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

785016

ACC

10000/142/582
(VOL. 15)

REVIEW
CORRES
MAR.,

1250

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

785016

REVIEW OF ALLIED MILITARY COURT CASES,
CORRESPONDENCE
MAR., APR. 1945

2/582

1251

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

785016

4C/4082/1/L.

vol. 15

FROM : No. 1524

TO : No. 1611

SUBJECT : REVIEW OF ALLIED MILITARY COURT CASES - CORRESPONDENCE -

CONFIDENTIAL

CONFIDENTIAL

100

SUBJECT : REVIEW OF UNITED STATES MILITARY COURT CASES

1 2 5 2

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

785016

CONFIDENTIAL

100/W

CONFIDENTIAL

100000 / 142 / 582

THIS FOLDER
CONTAINS PAPERS
FROM March 45
to Sept. 45

100000

101

(Total of impressions in volume 14 series)

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file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1611

AG/4083/1/L.

/lrh.
30 April 1946.

SUBJECT : SCARPA Maria.

TO : Provincial Commissioner (Attn: Senior Legal Officer), Naples Commune.

1. The record in the above mentioned case is returned herewith, the conviction has been quashed. From the evidence it is equally probable that the person responsible for the possession of the blankets was Quintavalle, the owner of the house where they were found. The evidence accusing SCARPA of responsibility was a statement made by Quintavalle to the Questura agent, not in the presence of SCARPA, as to which the agent testified and Quintavalle was not called as a witness. Quintavalle had every reason to try to put the blame onto someone else.

2. If the story told by the accused is true, she would not have violated the proclamation, as stated by the Judge; there would have been no wrongful possession.

By command of Rear Admiral STONE:

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

Encl: Record

17

✓ 4083/1 0

HEADQUARTERS
ANG - NAPLES COMBINE
LEGAL DIVISION
APO 394

1610
Pmm

28 April 1945

SUBJECT: Case of THOMAS Umberto and others.

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

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

F. L. VECCHIOLIA,
Major, JAGD,
Senior Legal Officer.

98

28 MAR

Naples

Awaiting appeals from

Mario

Raffaello

Ernesto

28 APR 1945

4098/L.

SUBJECT : Sentences imposed on Minors.

TO : Provincial Commissioner (attn. Senior
Legal Officer), Naples Commune.

1. Reference to your letter L-5013 of 24 Apr. 45
the papers inclosed are returned herewith.

2. The following decisions are made:
In the cases of:

MARCONO	Luigi ✓
ESPOSITO	Antonio di Francesco ✓
ANNILLI	Cataldo ✓
ESIDIO	Carmine ✓
ESPOSITO	Raffaele ✓
PARMI	Mario ✓
BOCCARUSSA	Aniello ✓

It is not considered necessary to vary the
sentences as the Director of the Reformatory has a
discretion to release upon completion of the respective
minimum period which it is considered must be served.

In the cases of:

CASO	Donato, the indeterminate term of not less than six months is converted into a fixed term of six months from the 25 February 1945.
FRECE	Vincenzo, the indeterminate term of not less than 2 years is converted into

43

- 2 -

a fixed term of two years from
the 11 November 1944.

✓ PASTORE	Antonio, the sentence is confirmed.
✓ D'ARQUAVALLO	Ermete, no decision from this Sub-Commission appears to be necessary as he is apparently out in supervised liberty.
✓ ESPOSITO	Salvatore di Luigi, is to be released immediately.
✓ CALUSO	Francesco
✓ ESPOSITO	Antonio fu Domenico).....will be released on the 7 July 45.

In respect of the last three named the decision
had already been taken on the 26 April 45 upon a Petition
for one of them and a letter to that effect was sent to
H.M. the Minister of *Justice*. You will however take the
necessary action upon receipt of the present letter of
which an extra-signed copy is provided for the Director
of the Refractory.

By command of Rear Admiral STONE:

J. M. Lockford
1001 93
W. F. BARRIS,
Colonel,
Deputy Chief Legal Advisor.

1259

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

785016

4083/1

o - legal
(1608)HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394.

REF : RIX/LE/654/87

WHL/dsh.
26 April 1945.SUBJECT : BENVENUTI Ortensio, PIRACCINI Luigia and PIRACCINI
Renato; Superior Court, Forli Province.TO : Headquarters, Allied Commission, APO 394 (for
Deputy Chief Legal Advisor).1. Forwarded herewith record of trial in above cases for
review at your Headquarters.

2. No petitions for review have been received.

For the Regional Commissioner:



Encls. as above.

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

Total 23 MARCH

ALLIED COMMISSION	
CLO	
DCLO	
Chief Counsel	
CID	95
Italian Section	
CL RKS	
29 APR 1945	

1602

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/lrh.
26 April 1945.

SUBJECT : Cases of ESPOSITO Salvatore di Luigi (age 14),
ESPOSITO Antonio fu Domenico (age 16),
CARUSO Francesco di Luigi (age 14).

TO : H.E., the Minister of Grace and Justice.

1. The above named youths were tried on 8 January 1945 by Allied Superior Court at Naples and sentenced to an "Indeterminate sentence of not less than six months in the reformatory at Capua".

2. Upon reconsideration of the case it has been directed that:

ESPOSITO Salvatore be released immediately,

ESPOSITO Antonio and CARUSO Francesco be detained in the reformatory for a period of six months from the date of judgement expiring on 7th July 1945.

3. Will Your Excellency kindly give necessary instructions for the above decisions to be carried into effect.

W. E. B.

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

17

1606

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AU/4083/1/L.

/lrh.
26 April 1945.

SUBJECT : COLELLA Vito.

TO : H.E., the Minister of Grace and Justice.

The case of the above man convicted by the AMG Court at Naples and confined in the prison of Poggioreale has been reconsidered and 11 months of his sentence is hereby suspended. Would you therefore please arrange for his release from prison on the 12th May 1945.

W. E. W.

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

Copy to:
Provincial Commissioner
(Attn: Senior Legal Officer),
Naples Commune.

93

+5/

1605

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/lrh.
26 April 1945.

SUBJECT : Case of MONTECELLI Erminio.

TO : HQ AMG Umbria-Marche Region, Legal.

1. Reference your R6/511/14/PU of 21 April, the conviction and sentence in the above named case have been affirmed as the sentence is not excessive, and there was ample evidence to support a conviction on the charge of resisting arrest.

2. Will you please draw Major Denham's attention to Rule of Procedure 17 (a), and point out to him that failure to observe the Rule may result in a new trial being ordered.

3. The record in this case is very difficult to read: will you please ask Major Denham to endeavour to prepare a neater record in future cases, and pages of evidence should be numbered.

4. *The Record is returned*

By command of Rear Admiral STONE:

Stone
W. E. BEKKENS,
Colonel,
Deputy Chief Legal Adviser.

4083
 ALLIED COMMISSION
 LIAISON OFFICE
 BARI

23.4.45

SUBJECT: Application for review.

TO : C.L.A. Legal Sub-Commission,
AC.HQ.

REF : 6163 / 50.

1)- Forwarded herewith application for review
 of sentence by Scombussolo Domenico sentenced by an
 Allied General Military Court at Bari- March, 21st. 1945.

LEGAL SUB-COMMISSION	
CLO	
DOLO	
CHS. COURT	
CLO	
Legal Section	
CLERKS	
28 APR 1945	

L.F. Dawson
 L.F. DAWSON, LT. COL.,
 Liaison Officer, AC. Bari.

1603

4083/1

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 April 1945

SUBJECT: Case of FORNICOLA Vincenzo fu Ciro

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

1. Transmitted herewith is form 8, ~~together~~
~~with application for review~~ regarding the above
entitled matter.

For the Local Commissioner:

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

9

+3

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 April 1945

SUBJECT: Case of MOCCIA Francesco et al

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

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

89

Trial in Naples
Naples

Awaiting appeals of

MOCCIA Francesco
Barattolo

640
3/2/45

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 April 1945

SUBJECT: Case of DI GENNARO Alfonso di Giuseppe

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

1. Transmitted herewith is Form 8, ~~together~~
~~with application for review~~ regarding the above
entitled matter.

For the Local Commissioner:

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

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Recd 21 MARCH

15

1599

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrb.
26 April 1946.

SUBJECT : Thefts from Naples Port.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Cases forwarded here for review show that in some cases of theft from the port the lorry drivers concerned have been tried in the Superior Court and received substantial sentences, whilst port employees who assisted the theft have been tried in the Summary Court.

2. If one of a number of civilians concerned in a theft is being tried in the Superior Court, in the absence of any special reason to the contrary it is considered that all civilians concerned in the transaction should normally be tried together in that Court, and the heavier sentences which could be imposed in appropriate cases may help to check the participation of port employees in these offences.

