

BAR. 5/106
 BAR. 5/107
 DI BELLA, Antonio
 CAPONIO, Felice

LEGISLATIVE SUB-COMMISSION	
CLO	
UCLO	
Chief Counsel	
CJO	
Section - Section	
CL RKS	
FEB 1945	

TA Boyd-Clun

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

xv

✓ 4083/1. ALLIED COMMISSION
LEGAL OFFICE
BARI

1324

REF : BZ/LEG/2/Ba/Sum/238

6 Feb 45

SUBJECT : Case of ROMEO, Giuseppe.

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

1. Application for review in above case is forwarded, together with record.
2. Although the grounds raised in the application are the usual compassionate grounds, it is NOT considered that the case was satisfactory, and copy of a letter sent to Trial Judge is attached to the record.
3. It is considered that charge should have been one of theft or nothing, and that a charge under Art. 712 could NOT be sustained on the evidence.
4. It is, however, submitted that no miscarriage of justice or unfairness to the accused resulted from the irregularity, so far as the conviction is concerned, as on the view of the evidence taken by the Court, the Court would have convicted of theft if the accused had been so charged.
5. It is therefore submitted that R.P. 21 should be applied, and the conviction affirmed.

6. Sentence however is severe for a case of 10 loaves under Art. 712 and it is suggested that it be reduced to 6 weeks arresto. In any event it is presumed that your HQs will vary the reclusione awarded to arresto.

Ch

CLO

Relia

JABC/mk

CLO

/ A. Boyd-Carpenter

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

FEB 1945

x2

1323

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

7 February 1945

SUBJECT: Case of DE LUCA Salvatore et al.

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

1. Attached hereto is the complete record in the case of the above subject. In this case more than 30 days have expired and each of the accused received more than 2 years imprisonment.

For the Regional Commissioner:

ETK/pv

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

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) 408591 ✓
FROM : HQ AMG/AC ABRUZZI MARCHE REGION 9757
SUBJECT : Review of case by C.L.A. 1322
REF. : R5/511/14/PU
DATE : 7 Feb. '45

CIASCHINI Felice and Oddino

Record No PU/Sup/18/10

Folder in this case is enclosed containing :-

1. The record for review
2. The Exhibits
3. A letter from the Prefect of Pesaro
4. Appeals by both accused.

For the Regional Commissioner

Markham
Major

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

0 4083/1 ✓

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCHES REGION

SUBJECT : Review of case by C.L.A.

REF. : R5/511/14/PU

DATE : 7 Feb. '45

GARGINI Dante
GNATTA, Giuseppe
SERVICI Adolfo

Record No PU/Gen/3/1

A folder is enclosed containing the following papers to lead to review of this case :-

1. The conveying Order
2. The charge sheets
3. The record with evidence attached
4. The Exhibits
5. Appeals by the three accused with the President's observations annexed.

For the Regional Commissioner

R. G. S. Alexander

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

28

575.

ALLIED COMMISSION
LEGAL OFFICE
BARI

4/2/45. 1320

REF : BZ/LGG/2/6150

SUBJECT: Case record(s) forwarded for review.

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

L. 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.

BAR/5/104. RENNA, Guido
BAR/5/105 DE BENEDETTIS, Luigi
BAR/5/99. MANFREDI, Francesco
BITONTO/5/32 BATTISTE, Felice *
BITONTO/5/32 AMERUZZO, Lorenzo *
BITONTO/5/53 GALENO, Gaetano *
BITONTO/5/54. PAPALETTA, Antonio *
BITONTO/5/55 ABBATISTA, Cinello *
BITONTO/5/57 MOSSA, Uto, Rocco

BARI/5/104. RENNA, CONNO
 BARI/5/105 DE BENEDETTIS, Luigi
 BARI/5/99. MANFREDI, Francesco.
 BITONTO/5/32 BATTISTE, Felice *
 BITONTO/5/32 AMERUGO, Lorenzo *
 BITONTO/5/53 GALENO, Gaetano *
 BITONTO/5/54. PAPALETTA, Antonio *
 BITONTO/5/55 ABBATISIA, Camillo *
 BITONTO/5/57 MOSSA, Uto ROCCO

* Cases marked as above
 have technical errors
 requiring correction.