By command of Rear Admiral STONE:

For [illegible] 12/6/46

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

81

x5

1598

✓ 6083/1

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

24 April 1945

SUBJECT: Case of STORTO Francesco fu Michele

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

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

file

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Human Section	
CLXKS	
27 APR 1945	

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

86

4083/1
✓
HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

25 April 1945

SUBJECT: Case of SCARPA Maria di Vincenzo

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

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

LEGAL SUB-COMMISSION
CLIO
CLIO
Chief Clerk
CLIO
Reception
CL RKS
27 APR 1945

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

85

6237

1596

28 March 1945

TO : HQ. A.C. (through R.E.O.)

DEL SORDO Ademaro (Fornio) Tommy fin - full ac sub - Rotted ac
DEL SORDO Silvano (Pavani) 31 months - full ac - Rotted ac
BALZOTTI Metello (Fornio) Rotted full ac
✓ CIAMPOLINI Buoncristiani Silvano (Fornio) Rotted
✓ SALVADORI Elio (Luzza) Rotted full ac - Rotted full ac
✓ BOLDRINI Elio (Fornio) Rotted full ac
✓ BILDERI Mario (Fornio) Rotted full ac - Rotted full ac - Rotted full ac
✓ BARAGLI Leonisio (Fornio) Rotted full ac - Rotted full ac
✓ FRASSINELLI Rolando (Fornio) Rotted full ac

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

Encl.

87

file

1594

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

23 April 1945

SUBJECT: Case of Salazzaro Ettore di Vincenzo

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

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

LEGAL SUBCOMMISSION

CLO

DCLO

Chief Counsel

CLO

Section Section

CL RKS

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

83

25 APR 1945

file

15

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

RIO
1593

File Ref: RUM/19/5008

Date: 11 April 45.

SUBJECT: Completion of record.

TO : PROVINCIAL LEGAL OFFICER, LUCCA Province. (Hun P.C.)

1. The record in the trial of COLI Pietro, your No. 68, Our number 7991, is returned for completion.

2. The accused is charged with and convicted of a violation of Section 44. Neither the charge, particulars nor the evidence disclose a violation of an Allied Proclamation or order, or Italian Law - regulating or controlling the sale, purchase, distribution, allotment rationing or transporting of any commodity or Article.

3. If a violation of Italian law is involved, the record does not comply with the directive of Headquarters, Allied Commission, a copy of which is enclosed.

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

1ST IND.

15 April 1945

P.L.O. Lucca Province

To: C.A.O., Borgo A Mozzano (Attn. Capt. Roberts)

1. Forwarded for compliance with basic communication.

Capt Miller -

{ Communication Complied with
and Italian Law violations
quoted on record attached.
Capt. Robert

L. L. Miller
Captain C.M.P.
P.L.O. Lucca.

4083/1. ✓

1st Ind.

RTH/17/5/45

Regal 4c

1592

Headquarters, Toscana Region, AMG, - 17 April 45
 TO : LEGAL SUB-COMMISSION, HEADQUARTERS AG.

1. The order of forfeiture in the instant case was carefully reviewed by this headquarters. Lest we be in error we referred the case to your headquarters, without indicating our conclusions. Each arrived at the decision that the forfeiture was valid.

2. The contentions of the defendant are inimpressive in the light of the facts of the case and the surrounding circumstances. He gambled with the law and lost. We agree with him that he should not have done so. The consequences are not of our invention; they are the mandate of law applicable to all alike.

For the Regional Commissioner:

HEADQUARTERS
 21 APR 45
 A C

JOHN E. WERER,
 Colonel, Infantry
 Regional Legal Officer.

LEGAL SUB COMMISSION	
CLO	/
DCLO	/
Chief Counsel	/
CJO	/
Italian Section	/
CL RKS	/
22 APR 1945	

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11.9

5/

REGION VIII LEGAL OFFICE NO.

14 APR 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrb.
12 April 1945.

AC/4083/1/L.

SUBJECT : Case of ZANOTTI Carlo and SVIGELJ.

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

1. You are already in possession of the file in this case and the further petition of ZANOTTI Carlo is accordingly forwarded to you.

By command of Rear Admiral STONE:

W. E. Behrens

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

Encl: Petition.

HEADQUARTERS TOSCANA REGION ALLIED MILITARY GOVERNMENT

TO : Provincial Commissioner FLORENCE Province
FROM : Regional Legal Officer, Toscana Region.
SUBJECT : Decision on Review.
REF : Toscana Region Legal Office No. 6760
Provincial Case No. T-24

DATE : 17 APR 1945 1945.

Summary Military Court held at PRATO
on the 22 Jan 45 1945.

Name of accused ZANOTTI Carlo

Sentence 1- 30 days impr (suspended) 5- 15,000 lire fine or 90 days
2- 30 days impr. 6. 30 days impr.
3- 5000 lire fine or 30 days impr.
4- 10,000 lire fine or 60 days impr. Impr. CONSECUTIVE.

Conviction and sentence affirmed on 5 April 45.

On reconsideration, petition resolved against accused on 11 April 45.

Decision on Review

On reconsideration, petition dated 6 April 45
resolved against the accused.

ALLIED MILITARY GOVERNMENT
TOSCANA REGION
A O
OFFICIAL
[Signature]
Signature of Reviewing Officer
REGIONAL LEGAL
for Regional Commissioner

TO : Regional Legal Officer, Toscana Region.

Decision on Review has been received by me.

Signature _____

Date _____

1591

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/rb.
24 April 1945.

SUBJECT : Cases of FERRI Pietro et al.

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

1. Reference your letter R5/511/14/ANO of 14 April 1945, the records in the cases of :

FERRI Pietro —
MARCHETTI Ivo —
RIPA Antonio —
CIARLONI Valentino —
GALANTE Giuseppe —
CARPENTIERI Remo —

are returned herewith, the applications are all refused.

2. The petition of TOFANI Guido is also returned the record having been returned to you recently. If you recommend suspension of sentence, will you please forward the record with the petition.

By command of Rear Admiral STONE:

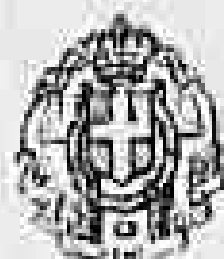
Stone

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

7 Encls: Petitions

78

XJ



MINISTERO DELLE COMUNICAZIONI
FERROVIE DELLO STATO

UFFICIO IMPIANTI E SECONDE
UFFICIO PERSONALE E COMPARTIMENTALE

Tipo 10

1590

Roma, li 10 aprile, 1945

TRIBUNALE ALLEATO

N° P.T.22/B.

al N°

R O M A

del

Si prega far tenere una copia della sentenza emessa il 14 agosto 1944 a carico dell'Aiutante Operaio sussidiario BACHIORRI Ennio fu Vincenzo, condannato a dieci giorni di prigione per vendita di sigarette di proprietà alleata.

Tale documento dovrà essere rilasciato in carta libera con esenzione di qualsiasi diritto o tassa per uso interno di questa Amministrazione e dovrà essere munito della postilla della Cancelleria attestante il passaggio in giudicato o l'eventuale interposto appello.

10 Tipo-Litografia F. S. - Roma, 3/1943-XVI

(1) Direzione Generale oppure Compartimento di
(2) Divisione oppure Ufficio, Stazione di

Sezione, Magazzino, Deposito

Manig

4083/1

1589

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

FROM : HQ AMG UMBRIA MARCHE REGION (Legal)

SUBJECT : Review of case

REF. : R5/511/14/PU

DATE : 21 April 1945



MONTECELLI Erminio - PU/Sug/40/26

1. This Record with Appeal annexed is enclosed for review by you.
2. The Court appears to have found :-
 - (a) that the accused was in fact not in the Italian Army at the time, and
 - (b) that when resisting he knew that the persons seeking to arrest him were members of the CC.RR..
3. Under these circumstances the sentence on this dangerous man seems not inappropriate.
4. It is observed however that at the close of the evidence given by the accused the Court asked him whether he had been previously convicted, when he admitted to 18 previous convictions.
5. Whilst at that time there would appear to have been ample grounds for finding the accused guilty, yet this irregularity may well be one in respect of which you may think it necessary to order a new trial.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CLO

Legal Sub-Commission

Q. 5.5

23 APR 1945

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

2204

(1590)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/lrb.
24 April 1945.

SUBJECT : BARONE Clemente fu Antonio.

TO : Lieut Thomas A. Morris, O-1797333, Attached
HQ AMC Florence Province.

Reference attached correspondence. Will you please state how you disposed of the articles in question, and give any information you can concerning the order made by the Court or reviewing officer.

By command of Rear Admiral STONE:

W. E. Behrens

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

Encl:

Basic letter with
additional letter
and subsequent
indorsements.

(1589)

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/ra.
23 April 1945.

SUBJECT : RACHIONI nno fu Vincenzo.

TO : Ministero delle Comunicazioni (Ferrovie dello Stato).

1. Reference your letter I.T. 22/B of 10 April 45.
2. It is regretted that it is impossible to furnish the information you seek.