Such errors do not in
 themselves involve any
 material difference as
 are merely submitted
 on copy of the for
 at present or never.

H. Boyd-Clair

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

3/2/45

1319

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LIG/2/6150

SUBJECT: Case record(s) forwarded for review.

TO : C.I.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/5/102 D'APRILE, Carmelo.
BARI/5/103 FAGNANI, Emman.
BARI/5/96 ROMANAZZI, Giovanni
BARI/5/97 NACCI, Grazia
BARI/5/98 GUARNIERI, Torquato

~~BARI/5/99~~
RITOLUTO/5/15 CAMPOREALE, Angelo
PAPA PICCO, Nenebro
GAGLIARDI, Francesco

BARI/5/102 D'APRILE, Carmello.
 BARI/5/103 FAGNANI, Emanuele.
 BARI/5un/96 ROMANAZZI, Giovanni
 BARI/5un/97 NACCI, Grazia
 BARI/5un/98 GUARNIERI, Torquato
~~BARI/5un/99~~
 PITAGOTO/5/15 CAMPOREALE, Angelo
 PAPAPIO, Pietro
 GAGLIARDI, Francesco

26

A. Boyd-Clay

J.A. BOYD-CLAYTON
 Major, I.C.,
 Apulia & Calabria

(1312-B)

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
5 Feb. 1945.

SUBJECT : MARCELLO Luciano.

TO : Public Safety Sub-Commission
(Prison officer).

1. The attached copy memorandum regarding MARCELLO Luciano was sent to us by you.

2. This man has never tried by an A.M. Court nor have any charges been framed against him.

3. It appears that he is being detained by G.I.C., who, with their usual efficiency, had lost track of him.

This fact was discovered today from Mr. MURPHY of G.I.C. at Via Sicilia, who, having heard where he is now, appears anxious further to interrogate him.

4. It is strongly urged that you should investigate this case to find out what is going on and how long he has been kept in prison without any charges being framed, and without interview and without having his interrogation completed.

Incl. 1 letter.

1c
W.E. BERRENS,
Colonel,
Deputy Chief Legal Advisor.

4083/1
✓ ALLIED COMMISSION
LEGAL OFFICE
BARI

1318-17

REF : BZ/LEG/1/Ba/Sum/102

3 Feb 45

SUBJECT : Application for review of sentence.

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

1. Forwarded herewith is application for review of sentence by BIGAGLI, Renzo together with record in his case.
2. Accused who was an interpreter employed by Movements, TARANTO was arrested on a train at BARI station northward bound while in possession of property listed in charge, which it will be noted includes a certain quantity of live ammunition.
3. Before trial case was discussed with FSS who agreed that matter should be dealt with as a W.D. property case.
4. It will be noted from attached correspondence that view taken by this HQs was that this case should have been dealt with by Superior Court under Art. 648 and a much heavier sentence imposed.
5. It is submitted that the sentence, which was less than the maximum on the charge as framed, was lenient and should stand.

JABC/mk

21
J.A. Boyd-Carpenter
Major, IO,
Apulia & Calabria

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

/rm.

AC/1083/1/L.

6 Feb. 1945.

SUBJECT : Cases of CONTI Disappearances.

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

Reference your RVIII/19/3006 of 31 Jan. 45.

1. It is quite satisfactory to this H.Q. if Regional
H.Q. deals with this and other cases of a like nature.

2. The existing A.C. instructions do not contemplate
any such cases: however our instructions are not sufficiently
lengthy to cover every contingency which may arise, and H.Q.'s
must use their discretion: indeed, if Mr. Livorno, thinking
this is a suitable case to decide on, he will have
acted on his own initiative, especially as the petitioner
was to be hospitalized on 23 Jan. one day before H.Q.'s letter.

By command of Rear Admiral STONE:

W.R. BISHOPS,
Colonel,
Deputy Chief Legal Adviser.

The enclosures to your letter are returned.

1317A-

5/2/45

ATTORNEY GENERAL
LEGAL OFFICE
BARI

REF : BZ/LGC/2/6150

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
is
of trial are record(s) in undermentioned case(s).

No application for review of sentence has been received.

BARI / Sum / 100 VALERIO, Uto
BARI / Sum / 101 GAROTALLQ, Cumeri

VALERIO, Uto
GHROTALQ, Cunnisi

BARI / Sum / 100
BARI / Sum / 101

J. A. Boyd-Carpenter

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

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1316B

AC/4063/1/L.

/mt.
6 February 1945.

SUBJECT : Case of Francesco CIOCE.

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

1. Reference PLO Siena's letter SI/6 of 1 February addressed to HQ AC copy to you (ref your RVIII/19/2011 of 26 Jan).
2. Returned herewith are all the documents forwarded by Provincial Legal Officer: they are being sent through you in case you should wish to read them.
3. The Argentinian Embassy is being informed of the position as stated in Major DREYFUS' letter.

By command of Rear Admiral STONE:

1c

W. B. BRUGENS,
Colonel,
Deputy Chief Legal Advisor.

40839
ALLIED COMMISSION
LEGAL OFFICE
BARI

(1316)7

6 Feb 45

Ref : BZ/LEG/2/BI/SUM/30

Subject : Application for review of sentence in case of :
TROIA, RiccardoTo : C.L.A., Legal Sub Commission
Hqs Allied Commission

1. Forwarded herewith is application for review of sentence by TROIA, Riccardo, together with record in his case.
2. There is considerable force in Trial Judge's comments on the large scale trafficking in W.D. blankets which takes place in area concerned.
3. Having regard, however, to the small quantity involved it is submitted that a sentence of two months would be sufficient.
As charge is under Art. 712 your Hqs will IRRESUMABLY vary the sentence from reclusione to arresto.
4. Delay in submission is due to necessity for obtaining comments of Trial Judge, who is no longer at this Hqs.

J.A. Boyd-Carpenter

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

JABC/ev

20

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

5 February 1945

SUBJECT: Case of APONTE Claudio et al.

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

1. I am returning herewith the file in the case of the above subject. This file was recently delivered to Sgt. Padula for use in the trial of another case. You requested that we return to your HQ. upon the completion of the use of the same.

For the Regional Commissioner:

ETK/pv

L. F. Dawson
L.F. DAWSON, *by E. T. K.*
Lt.Col., G.L., *major*
Reg. Chief Legal Officer

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) ✓
FROM : HQ AMG/AC ABRUZZI MARCHE REGION
SUBJECT : Petitions for Review
REF. : R5/511614/PU
DATE : 5 Feb. '45



Herewith Records and Petitions for Review in the following cases :-

MORETTI ANTONIO	PU/S/P/115/90
GEMMANI BRUNO	116/90
BELLETTI LEOPOLDO	117/90

The men were tried together.

For the Regional Commissioner

R. G. S. Alexander

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

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/dsh.

3 February 1945.

Ref : RIX/LE/654/451

SUBJECT : Cases of ZOLI Mario and PIOLANTI Giuseppe.

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

1. Further reference your AC/4083/23/L, 26 January 45 and our RIX/LE 654/431, 31 January 45, forwarded herewith are records of trial and petitions for review in each of the above cases together with copies of supplementary letter of 31 January 45 from trial judge, report on ZOLI's state of health from Provincial Public Safety Officer Forli Province, and certain translations prepared at this Hqs.

2. The trial judge's letter of 31 January 45 has reference to the accused ZOLI's statement in his petition for review reference an avvocato.

3. I have refrained from reviewing these records pending your examination thereof. It is apparent that no prejudice will result to the accused by reason of the short delay this will occasion.

4. Please return the records as soon as they have served their purpose.

For the Regional Commissioner:



WILLIAM H. LEVITT
Lt. Col., J.A.G.D.
Regional Legal Officer.