W.E. Ferrene

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

76

PARISI ANTONINO

AVVOCATO ALLA CORTE DI CASSAZIONE

ROMA

VIA G. PIERLUIGI DA PALESTRINA, 19 SC. A INT. 2

Penale - Civile

Difesa Innanzi

MAGISTRATURE PENALI
TRIBUNALE MINORENNI
SUPREMI COLLEGI
MAGISTRATI SPECIALI

Contenzioso:

CIVILE E COMMERCIALE
RECUPERI MARITTIMI
AMMINISTRATIVO
CONTABILE
USI CIVICI
TRIBUTARIO
ECCLESIASTICO
PENSIONI - DIVORZI
RICORSI MILITARI

CORRISPONDENTI IN TUTTE LE SEDI GIUDIZIARIE

Pratica N.

292

4083

1588

ROMA, 20 April 1945
TELEF. INTERPR. 360-600
ORARIO: 8-9 - 16-20

To ROMAN HIGH COURT

R O M A

I have filed to this Honorable Court some important documents in the memorial for the following imputed persons whose confinement is yet in course:

- 1) PROTO Beniamino
- 2) BELLA Renato
- 3) CARDELLI Alfonso

For the very important worth of the documents submitted to the clear judgment of this Court, we beg to receive an answer in this regard.

Respectfully
The Defender Lawyer

Antonio Parisi

M. G. L. A. C. W.

see letter

4083/1
1577

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief	20 April 1945
CJO	W. C. W.

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

(1582)

AC: 4083/1/L

JPL/jpl
23 APR 45

SUBJECT: FABRI Pietro di Domenico:

To : To whom it may concern

1. FABRI Pietro di Domenico was charged with the following offences:

1st charge; Regional Order II; par 3; That the accused did on or about 23 July 1944 in or near Rome carry without a permit the following articles; to wit 2 quintals of pumpkins, 1 quintal of tomatoes; contrary to provisions of said Regional Order:

2nd charge; Procl I; Art V Sect 31; that the accused did, on or about 23 July 1944 utter words hostile and disrespectful against members of the Allied Forces and their Unit; contrary to the provisions of said Proclamation:

3rd Charge; Proclamation I, Article V, Sec 45; that the accused on or about 23 June 1944 in or near Rome; did an act to the prejudice of good order of the occupied territory; to wit: attempt to avoid compliance with Regional order II; by traversing a street closed for passage to avoid declaration of food stuffs brought into the city of Rome contrary to the provisions of said Proclamation.

2. On Aug 4, 1944, before Lt. Col. John L WILLIS, sitting as a Summary court the defendant was found guilty of the 1st and 3rd charges and not guilty of the second charge. The defendant was fined 2500 lire on each of the charges of which he was found guilty. The fines were paid.

72
A. E. W.
W. E. BEHRENS
Colonel
Deputy Chief Legal Adviser

4083/1

0

1586

Col. CAMPBELL:

CASCIANI Guglielmo di Domenico
Via Civitevecchia No. 1, Rome.

Above man has been awaiting "arrest" since Jan 45.
States that there is a debate as to whether trial
should be held by AMG court or by Italian Courts.

Offence: American soldier sleeping in home.

19 April 1945

Lt Latella.

I saw above man.
Papers are supposed
hither from

To be in transit
Palace of Justice

60

20 Apr 45

KJ

4083/1

1585

HEADQUARTERS
AMG -- PEOPLE'S COMMUNE
LEGAL DIVISION
APO 394

21 APRIL 1945

SUBJECT: Case of D'ANTONIO Armando di Giacinto

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

1. Transmitted herewith is Form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

LEGAL DIVISION	
DCLO	
Chief Counsel	
CLO	
Legal Section	
C. 111	

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

71

+5

(1584)

4083/1 ✓
 HEADQUARTERS
 AMG - NAPLES COMMUNE
 LEGAL DIVISION
 APO 394

21 April 1945

SUBJECT: Case of CARBONE Giorgio et al.

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

1. Transmitted herewith is form 8, together
 with application for review regarding the above
 entitled matter.

For the Local Commissioner:

F. L. Vecchiolia
 F.L. VECCHIOLIA,
 Major, JAGD,
 Senior Legal Officer.

71

LEGAL SUBCOMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
Legal Section	
CL REC	
20 Apr 1945	

15

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1583

WFB/mt.
21 April 1945.

AC/4083/1/L.

SUBJECT : Case of BORTICHI Guerino and others.
TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. Reference your RWIII/19/6006 of 15 April 1945.
I hereby authorize trial in an AMG Court of the Italian soldiers concerned in the case.

2. I am not directing that such trial must be had, and if by reason of the operation of the Tribunale Militare or of the shortage of AMG officers or upon any other ground you desire to remit the case to the Italian Military Court you are, of course, at liberty to do so. I feel myself that if the Italian Military Court is functioning with reasonable dispatch and awarding proper sentences it should be allowed to take jurisdiction in a case of this nature. Apart from other considerations it is more probable that the accused will serve, and that future potential delinquents will expect to serve, the full length of any long prison term imposed than if the case comes before an AMG court. Moreover Italian soldiers may be more impressed and deterred by a condemnation by their own army than by an AMG Court.

3. The papers are returned herewith.

By command of Rear Admiral STONE:

Stone
W. E. WEIRING,
Colonel,
Deputy Chief Legal Advisor

Incl.
Copy to: AC/4083/1/L.

45

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/1.

IGHC/pa.
20 Apr 45.

SUBJECT : CIOCE Francesco.

TO : Political Adviser .

1. Reference conversation Mr. Halford - Col. Behrens . *to the H.Q. for*
2. CIOCE Francesco, an employee at the Argentine Embassy was brought before the Allied Military Court at SIENA on two charges and was granted bail. He came to Rome and obtained a doctor's certificate saying that he was not in a fit condition to travel to SIENA. This certificate was so unconvincing that this Sub-Commission caused certain enquiries to be made. The report received is attached.
3. From that report it is far from clear whether a claim of diplomatic privilege is being put forward or whether CIOCE is relying on the medical certificate.
4. It will be appreciated if you will clarify the position with the Argentinian Embassy.

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

Incl.

4083/1 ✓

1581

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

18 April 1945

SUBJECT: Case of GIFUNI Paolo di Ciro

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

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
19 APR 1945	

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

61

+5/ fill

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1580

AC/4083/1/L.

WEB/ap.
20 April 1945.

SUBJECT : Request for General Military Court.

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

1. Reference your RVIII/19/3008 of 15 April 1945, trial of BARONI Renato by General Military Court is approved.
2. This appears to be a proper case for an order to be made for payment of witnesses' expenses under Art 18 (1).
3. There is no objection to the appointment of Major Creal BLACK as associate defence counsel.
4. The papers are returned herewith.

By command of Rear Admiral STONE:

66

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

lpals.

RT

4053/1 ✓

RVIII/19/3008

Headquarters, Toscana Region, AMG April 15, 1945.

TO: Legal Sub-Commission, Headquarters, A.C.

1st. Ind.

JKW/eg

(1579)

LEGAL S/C

1. Forwarded for decision.

For the Regional Commissioner:



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

LEG. SUB-COMMISSION	
CLO	/
DCLO	
Chief Counsel	/
CJO	/
Italian Section	/
CL. RKS	/
19 APR 1945	

HEADQUARTERS
PISA PROVINCE
ALLIED MILITARY GOVERNMENT

Ref:

: 3050/L

Date: 10 April 1945

SUBJECT: Request for Trial By General Military Court
TO : Regional Legal Officer, Hqs., A.M.G.,
Toscana Region.

1. On 21 January 1945 at Bientina, Province of Pisa, a British soldier, Gnr. A. Davenport, of B. Troop, P/205 Battery, 52nd Field Regiment, Royal Artillery, was shot twice with a pistol in the right thigh and scrotum.

2. His condition was considered critical for several weeks after the shooting but he has now recovered. He was hospitalized and under convalescent care until 1 April 1945.

3. A thorough investigation was made by the 75th Section, S.I.B., C.M. Police, C.M.F. and as a result Baroni Renato of Via Achille Pacini No. 5, Bientina was taken into custody by this unit on 30 January 1945.

4. This civilian was charged by the 75th Section, S.I.B. with an assault with intent of killing or doing serious bodily harm to a member of the Allied Forces. He was placed in the Pisa Penitentiary where he has remained pending the recovery or the death of the soldier.

5. The complete report of the S.I.B. together with copies of statements taken by their agents are attached as enclosure 1. A copy of the arrest report is attached as enclosure 2.

6. In connection with the investigation of this incident a complaint has been filed by the 75th Section, S.I.B. that Brigadiere Mario Masci in charge of the CC.RR. Caserma at Bientina willfully withheld information in his possession from the S.I.B. agent making the investigation. As a consequence this unit has preferred charges against Brig. Masci for misleading a member of the Allied Forces while performing his official duties. The Legal Sub-Commission has approved disciplinary action being

taken by the Command of this Carabinieri rather than have him prosecuted by an Allied Military Court. These facts are mentioned for the information of the prosecuting officer in this assault case. Enclosure 3 is a report made by the Carabinieri of Calcinaia of the shooting of the British soldier.

7. It is recommended:

- A. That the case against Baroni Renato be tried by a General Military Court.
- B. That the accused be charged with,
 - I. Violation of Proclamation I, Art. IV, Section 16
 - 2. " " " " I " IV " 5
- C. That the case be tried at Florence where a General Court is sitting regularly because of the lack of housing and messing facilities for the Court and witnesses in Pisa.
- D. That some provision be made in advance for civilian witnesses in so far as expences are concerned since much difficulty is experienced by such non resident witnesses in Florence on the nominal sum allowed them for food and lodging.

8. If the recommendation to have the case tried in Florence is favorably acted upon, permits for all witnesses desired and transportation for them to Florence will be provided from here. Process can also be served from Pisa.

9. The daughter of the accused Baroni has induced Major Creal Black of the 68th Air Service Squadron, 320 Service Group A.P.O. 650 to request appointment as associate counsel in defence of her father. Her request for this appointment is attached as enclosure 4.

Edward E. Nevans Jr.
 EDWARD E. NEVANS Jr.,
 1st Lt. C.M.P.
 Prov. Legal Officer.

FORWARDED:

For the P.C. Thomas Brennan
 T.W.J. WALTERS *Adj. C.M.P.*
 Lt. Colonel
 Prov. Commissioner.

Rviii/19/3008

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

19 April 1945.

AP 4086/6/12

SUBJECT : Case of PALASCHI Faro and others.
TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. Reference your RVIII/19/3008 of 15 April 1945.
2. Trial by AMG Court is authorized.

By command of Rear Admiral STONE:

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

61

1577

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

AC/4023/1/L.

/lrh.
19 April 1945.

SUBJECT : Case of CANDELI, PROTO, BELZ and others.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. The record in the case against CANDELI, PROTO, BELZ and others is returned herewith, with decision on review endorsed.

2. The reason for the cancellation of the order of forfeiture is as follows:- Proc 4 Art 5 Sec 4 authorizes the forfeiture of an article when the defendant has been "convicted of wrongful sale, purchase, use or possession" thereof. This means that the court must be able to confiscate the specific article: It does not authorize the court to follow assets. At least in the case of CANDELI's own account, it was an ordinary current account in operation (in the period covered by the account there were 14 payments and 29 withdrawals): and therefore the credit in such account was not a specific article which could be forfeited.

3. The cancellation of the order is made on purely legal grounds: it will presumably have no practical effect in view of the letter of 1 March from the Prosecutor to the Finance office: and certainly the cancellation of the order is not to be interpreted as an instruction to repay to any accused any money already in the hands of AMG and appropriated towards payment of a fine.

4. PROTO was convicted under Sec 20. The charge, as framed, alleges that he actually forged the document whereas it appears more probable that he did not commit any act of forgery but that he had in his possession the forged document knowing the same to be false in that he passed it from the forger to the purchaser. This constitutes an offence under Sec 20: and therefore the conviction has been affirmed.

- 2 -

5. The tidiness of this record is much appreciated: but will you please arrange that a proper form 8 be supplied with all cases: the various spaces therein can be completed by reference to the record: but unless there is a form 8 the reviewing authority is handicapped by having nowhere to enter his decision. In this case it has been necessary to make out such a form at this HQ.

By command of Rear Admiral STONE:

lc

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

Encl: Record

(1576)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
19 April 1945.

SUBJECT : Case of GOLDMARK Vittorio.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Reference is made to the above case which has been reviewed, convictions and sentences affirmed, the file being returned herewith.

2. It is observed from S.I.S. report of 27 Feb 1945 that certain monies (blue seal dollars - Egyptian and British paper pounds) found at GOLDMARK's house were confiscated by S.I.S. and are now held by them at disposal of Justice.

3. No charge has been preferred in respect of these monies and on reference to Proc 3 (in force in Naples) it does not appear that mere possession of these monies is an offence. If there is any Regional Orders in regard to such monies (e.g. making such possession an offence) the advisability of taking appropriate action, such as preferring a further charge of possession, should be considered failing which, the monies should be returned to GOLDMARK.

By command of Rear Admiral STONE:

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

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

COMMISSION (1575)	
CLO	/
Chief Counsel	/
CJ	/
CLERKS	/
19 APR 1945	

REF. : SD/550.1-182

16 April 1945

SUBJECT : CIOCE Francesco.

TO : Director ^{Legal} ~~Public Safety~~ Sub Commission.

DOWN GRAD
TO
UNCLASSIFIED

Col. Inf.

Chief Judicial Officer.

for Chief Civil Affairs Officer.

1. With reference to the attached papers concerning the above named.
2. On Monday, 16th April 1945 I called at the Argentina Embassy to the Holy See, 51, Via del Mare, Rome, where I was received by CIOCE himself.
3. Later I saw the Ambassador and he informed me that the matter of CIOCE's appearing at Siena has been referred by him personally to Sir D'Arcy OSSORN, British Minister to the Holy See who had, according to the Ambassador telephoned to the Authorities concerned. He further told me that the Argentine Ambassador to the Quirinal was also referring the position of CIOCE to the Italian Foreign Office for clarification.
4. CIOCE is an Argentine subject in possession of a diplomatic passport but his position at the Embassy appears to be that of a clerk.
5. Subject appears to carry out his employment at the Embassy in quite a normal way and is in no way handicapped by his alleged sickness.
6. I have not made enquiries at the offices of the British Minister but the Argentine Ambassador does appear to be attempting to aid CIOCE in evading trial.
7. CIOCE is submitting to this office a certificate from the Argentine Ambassador which will be forwarded when received.
8. Enclosure (2) are returned herewith.

A. H. Ellis Capt.
A.H. ELLIS,
Captain,
Security Division.

AHE/12.

CONFIDENTIAL

(1574)

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

17 April 1945

SUBJECT: Case of VELOTTI Pasquale fu Domenico

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

1. Transmitted herewith is form 8, ~~together~~
~~with application for review~~ regarding the above
entitled matter.

For the Local Commissioner:

7. L. Vecchiolia
F.L. VECCHIOLIA,
Major, JAGD,
Senior Legal Officer.

56

+3

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1570

/rm.

AC/4087/1/L.

17 April 1945.

SUBJECT : Petitions for pardon. (PATINI, Luciano)
TO : Regional Commissioner, (attn. Regional
Legal Officer), Umbria-Marche Region.

Reference your letter R5/511/14/PER of
9 April 45.

1. This Sub-Commission is willing occasionally to authorise release from prison in proper cases to enable the prisoner to join the army; but it is not thought that this case, in which the accused stole a large quantity of petrol, falls within that class.

2. The papers are returned herewith:

By command of Rear Admiral STONE:

/c

W.F. BERRINS,
Colonel,
Deputy Chief Legal Adviser.

55

Incl : Petitions.

1569

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ICHC/pe.
18 Apr 45.

AC/4083/1/1.

SUBJECT : Case of MONACELLI Giovanni.

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

1. Monsignor Joseph F. McGeough, Pro Rector North American College, Rome has called on this Sub-Commission in regard to the case of MONACELLI Giovanni who is to be tried tomorrow 17 Apr at Jesi for, I believe, possession of a revolver.

2. Monsignor did not try to "pull strings" (most unusual) but he said that he had supplied a statement as to character which he had arranged to send up to Monacelli by some friends, but that owing to the inevitable transport difficulties these friends could not get there.

3. Monsignor knows MONACELLI well. Monsignor is Pro-Rector of the College and MONACELLI has been the administrator of the College for many years. Monsignor speaks very highly of MONACELLI's character and states that MONACELLI actively helped him to hide 25 Allied prisoners who were handed over to the Allies on their arrival in Rome, including a nephew of F.V. Montgomery on whose head was a 50,000 lire price.

4. It is felt that these statements by Monsignor would have constituted valuable evidence as to character and would have been of great help to the Court in assessing sentence. As it is now too late to get the facts before the Court it is suggested that you send for the record immediately and review it in the light of the above information.

By command of Rear Admiral STONE :

1.C. 54

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

1568

7850
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrh.
17 April 1945.

AC/4083/1/L.

SUBJECT : SIGNORI Luigi et al.

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

1. Herewith returned are the records in a large number of olive oil amassing cases; they have all been affirmed except that the sentences on BOANINI and GIAGNONI have been reduced.

2. It is observed that in certain cases where substantial terms of imprisonment were imposed petitions have been presented on the grounds that the accused are needed if the land is to remain productive and the Judge agrees that they are so needed. It must be assumed that the Judge took this factor into consideration in imposing sentence and considered that on balance more good than harm would ensue to the community as a result of these sentences.