Encls. as above.

✓
4423/10
O 13/2
ALLIED COMMISSION
LEGAL OFFICE
BARI

2 Feb 45

Ref : BZ/LEG/2/6153/0

Subject : Application in review of sentence in case
of GUIDA, Onofrio.To : C.L.A., Legal Sub Commission,
HQs Allied Commission

1. Forwarded herewith is application for review of sentence in case of GUIDA, Onofrio, together with record in his case.
2. Having regard to trial Judge's comments it would appear that the accused was fortunate in that the charge was laid under 712.
3. It is submitted that the sentence is a proper one and should stand.

✓
J.A. Boyd-Carpenter

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

JABC/ev
✓

30

ALLIED COMMISSION
LEGAL OFFICE
BARI

4083/1

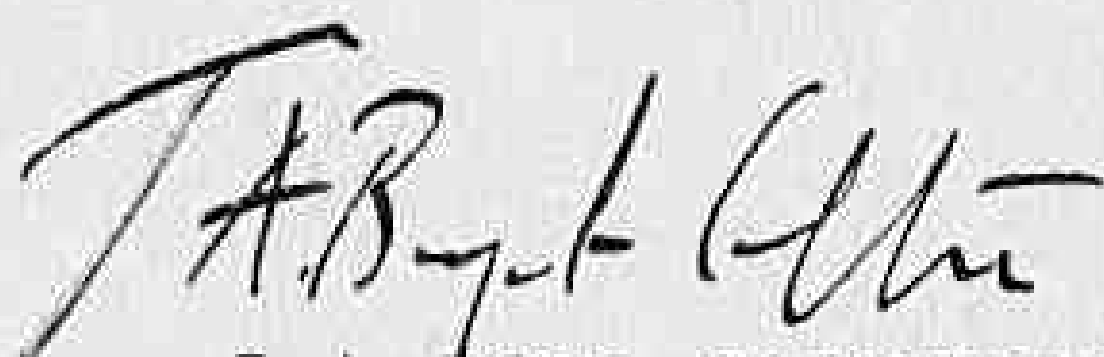
REF : BZ/LEG/2/6163/O

2 Feb 45

SUBJECT : Case of PADULO, Pasquale.

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

1. Forwarded herewith is application for review in case of PADULO, Pasquale together with record in his case. Record which would otherwise have been forwarded earlier with following recommendations, was held back to await arrival of Form 11.
2. It is submitted with respect to first charge that Trial Judge misapplied Art. 581, inasmuch as on Lieut. Busby's evidence the blow was an accidental one, struck in the dark while breaking free in an attempt to escape. There is, it is submitted, no evidence of any intent to strike, and hence no "dolo". It is therefore submitted that conviction on the charge should be quashed or a conviction under Art. 385 with a nominal penalty imposed in its place.
3. With respect to second charge, having regard to the small quantity and to the nature of the goods concerned, it is considered that the sentence is excessive, and should be substantially reduced. It is submitted that a sentence of 2 months reclusionone would be sufficient.

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

✓
4003/1
ALLIED COMMISSION
LEGAL OFFICE
PARI

Ref : BA/ISS/2/6163/0

2 Feb 45

Subject: Application for review of sentence.

To : C.I.A. Reg I Sub Commission HQs Allied
Commission

1. Forwarded herewith is application for review of sentence by BRUNO, Angelo, together with record in his case.
2. Having regard to quantity of goods and to Judge's comments, it is submitted that the sentence is proper one and should stand.
3. "Reasons for application" are almost common form for this area.

J.A. Boyd-Carpenter
J.A. BOYD-CARPENTER
Major IC
Apulia & Calabria.

✓
 ALLIED COMMISSION
 LEGAL OFFICE
 BARI

4083/1

2 Feb 45

Ref : 32/LEG/2/6153/0

Subject : Case of LIVIERI, Giuseppe.

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

Copy to : Capt. Christians.