By Command of Rear Admiral STONE:

K

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

Encl: Records

53

XJ

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

FROM : HQ AMG UMBRIA MARCHE REGION

SUBJECT : Review of cases

REF. : R5/511/14/ANC

DATE : 14 April 1945

CLO	
DCLO	
GLO	
Italian Section	
CL RKS	
15 APR 1945	

Regal

1569

1. Ref para 6a of Legal Directive AC/4002/L of 24 March 1945 (suspension of sentences for enlistment in Italian Army) Records and Petitions are enclosed in the following cases :-

• FERRI Pietro ✓	Case No D1/552	2 yrs. Italian Prison	for by Prisoner's book
• MARCHETTI Ivo ✓	" D1/586	Prisoner of War	- 8 yrs.
• RIPA Antonio ✓	" D1/550	3 yrs. Italian Prison	221 Prisoner's book
• CIARLONI Valentino ✓	" D1/586	Prisoner of War	- 6 yrs.
• GALANTE Giuseppe ✓	" D1/551	4 yrs. Italian Prison	Italian Soldier
• CARPENTIERI Remo ✓	" D1/553	2 yrs. Italian Prison	76 Prisoner's book

2. A similar Petition is also enclosed in the case against TOFANI Guido (D1/Anc/595) the record of which was sent to you on 10 April 1945 with letter R5/511/14/ANC.

For the Regional Commissioner

52

file

Blackburn Major

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

1217

HEADQUARTERS ALLIED COMMISSION
AFS 394
Legal Sub-Commission

10/4083/1/L.

/ra.
13 April 1945.

SUBJECT : FORCARO Salvatore and GULLO Pasquale.

TO : Provincial Commissioner AMG Naples Commune
(Acting Senior Legal Officer).

1. In reference to the enclosed letter from Questura di Napoli No. 5465.CIA.6.1/25 the above named persons were not tried by Allied Military Court with the other persons concerned: GALANTE, BERNARDINI etc. It is understood at this HQ that both FORCARO and GULLO are under arrest and to be tried by Italian Military Court.

2. Please transmit this information to the interested party.

By command of Rear Admiral STONE

V.L.W.

S.E. BERNARDINI,
Colonel,
Deputy Chief Legal Adviser.

Incl. : Questura letter No. 5465.CIA.6.1/25
of 8 April 1945.

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

AC/4083/1/L

Subject: Case of MISANI Gabriella fu Gaspare

To : Signorina MISANI Gabriella fu Gaspare
Via Fan' di Bruno # 10, Rome

Receipt is hereby acknowledge of lire 25,000 (Twenty Five Thousand)
in payment of fine imposed on MISANI Gabriella by an Allied Summary Court of
Rome on or about 11 August 44.

W. E. BEHRENS
Colonel
Deputy Chief Legal Adviser.

HEADQUARTERS
ALLIED COMMISSION
FINANCE SUB-COMMISSION
ACCOUNTING SUB-SECTION
APO 394

4083/1- ✓
Tel: Dial 489161, Ext. 259

Ref: 13879/F/A/29

14 April 1945

SUBJECT: Fine - Lazio-Umbria Region.

TO : Chief Legal Adviser,
Legal Sub-Commission,
H.Q. Allied Commission.

1. With reference to your letter AC/4083/I/L dated 12 April 1945, we enclose official receipt N°88720, for the Lire 25,000, stated by you to be a fine paid by Signorina Misani Gabriella in Gaspare.

GHT/mg

74 apr
Wright
max
seen by T/24 Lella
For Chief Accountant,
Finance Sub-Commission.

1306

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

785016

ORIGINAL

F/F 1

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY
GOVERNO MILITARE ALLEATO DEL TERRITORIO OCCUPATO

RECEIPT VOUCHER

88720

Date 13 Apr 1945

Quietanza

A N.

RECEIVED FROM:
Ricevuto daTHE SUM OF (IN WORDS):
La somma di (scritto in lettere)IN PAYMENT OF:
In pagamento diAMOUNT (IN FIGURES):
La somma di (in cifre)

DISTRICT:

Legal Sub Commission

Twenty five thousand lire.

Fine: Refrain II in re Liguria MISTAVI

25000 lire

Same

Receiving officer's signature & rank

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1563

AC/4083/1/L.

/rm.
13 April 1945.

SUBJECT : Case of LIEGGI Domenico di Giovanni.

TO : Allied Commission Liaison Officer
c/o HQ 54 Area.
CMF

1. LIEGGI Domenico of Via Arcoglio 37, TUPI was tried and convicted by a General Military Court at Bari, on 26 Feb. 45.
2. The record and conviction have now been reviewed and the sentence affirmed.
3. Will you please communicate the decision to the accused.

By command of Rear Admiral STONE:

W. E. B. B. B.

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

HEADQUARTERS ALLIED COMMISSION
AFO 394
ITALI. SUB-COMMISSION

AC/4086/8/L.

/mt.
15 April 1945.

SUBJECT : Application for Trial of Italian soldier by Allied Military Court.
TO : Regional Commissioner (Attn: Regional Legal Officer),
UMBRIA-MARCHE Region.

1. Reference your R5/511/14/P of 13 Apr 1945.
2. Permission is hereby granted to try LANA in respect of the assault:
it will be made plain to the Italian authorities that this action in no way
prejudices their right to try him for any other offences he may have committed.

By command of Rear Admiral STONE:

le

Copy to: AC/4085/1/L.

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

4083/1.
✓

1561

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3140

13 April 1945

SUBJECT: FORTE Luigi.

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

1. Reference is made to your communication AC/4083/1/L, 5 April 1945, relative to the above subject.

2. The J.A.G.D. has again requested, that if it is possible to return the file of the above case to this office the same will be examined in this office for the purpose of determining if a member of the Armed Forces should be brought to trial before a General Courts Martial. I can assure you that the file will not be taken from this office.

For the Senior Legal Officer:

Yes
12.

Ewing T. Kerr
EWING T. KERR,
Major, AUS,
Legal Officer.

ETK/pv

14 APR 1945

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

Legal
1560

File Ref: RVIII/19/3008

Date: 2 April 1945.

SUBJECT: Case of Di Giulio, Vittorio.

TO : Legal Sub-Commission, Headquarters, A.C.

1. The above case was sent to you thru error. Please return the record to us.

For the Regional Commissioner:



W. P. W.

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

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJ	<i>le</i>
Insp. Gen.	
C. S.	
5 APR 1945	

4.1

1559

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
14 April 1945.

SUBJECT : Record of FORTE Luigi.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Reference your L - 3140 of 13 April 1945.
2. Forwarded herewith is the record in the proceedings against FORTE Luigi.
3. Please return the record as soon as examination has been completed.

By Command of Rear Admiral STONE:

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

Encl: Record

43

5/

4083/1
155P

ALLIED MILITARY GOVERNMENT
PROVINCE of SIENA

Subject: AMG Courts. Case of CIOCE
Francesco.

Ref: SI/6/115.

To:

Date 13.April 1945.

HQ AG

LEGAL SUB-COMMISSION.

1.

Reference your AG/4083/1/L dated 5.April 1945.
The above mentioned case stands adjourned at present
till 18.April. I propose to adjourn it for a further
fortnight on that day.

2.

At the last hearing the accused's lawyer,
who is well-known to me, gave as his personal opinion
that the accused did not intend to surrender to his
bail, as he was afraid that the case could result in
a sentence of imprisonment. Having regard to this, it
certainly seems me that the medical certificate is in-
correct.

3.

Accused furnished bail of Lire 20,000.- and
as he failed to appear at the adjourned hearing on 4.Apr.,
I informed the lawyer that I proposed to estreat it. No
medical certificate was furnished at that time, but in
view of the fact that you have now received one, I would
be glad to have your views before I pass final orders.
We also hold a quantity of cloth seized at the

4.

time, a considerable time afterwards.

2. At the last hearing the accused's lawyer, who is well-known to me, gave as his personal opinion that the accused did not intend to surrender to his bail, as he was afraid that the case could result in a sentence of imprisonment. Having regard to this, it certainly seems to me that the medical certificate is incorrect.
3. Accused furnished bail of Lire 20,000.- and as he failed to appear at the adjourned hearing on 4.Apr., I informed the lawyer that I proposed to estreat it. No medical certificate was furnished at that time, but in view of the fact that you have now received one, I would be glad to have your views before I pass final orders.
4. We also hold a quantity of cloth seized at the time. A considerable time afterwards, the accused through his lawyer produced a letter from some Vatican organization claiming that it was purchased on their account. No statement or evidence was given at the time of arrest to this effect, and it is obviously an afterthought.

BF 23 apr OF
15 APR 1945 on receipt of report from 18 Murphy
P.S. 12
PROVINCIAL LEGAL OFFICER.

COPY TO RIO TOSCANA BENTON.

+7

✓ 5083/1

1557

SUBJECT: Port Court case files.

1. Attached hereto are several forms
8 tried in the Port Court. Since these cases
were tried prior to 1 April 1945, same have
been reviewed at this HQ. They may now be
filed with the other cases in your HQ. The
accused have been notified of the decisions
on review of these cases.