1. Record in above case is forwarded for following reasons.
2. So far as the 5 cwt. of wood are concerned, it is submitted that there is no evidence that there were any grounds for suspicion by the accused when he acquired it *derived* from an offence.
3. In the case of certain articles of a military nature it is considered that their very nature should arouse this suspicion, but in the case of wood similar to that used in a military hospital it is NOT considered that even the most suspicious person need necessarily suspect its origin.
4. It is further submitted that there is a very little evidence that the wood was in fact W.D. property.
5. It is therefore recommended that such part of the conviction as relates to the wood be quashed, and that sentence be reduced *to* 21 days in respect only of the vest.

21

J.A. Boyd-Carpenter

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

JABC/gv

✓ 4083/18 Legal (13)

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Petitions for Review - Superior Court cases - (1) MERLINI Celestino
(2) CENSORI Giacomo
(3) GARBUGLIA Luigi

REF. : R5/511/14/ANG

DATE : 3 Feb. '45

1. Petitions are forwarded in above cases. The Records ^{were} ~~even~~ forwarded before time on 15 Jan. '45 during my absence.

2. There appears to be no reason why cases (1) and (3) should have been sent to you at all.

For the Regional Commissioner

R. G. S. Alexander

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

1

140

KJ

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

FROM : HQ. AMG/AC ABRUZZI MARCHE REGION

R5/511/14/ANC

SUBJECT : Review of cases - D3/FAB/45c - SPURI Antonio

3 Feb. 1945

With further reference to this office letter of even file dated
24 Jan. '45 herewith Petition in above case together with Report by PFSD.

For the Regional Commissioner

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

40831
1306
ALLIED MILITARY GOVERNMENT
PROVINCE of SIENA

Ref: SI/6/

Date 1 February 1945

Subject: A.M.G. COURTS - Francesco CIOCE

To: Legal Sub-Commission A.C.

- 1.- Ref. your AC/4083/L/L dated 22 January 45
- 2.- The a/m person was arrested by the F.S.S. at S. Quirico on 1 January 45, and was transferred to Siena jail.
Since 12 January 45 he has been in a private hospital under Carabinieri guard.
- 3.- He has been at the disposal of F.S.S. for inquiries till yesterday when a message was received that he was no longer required.
- 4.- He is now being released on bail of L. 10.000
It is proposed to charge him for:
I Travelling without a permit
II Being in possession of a revolver without a permit.
- 5.- From your No. AC/4005/L dated 19 January 45 which is with the papers sent herewith it will be observed that the Argentine Ambassador is not claiming diplomatic privilege for him.
- 6.- A quantity of cloth was found in the car and the accused admitted to the police that he was making money by transporting goods from Florence to Rome.

Meyer
Major.
Provincial Legal Officer.
- B.E. DREYFUS -

Since 12 January 45 he has been in a private hospital under Carabinieri guard.

3.- He has been at the disposal of F.S.S. for inquiries till yesterday when a message was received that he was no longer required.

4.- He is now being released on bail of L. 10.000 It is proposed to charge him for:

- I Travelling without a permit
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6.- A quantity of cloth was found in the car and the accused admitted to the police that he was making money by transporting goods from Florence to Rome.

Meyer

Major.
Provincial Legal Officer.
- B.E. DREYFUS -

Copy to:

R.L.O. Toscana Region , ypur RVIII/19/2011 dated 26 Jan.
45 refers,

1303 B

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/1.

HCB/pa.
3rd Feb 45.

SUBJECT : Application for Review - VANUINI Sergio.
TO : Regional Commissioner, TOSCANA Region.
(Attn: Regional Legal Officer).

1. Returned herewith is the application for review of sentence submitted on behalf of VANUINI Sergio.

2. At the date of arrival of this application at this HQ the case had already been reviewed and the conviction and sentence of the Court affirmed. But, the facts of the case being so fresh in the mind of the reviewing authority, it is clear that this application raises no grounds whatsoever which have not already been carefully considered both at the trial and on review.

The decision taken on review will therefore stand.