For the Senior Legal Officer:

Ewing T. Kerr
EWING T. KERR,
Major, AUS,
Legal Officer.

ETK/PV

Ref. 4083/1
of 14 Apr 45
(1555)

1556

4083/1.

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

2. If it meets with the approval of your HQ, it will not be necessary to return forms 8 to this office after review of the same by your HQ provided we receive the "Decision on Review" with the sentence imposed by the trial court stated thereon together with the date of trial and the decision of your HQ on review.

40

EWING T. KERR,
Major, AUS,
Legal Officer.

ficer.
R 26 / 4083 / 1
2 14 am
1555

XI

1555

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
14 April 1945.

SUBJECT : Post Court Case File and Files of cases
in Naples Commune.

TO : Provincial Commissioner AME Naples Commune
(Attn. Senior Legal Officer).

1. Reference your letters of 10th and 12th April. The files sent by you are returned herewith in accordance with policy laid down in the letter from DCLA of 9th April 45 AC/4083/1/L stating that records will be returned to your HQ for storage.

2. The files enclosed are as follows.

(a)	STIPE	Antonio -	et al
	BONTEMPI	Giovanni -	
	TOMMASINO	Geetano -	
	CO. POLA	Aniello -	
(b)	ISCHERO	Pietro -	
	GUARINO	Luigi -	et al

By command of Rear Admiral STONE:

Incls : 6 Files.

W.E. BERRINS, 39
Colonel,
Deputy Chief Legal Adviser.

LEONE 3/2

1554

Records with appeals annexed are attached for review by you.

For the Regional Commissioner

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

N. G. S. ~~stands~~

Index

834

4083/1/✓
 To. : HQ. AC. (for attention of Legal Sub. Com.) ✓
 From : HQ AMG/AC MARCHE UMBRIA REGION
 Subject : Case of RIGHI Armando) Fal/Sup/28
 PATINI Luciano)
 Ref : RS/511/14/PER.
 Date : 9 April 45

1553

Record and appeals in above case are forwarded for your decision please on the requests contained in the letter to effect that sentences be suspended to allow of prisoners joining the Italian Army.

For the Regional Commissioner

LEGAL SUB COMMISSIONER
/CCO
DCLO
Chief Counsel
CIO
Italian Section
CL RKS
BI

11 APR 1945

R. G. S. Alexander
 R.G.S. ALEXANDER
 Major
 R & O

31

520

1319

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)
FROM : HQ AMV/AC MARCHE UMBRIA REGION
SUBJECT : Review of cases
REF. : R5/511/14/ANC
DATE : 10 April 1945

✓ 4.83/1 ✓

1552

HEADQUARTERS
11 APR 1945
A C

CARICLI, TOFANI, D'AGOSTINO and BURRATINI
D1/ANC/595, 597, 643.

Herewith Records in these cases for review by you. Appeals by
D'Agostino and Burratini are enclosed.

For the Regional Commissioner

DCO	
Chief Counsel	
CIV	✓
Detention Section	
CLERKS	
11 APR 1945	

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

R. G. S. Alexander

38

610

1 3 2 0

785016

1551

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

12 April 1945. /lrh.

SUBJECT : Case of ZANOTTI Carlo and SVIGELJ.

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

1. You are already in possession of the file in this case and the further petition of ZANOTTI Carlo is accordingly forwarded to you.

By command of Rear Admiral STONE:

W. E. Behrens

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

Encl: Petition.

33

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) ✓
FROM : HQ AMG/AC UMBRIA MARCHE REGION
SUBJECT : Review of case
REF. : R5/511/14/M
DATE : 10 April 1945

141 Macerata - Superior - DI PAIMA Carmine

Record in this case is enclosed for review.

For the Regional Commissioner

11 APR 1945

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

48311
HEADQUARTERS
FLORENCE PROVINCE
ALLIED MILITARY GOVERNMENT

REGION VIII LEGAL OFFICE NO

1549
8268

FL/1

22 March 1945

SUBJECT: Reviews - General Court Cases

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

1. I am forwarding herewith the General Court record in the case of:

SCUDERI Pietro
DI DATO Giuseppe
ZAPPALA Francesco

and exhibits. This is the case arising out of the hair-cutting of Florentine girls by Italian soldiers.

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

HLG/FV

Encl.

(1548)

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

31 March 1945

SUBJECT: Court record.

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

1. Attached hereto is form 8 which involves a case tried before the Superior Court No.7. Since all the records of Superior Court No.7, Naples have been sent to HQ, this record is being sent to be filed with said record in your HQ.

For the Regional Commissioner:

V.L.W.

ETK/pv

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

32

11 APR 1945

13/

(1547)

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

31 March 1945

SUBJECT: Court Records.

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

1. Attached hereto are three court records tried before Superior Court No.7, Naples. The accused in these cases have been notified of the decision on review by your HQ.

2. All Forms 8 have been forwarded to your HQ and I am therefore returning these files to be placed with the other cases entitled "Superior Court No.7".

For the Regional Commissioner:

V. P.W.

file

L.F. Dawson 31
L.F. DAWSON, By E.T. *Major*
Lt.Col., G.I.,
Reg.Chief Legal Officer.

+3

4083/1
HEADQUARTERS ALLIED COMMISSION

Office of the Executive Commissioner

LIAISON DIVISION

A P O 394

LR/mcf

(1546)

Ref: 107/146/EC(L)

5 April 1945

SUBJECT: Sig. Francesco CIOCE

TO : Legal Sub-Commission

1. The British Minister to the Holy See has telephoned this morning to say that the Argentine Embassy have informed him that Signor Francesco Cioce, Chancellor of the Embassy, will not be able to be present on the date of his trial. The British Minister has forwarded the attached medical certificate in support of Signor Cioce's claim, that sickness will prevent his journey to the place of trial.

2. This office does not know the date or place of trial, though it is probable that Siena would be the place in view of the fact that Sig. Cioce was arrested and imprisoned there in the first place.

3. It is requested that you take the necessary steps to inform the appropriate authorities.

Renzetti *Ch.*

Officer in Charge
Liaison Division

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CLO

Relation

CL RCL

6 APR 1945

30

Dott. RAIMONDO PASQUA

Medicina Interna

Specialista Malattie Apparato Respiratorio

RAGGI X

Corso Vittorio Emanuele, 337 - Tel. 561 - 616

ROMA

Riceve Casa: ore 9 - 10 e 16 - 18

Ambulatorio (Via del Tritone 16) Tel. 65249 ore 12-13

3. 4. 45

Certifico che da quella data
in cura al Sign. Francesco Ciana
di Trenosa, funzionario Sili Ambrosiano
Argentina per la S. Ser., il quale
è sofferente per colelitiasi e appendicite
acuta acutizzata fortemente
in questi ultimi giorni.

Nella attuale condizione di
salute non è a mio parere
in grado di intraprendere qualsiasi
viaggio anche breve sia in treno
che in auto che potrebbe avere
influenza deleteria sulla sua malattia
di cui si è ristabilito per un periodo
della legge.

R. Pasqua.
23

483/1

1545

LR/nof

Ref: 107/446/EC(L)

5 April 1945

SUBJECT: Sig. Francesco CIOCE

TO : Legal Sub-Commission

1. The British Minister to the Holy See has telephoned this morning to say that the Argentine Embassy have informed him that Signor Francesco Cioce, Chancellor of the Embassy, will not be able to be present on the date of his trial. The British Minister has forwarded the attached medical certificate in support of Signor Cioce's claim, that sickness will prevent his journey to the place of trial.

2. This office does not know the date or place of trial, though it is probable that Siena would be the place in view of the fact that Sig. Cioce was arrested and imprisoned there in the first place.

3. It is requested that you take the necessary steps to inform the appropriate authorities.

R

Officer in Charge
Maison Division

20

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4009/L.

GCH/pe.
19 Jan 45.

SUBJECT : Diplomatic Privilege.

TO : Regional Commissioner, TOSCANA Region.
(Attn: Regional Legal Officer for P.E.O. Siena Province).

1. This Sub-Commission has not issued any directive on the subject of diplomatic privilege. However, before the occupation of Rome some advice was given to the Political Section and general instructions on the matter may at the time have been issued by its Directors.

2. The case of Senior Francesco CIOCE has been notified to the Allied Commission by the Argentine Ambassador through the Italian Ministry of Foreign Affairs. The Ambassador does not claim diplomatic privilege on behalf of Senior CIOCE but only considerate treatment.

3. It is understood that Italian authorities are notifying all foreign diplomats to the Vatican and the Quirinale of the restrictions on travelling and possession of arms existing in AMG territory and Army zones in order to prevent the recurrence of similar incidents.

4. You will appreciate from the above that there is no objection to the trial of Senior CIOCE, but discretion should be exercised in assessing the punishment.

by command of Rear Admiral Stone:

GGH

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

(1543)

file

HEADQUARTERS ALLIED COMMISSION
APO 364
LEGAL SUB-COMMISSION

AC/4083/2/L.

/lr.
6 April 1945.

SUBJECT : Case of GIORGE Francesco.

TO : Provincial Commissioner, (for Provincial Legal Officer) Siena.

Reference your letter to this HQ SI/S/ of 1 Feb 45 setting out the facts in the above case.

1. This Commission has now received a medical certificate from which it appears that, by a curious coincidence, upon GIORGE's arrival in Rome his chronic "colicistitis" and appendicitis became so much worse that even a short journey, whether by road or rail, would have a harmful effect on his health.

2. In view of the above, the case must be adjourned: meanwhile, enquiries are being set on foot to ascertain when he will be well enough to travel to Siena.

3. Please inform this Sub-Commission to what date the trial was adjourned.

By Command of Rear Admiral STONE:

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

Copy to Regional
Commissioner (for
Regional Legal Officer)
Toscana Region.

Letter sent direct to your Provincial Legal
Officer to save time.

25

13

file

(1542)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/AGCS/1/L.

/lrb.
6 April 1945.

SUBJECT : Case of GIOCE Francesco.
TO : Public Safety Sub-Commission.

Reference conversation Lt Col Wilson -
Col Campbell.

1. Sig. GIOCE Francesco is charged before the Allied Military Court Siena with two offences:
 - (a) Travelling without a permit.
 - (b) Being in possession of a revolver without a permit.
2. He was granted bail in the sum of lire 10,000.
3. Apparently he came to Rome: and a doctor's certificate has now been received saying that he is unable to travel to Siena: copy certificate attached.
4. From the circumstances of the case and the terms of the doctor's certificate, this sub-Commission feels that there is reason for wondering whether the state of GIOCE's health is really such as to prevent him travelling to Siena to stand his trial.
5. It will be much appreciated if you will arrange for discreet enquiries to be made as to GIOCE's present mode of life, to see whether it confirms that he is unable even to make a short journey.
6. GIOCE's address in Rome is not known: but he is an employee (Cancellieri) at the Argentina Embassy.
7. It may be added that no question of diplomatic privilege arises in this case.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

6 April 1945. /lrh.

SUBJECT : Case of CIOCE Francesco.
TO : Public Safety Sub-Commission.

Reference conversation Lt Col Wilson -
Col Campbell.

1. Sig. CIOCE Francesco is charged before the Allied Military Court Siena with two offences:
 - (a) Travelling without a permit.
 - (b) Being in possession of a revolver without a permit.
2. He was granted bail in the sum of lire 10,000.
3. Apparently he came to Rome: and a doctor's certificate has now been received saying that he is unable to travel to Siena: copy certificate attached.
4. From the circumstances of the case and the terms of the doctor's certificate, this Sub-Commission feels that there is reason for wondering whether the state of CIOCE's health is really such as to prevent him travelling to Siena to stand his trial.
5. It will be much appreciated if you will arrange for discreet enquiries to be made as to CIOCE's present mode of life, to see whether it confirms that he is unable even to make a short journey.
6. CIOCE's address in Rome is not known: but he is an employee (Cancellieri) at the Argentina Embassy.
7. It may be added that no question of diplomatic privilege arises in this case.

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

DOTT RAIMONDO PASQUAZI
CORPO VITTORIO EMANUELE 337
ROMA.

3.4.45

I certify that I have been treating Mr. Francisco Giose, official of the Argentina Embassy, for some time. He is suffering from cronical "colecistito" and appendicite, and his illness has become worse in these last days.

Owing to the present conditions the said person is not ^{in my opinion} in a position to undertake any travel, even a short one, either by train or by motor car, which would badly influence his illness.

The present declaration is made at the request of the person concerned for lawfull purposes.

(Signed)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

(154-1)

ACW/jpl

AC/4083/1/L

7 April 45

SUBJECT: Case of SCROCCA Ernesto

To : Col. BERTARELLI Luigi,
(Att. Mares Drama Antonio Gruppo Viterbo)
LEGIONE CC RR , LAZIO ROME

This is to certify that the vehicle concerned
in the case of SCROCCA Ernesto tried on 11 Aug 44 at Viterbo
was confiscated by order of the Allied Court

W.E. BEHRENS

W.E. BEHRENS
COLONEL

Deputy Chief Legal Adviser

(1540)

4083/1

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
9 April 1945.

AC/4058/1/L.

SUBJECT : Record of cases tried in Naples Commune.

TO : Allied Military Government, Naples Commune (Attn: Senior Legal Officer).

1. As stated in AC/4058/1/L of 25 Mar 45, all cases tried by Allied Military Courts within Naples Commune will be referred to this Hq for review. Upon completion of review the record will be returned to your Hq for storage.

2. All Informal Petitions which may be presented at your Hq will be scrutinized by you; those on which you consider that action may be required (on the basis explained in Consolidated Instructions, Article 33), you will forward to this sub-commission together with the record, if in your possession; all others you will return to the person by whom or on behalf of whom it was presented, with a note or endorsement stating that it is rejected.

By command of Rear Admiral STORR

K

G. E. HARRIS,
Colonel,
Deputy Chief Legal Advisor.

Copy to: file AC/4083/1/L
" AC/4002/L.

21

1339

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rlp.
7 April 1945.

SUBJECT : Case of MICHELINA Rita and others.

TO : H.E., the Minister of Pardon and Justice.

1. On the 6th March 1944 the undermentioned people

MICHELINA Rita di Domenico,
PARILLO Michele, and
DI LORENZO Claudio,

were tried by an Allied Summary Military Court at FIEDDMONTE D'ALIFE and each of them was sentenced to 1 year of imprisonment and a fine of 50,000 Lire with an additional year in prison in default of payment of the fine.

2. It will be much appreciated if your Excellency will ascertain whether any of them is held in prison serving the term in default and, if so, direct that they be released.

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

20

BF 13 April

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL SUB-COMMISSION

AC/4083/1/L.

/LFB.
6 April 1945.

SUBJECT : Case of ZANOTTI Carlo and SVIGELI Dmitry.

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

1. The file in above case was returned to you recently for review under the provisions of Article 32 Section 4.

2. Enclosed further petitions by ZANOTTI are accordingly referred to you.

By command of Rear Admiral STONE:

W. E. BERNES.

Colonel,
Deputy Chief Legal Adviser.

Encl: Petitions

1536

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

5 April 1945

SUBJECT: Case of GOLDMARK Vittorio and FALLONE
Raffaele.
TO : Chief Legal Officer, Legal Sub-Commission,
A.C., Rome.

1. Transmitted herewith is form 8, together
with application for review regarding the above
entitled matter.

For the Local Commissioner:

LEGAL SUBCOMMISSION	
C.O.	
DELO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
6 APR 1945	

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

18

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

4058/1
AG/4093/1/L.

/lrp.
6 April 1945.

SUBJECT : Records of NASTA Michele and ILARDI Giuseppe.
TO : Tco 5 Sam M. Friscoia, Company M, 2675th Regiment,
APO 394.

1. Could you please give any information concerning the records in the cases of ILARDI Giuseppe and NASTA Michele. The former sentenced to imprisonment for 12 years and the latter for 7 years.

2. The index showing persons serving prison sentences, which was submitted with the records lists the record as being among those forwarded. It is not with those received at this HQ.

3. Your assistance in this matter is appreciated.

sgt by may nothing
W. E. BERRISS,
Colonel,
Deputy Chief Legal Adviser.

Copy to file
AG/4093/1/L.

6083/1

(1534)

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

FROM : HQ AMG/AC MARCHE UMBRIA REGION

SUBJECT : Review of cases - General Court Case - PAPA Aniello

REF. : R5/511/16

DATE : 2 April 1945

Herewith Record in above General Court Case for review please, No
Appeal has been received.

For the Regional Commissioner



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

6 APR 1945

18

47

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1533

✓
Wash

HEADQUARTERS
ANG - PAPLES COMMUNE
LEGAL DIVISION
APO 394

4 April 1945

SUBJECT: Case of GUARINO Luigi et al.

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

1. Transmitted herewith is form 8, ~~together~~
~~with application for review~~ regarding the above
entitled matter.

For the Local Commissioner:

F. L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CL
Italian Section
CL RKS
5 APR 1945

HJ

(1532)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrb.
3 April 1945.

SUBJECT : Case of DI GIULIO Vittorio.

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

Reference RVIII/12/3003 of 31 March.

1. This HQ concurs with your view. If there exists an Order of general application and an Italian, having asked for a permit to contravene such order and having received the answer "No", proceeds nevertheless to contravene such order, that Italian has committed one offence only - namely the contravention of the Order. This applies equally whether his application is answered by a simple "No" or by a "No" coupled with admonition that he must comply with the Order.

2. It is not quite clear why this record has been sent here: cases tried in army Area are reviewable by you (see AC/4082/5/L. of 26 August 44) and prosecutions under Proc I Art V Sec 41 are only reviewable here under AC/4002/L. of 7 December when they allege infringement of Italian Law.