3. Please attach this application to the record already forwarded to your HQ.

By command of Rear Admiral STONE :

NR.

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

Incl: 1 Application.

ALLIED COMMISSION

LEGAL OFFICE

BARI

Ref: 22/123/2/6163/0 (copy to 6127)

Subject: Application for review of sentence

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

LEGAL SUB-COMMISSION

CIC

CIC

Chief Counsel

29 Jan 45

1 FEB 1945

13037

1. Forwarded here with is application for review of sentence by MASIMIO, Raffaele, together with record in his case and those of LOGLISCI, Michele, MAGGIOLINO, Michele, and SALVOLA Giovanni.
2. All accused are aged 26 or under, and are member of a class of offender to whom this HQs has given recently considerable attention.
3. Despite their youth the four accused carried out a well organised and deliberate robbery, and it is the fact that they, and others like them, constitute a real threat to the security of Allied property in this area.

4. As appears from attached letter the Procurettore dei Minorenni has been asked by this HQs to arrange for transfer of all 4 boys to a reformatory, a course which in previous cases has met with the approval of your HQs. He has already applied to the Ministry of Justice for vacancies.

5. A conference was held at this HQs this morning with officials of the Tribunale di Minorenni, and subject to the concurrence of your HQs the following procedure was worked out to apply in this and all cases of young persons whom it is desired to transfer to a reformatory giudiziario.

6. In cases of serious offences your HQs would be asked to suspend the sentence and the Procuratore dei Minorenni would be asked to apply for the vacancies at a reformatory giudiziario. Pending transfer prisoners would remain in TULI goal, but as persons at the disposal of the judicial authorities and NOT as and in the company of sentenced persons.

On receipt of the vacancy they would be transferred by the Italian authorities. It is anticipated that whole process will take about one month, and consequently, in order to prevent undue

like them, constitute a real threat to the security of Western property in this area.

As appears from attached letter the Procuratore dei Minorenni has been asked by this Hqs to arrange for transfer of all 4 boys to a reformatory, a course which in previous cases has met with the approval of your Hqs. He has already applied to the Ministry of Justice for vacancies.

5. A conference was held at this Hqs this morning with officials of the Tribunale di Minoranni, and subjected to the concurrence of your Hqs the following procedure was worked out to apply in this and all cases of young persons whom it is desired to transfer to a riformatorio giudiziario.
6. In cases of serious offences your Hqs would be asked to suspend the sentence and the Procuratore dei Minorenni would be asked to apply for the vacancies at a riformatorio giudiziario. Pending transfer prisoners would remain in Patti Gaol, but as persons at the disposal of the judicial authorities and NOT as and in the company of sentenced persons.
On receipt of the vacancy they would be transferred by the Italian Authorities. It is anticipated that whole process will take about one month, and consequently, in order to prevent undue delay, it is proposed that this Hqs continue to apply for vacancies on receipt of the record.
In the event of your Hqs NOT considering the case an appropriate one for such treatment the vacancy would be surrendered.
7. In the case of less serious offences and of young persons who are NOT a danger to the Allied forces, Court will simply impose a suspended sentence (or if permitted so to do, grant a judicial pardon). This Hqs 82/128/2/6153/0 of 27.1.45 refers. Accused will be liberated, and application made by this Hqs to Procuratore dei Minorenni for removal of accused to a cash di rieducazione.
8. An inspection of Minor's section of Patti Gaol by L.O. yesterday has left a very definite impression of its unsuitability for detention of young persons for any length of time.
9. In present case it is recommended that all 4 accused be dealt with under procedure outlined in para 6, and that sentences of L. 11110 and the other three accused be suspended conditional upon their

E.M.O.

785016

UNITED COLLECTOR
TIGAL OFFICE
BART

REF : 27/13/2/6150

SUBJECT: Case record(s) forwarded for Review.

TO : J.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/5/94. GUTMAN, Michel BARI/5m/90. ZELLA, Camerino
 BARI/5/95. BRETSCHNEIDER, Martin BARI/5m/91 TASIELLO
 BARI/5m/80 FIOU, Corrado
 BARI/5m/81 SPECCHI, Enrico
 BARI/5m/82 GALISBA, Cinelba BARI/5m/93. SANTORE
 BARI/5m/83. MARRA, Francesco Ettore
 BARI/5m/84 SAMARELLI, Paulino BARI/5m/85. TROIA
 BARI/5m/85 MONNO, Ubaldo
 BARI/5m/86 PRUNELLA, Saverio BARI/5m/87
 BARI/5m/87 FACHA, Sento BARI/5m/88. BARI/5m/89. BARI/5m/90. BARI/5m/91. BARI/5m/92. BARI/5m/93. BARI/5m/94. BARI/5m/95. BARI/5m/96. BARI/5m/97. BARI/5m/98. BARI/5m/99. BARI/5m/100. BARI/5m/101. BARI/5m/102. BARI/5m/103. BARI/5m/104. BARI/5m/105. BARI/5m/106. BARI/5m/107. BARI/5m/108. BARI/5m/109. BARI/5m/110. BARI/5m/111. BARI/5m/112. BARI/5m/113. BARI/5m/114. BARI/5m/115. BARI/5m/116. BARI/5m/117. BARI/5m/118. BARI/5m/119. BARI/5m/120. BARI/5m/121. BARI/5m/122. BARI/5m/123. BARI/5m/124. BARI/5m/125. BARI/5m/126. BARI/5m/127. BARI/5m/128. BARI/5m/129. BARI/5m/130. BARI/5m/131. BARI/5m/132. BARI/5m/133. BARI/5m/134. BARI/5m/135. BARI/5m/136. BARI/5m/137. BARI/5m/138. BARI/5m/139. BARI/5m/140. BARI/5m/141. BARI/5m/142. BARI/5m/143. BARI/5m/144. BARI/5m/145. BARI/5m/146. BARI/5m/147. BARI/5m/148. BARI/5m/149. BARI/5m/150. BARI/5m/151. BARI/5m/152. BARI/5m/153. BARI/5m/154. BARI/5m/155. BARI/5m/156. BARI/5m/157. BARI/5m/158. BARI/5m/159. BARI/5m/160. BARI/5m/161. BARI/5m/162. 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BITONTO / Sun / 26 (AFAGNA, Lorenzo)

BITONTO / Sun / 31 COCOZZA, Nicola

BITONTO / Sun / 33 BRECIA, Pasquale

BITONTO / Sun / 38 BRUNO, Raffaele

BITONTO / Sun / 40 MASTRONICOLA, Vincenzo

BITONTO / Sun / 42 LISINO, Michele

BITONTO / Sun / 48 CALABRANO, Michele

BITONTO / Sun / 49 BALAZANO, Sebastiano

BITONTO / Sun / 50 MUROLO, Gaetano

ALLIED COMMISSION
LEGAL OFFICE
BARI

30/1/95

REF : B2/LEG/2/6150

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 ~~is~~ are record(s) in undermentioned case(s).

No application for review of sentence has been received.

BITONTE/5/14. ANTONELLI Nicola (Plans see correspondence collected to record)
BARI/5/98 ELMU, Cuneo

BARI/5/99 GARGANO, Carlo for Cuneo
ROSSATO, Francesco for Anello.

BARI/5/100 ARGENTINO, Francesco

BARI/5/94. LOSATO, Cuneo

~~BITONTE~~ BARI/5/39 LORRUSO, Cuneo

BARI/5/98 ELMI, Cuneo

BARI/5/99 GARGANO, Carlo in Cuneo
ROSSANO, Francesco in Anello.

BARI/5/100 ARGENTINO, Francesco

BARI/5/94 LOSACO, Cuneo

~~BARI/5/39~~ LOZZUSO, Cuneo

J. A. Boyd-Carpenter

J. A. BOYD-CARPENTER

Major, L.C.,
Apulia & Calabria

40831
 ALLIED COMMISSION
 LEGAL OFFICE
 BARI

29 Jan 45

Ref: BL/LEG/2/6163/0

Subject:- Case of LIAZONIC Domenico

To :- C.I.O. Legal Sub-Commission,
Hqs Allied Commission

1. Record in above case is forwarded with request
 for ruling as to applicability of Art. 633 to
 cases of trespass upon land occupied by the W.D.
2. It would appear that question turns upon whether
 "otherwise deriving profit therefrom" covers only
 cases "Ejusdem Generis" with "occupying", or
 covers trespass with, e.g., intent to steal.

J.A. Boyd-Carpenter

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

NA

In view of closure of
 BARI Courts

R
 9 Feb

ALLIED COMMISSION
LEGAL OFFICE
BARI

REF : BZ/LEG/2/6163/O

31 Jan 45

SUBJECT : Case of FIORE, Pietro et al.

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

1. Forwarded herewith is application for review of sentence by FIORE, Pietro di Nicola, together with record in his case and that of CINQUEPALMI, Michele, BORRACCIA, Giuseppe, LACOPPALA, Giambattista, BORRACCIA, Arsenio, and DI BARI, Onofrio.
2. It is submitted that there was sufficient evidence to justify conviction, and that all the accused, including applicant, were well aware of what they were doing.
3. It will be noted from attached correspondence that application has been made by this Hqs for a vacancy in a riformatorio giudiziario for DI BARI Onofrio.

JABC/mk

J.A. Boyd-Carpenter

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

including applicant, were well aware of what they were doing.

3. It will be noted from attached correspondence that application has been made by this HQS for a vacancy in a riformatorio giudiziario for DI BARI Cnofrio.

J.A. Boyd-Carpenter

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

JABC/mk

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File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

IGHC/rlp.
2 February 1945.

SUBJECT : Transmittal.

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

Will you please be good enough to forward the enclosed to the
NALES Per Council? It has been left open as the contents may be of
interest to you.

By command of Rear Admiral STONE:

W. E.

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

NR

Incls: 3 documents re Del Vecchio Enrico.

(296)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/1.

IHHC/rfp.
2 February 1945.

TO: Bar Council, NAPLES.

1. Today, two advocates CAMPESE Eduardo and SPINA Giuseppe called at this Hq in regard to the case of one DEL VECCHIO Enrico who had been tried and convicted by an Allied Military Court in NAPLES.
2. They said that they were instructed in their professional capacity by the wife and family of DEL VECCHIO. They would not admit that they were charging a professional fee for their services (although they will be away from NAPLES for at least 3 days), but they did admit that they were charging expenses including at least 4000 lire for travelling alone.
3. Their objects, they said, were:
 - a. To present the documents which are attached hereto: and
 - b. To have, if possible, a "ridiscussione."
4. On these facts, the following comments are made:

As to a: There is no right to present documents after expiration of 30 days from trial: these particular documents cannot be of any possible value in this case; and, anyway, they could have been sent in one small envelope by post.

As to b: These advocates (who claimed to have practiced very many times before Allied Military Courts), must know that there is no "ridiscussione" or second hearing, but only a review based on the documents: moreover, it is hard to believe that two advocates could seriously believe that they could come to ROME and have a "ridiscussione" without prior appointment, without any prior arrangements and without any representative of the prosecution.
5. It can only be thought that these advocates were willing to accept at least a substantial sum for "expenses" for a journey to ROME which they must have known was unnecessary and useless.
6. This information is supplied to you as it is thought that you may think such conduct undesirable on the part of an advocate and may wish to

take some action.

7. It may be added that in many instances, advocates in NAPLES are presenting petitions or making journeys to Rome, which cannot possibly achieve any useful purpose, but for which doubtless they receive remuneration.

8. It is well realized that such practices are only indulged in by a small number of advocates, but the conduct of the small number must have an adverse effect on the good reputation of the profession as a whole. It is for that reason that it has been thought fit to bring the above to your notice.

12
W. E. FERRIS,
Colonel,
Deputy Chief Legal Advisor.

1093