The papers are therefore returned for review at your HQ in accordance with the opinion above expressed.

3. It is, of course, not necessary to emphasize to you the unsatisfactory nature of the charges. It seems difficult to persuade officers that the "particulars" must live up to that name and must state the order alleged to have been broken and the manner of breaking it.

By Command of Rear Admiral STONE:

1.

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

27/

1 file

(1531)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrb.
5 April 1945.

SUBJECT : LUIGI FORTE.

TO : Local Commissioner, (for Legal Officer)
Naples Commune.

Reference your letter L -3140/3 of 3 April 1945.

Please note that it is not permitted for the
record of any case tried by an Allied Military Court leave
the possession of AC - AMG?

By command of Rear Admiral STONE;

to leave

lc
W. E. BERRERS,
Colonel,
Deputy Chief Legal Adviser.

+3

1

4023/1.

1531 A

L- 3080

SUBJECT: Request for Form 8 re AMG against Giuseppe
and Antimo CAFUTO.

1. We are herewith enclosing for your information and advice request by the Procuratore Militare del Regno of Naples for Form 8 in the above entitled matter.

Carl C. Bannò
1st. Lt. A.C.
Officer i/c Italian Courts.

CCB/EA

SEC	SUB COMMISSION
DLO	/
DCLO	/
Chief Counsel	/
CJO	/
Director	/
Commissioner	/
8 APR 1945	

1

75

TRIBUNALE MILITARE TERRITORIALE DI GUERRA DI NAPOLI

File 897/45/R.G.

Naples, 5 April 1945

SUBJECT: Records, Form 8 and other documents
concerning the case vs. Giuseppe & Antonio CAPUTO.

TO : Legal Division, Provincia Building, NAPLES.

1. Penal proceedings against Vicebrigadiere CC.RR. SABATINO Alfonso of the late Giuseppe are pending before this Military Tribunal.

2. For the purpose of having this case settled, it is now required that the records, form 8, and other documents concerning the case versus GIUSEPPE & ANTIMO CAPUTO, tried by the Allied Superior Court N°7, on 20 March 1944 (in which case SABATINO was summoned and heard as a witness) be furnished to this Military Tribunal, for information.

3. It would be appreciated if such documents might be delivered to the bearer of this letter, who has been duly authorized by us to do so.

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

transl.
by M. Orsatti.

TRIBUNALE MILITARE TERRITORIALE DI GUERRA DI
N A P O L I
=====

N. 2913 del Catal
(1-11 - 1944 - 1945)

N. 897/45/R.G. pret. Napoli, 5 aprile 1945.
OGGETTO: Atti processuali relativi ai fratelli Giuseppe ed Antimo
CAPUTO.

Allegati N. _____ Risposta al _____

N. _____ del _____

A. G. DIVISION LEGAL

- Palazzo della Provincia -

N A P O L I

E' in corso presso questo Tribunale Militare un procedimento penale a carico del vicebrigadiere CC.RR. SABATINI Alronso tu Giuseppe.

Per la definizione di tale causa, si rende necessario avere in visione gli atti processuali a carico dei fratelli Giuseppe ed Antimo CAPUTO, formanti oggetto di giudizio da parte della Corte Superiore Alleata, il 20 marzo 1944, e nel quale giudizio il SABATINI venne sentito come teste.

Si prega di affidare tali atti al porgitore della presente, debitamente autorizzato da questo ufficio.

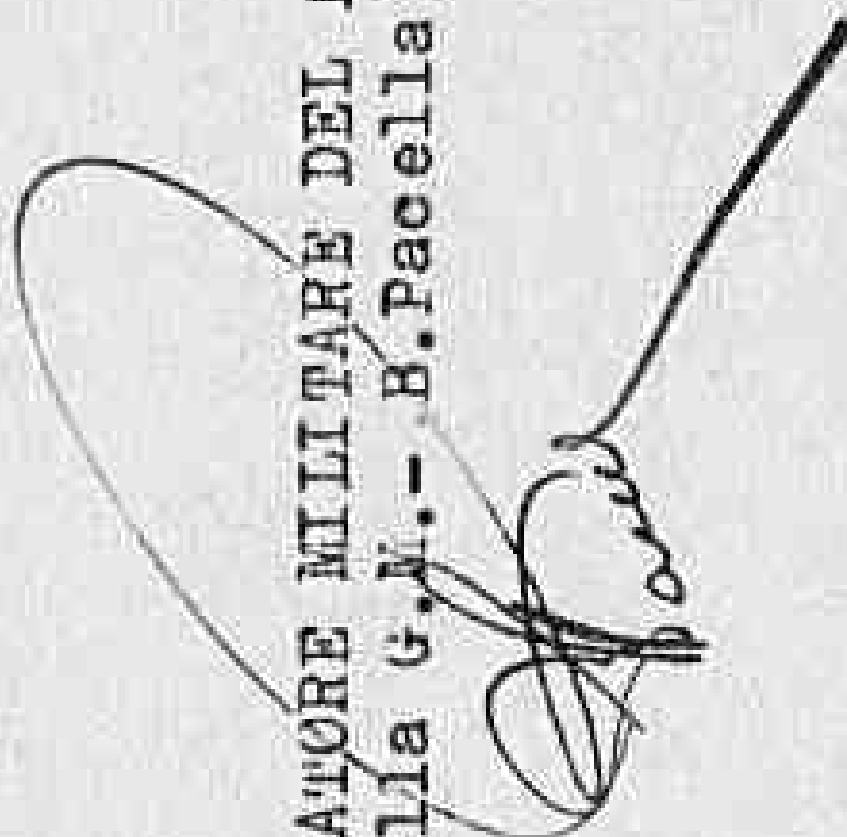
IL PROCURATORE MILITARE DEL REGNO
(Col. della G.M. - B. Pacella)

to penale a carico del viceprocuratore CC.RR. SABATINI Alfonso in Giuseppe.

Per la definizione di tale causa, si rende necessario avere in visione gli atti processuali a carico dei fratelli Giuseppe ed Antimo CAPUTO, formanti oggetto di giudizio da parte della Corte Superiore Alleata, il 20 marzo 1944, e nel quale giudizio il SABATINI venne sentito come teste.

Si prega di affidare tali atti al porgitore della presente, debitamente autorizzato da questo ufficio.

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



1 3 4 7

1530

408311 ✓

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

3 April 1945

SUBJECT: Case of CANDELI Alfonso et al.

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

1. Transmitted herewith is form 8 , together
with applications for review regarding the above
entitled matter.

For the Local Commissioner:

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
4 APR 1945	

F.L. Vecchiolla
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

XJ

1530

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

10/jpl

4 April 45

AC/4083/1/L

Subject: Case of BUNGARO Alfonso

To : Tribunale Civile e Penale di Roma.

In answer to your letter dated 3 April 45 (returned herewith) I have to inform you that in answer to a request of the Ufficio d'Istruzione, Tribunale of Rome (Sez. VI) Prot 312/6 of 23 Feb. all available documents were forwarded to the above mentioned office on 15 March 45. You will no doubt realise that the Anglo-Saxon procedure differs from Italian procedure: all evidence is given viva voce in open Court and no formal act is made of such evidence: the judge merely takes such informal manuscript notes as may be requisite.

Enc: 1 letter.

W.E. BEHRENS
COLONEL
Deputy Chief Legal Adviser

1 3 4 9

4083/1

1528

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

3 April 1945

L - 3140/3

SUBJECT: Request for file in case of LUIGI FORTE.

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

1. A request has been made by Investigating Officer, PBS, for records in connection with the above case.
2. The accused was tried before a General Military Court in Naples on 13 March 1944.
3. The file will be returned when the Investigating Officer has had opportunity to examine it.

For the Local Commissioner:

F. L. Vecchiolla
for F. L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

LEO	
CIO	
DCIO	
Chief Clerk	
CIO	
Italian	
CL-RIS	
4 APR 1945	

(152^N7)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rb.
3 April 1945.

SUBJECT : FREZZA Gino.

TO : Regional Commissioner, (Attn: Regional Legal
Officer), Umbria-Marche Region.2. Reference attached proceedings against FREZZA
Gino.

3. It is noticed that again the charge does not show what provision of what law is alleged to have been contravened: the provision of law quoted in the particulars is that which lays down the penalties applicable for infringement of rationing etc regulations. The infringement must first be proved before the penalties become applicable and therefore the ration or other regulation alleged to have been infringed must be stated in the charge.

By Command of Rear Admiral STONE:

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

XJ

4083
**HEADQUARTERS
 TOSCANA REGION
 ALLIED MILITARY GOVERNMENT**

1526

File Ref: *B3111/19/3005*

Date: 31 March 45

SUBJECT: Case of Di Giulio Vittorio.

TO : LEGAL SUB-COMMISSION, Headquarters AG.

1. This is a 'spear Head' case, and has been returned for clarification and compliance with Directive of 7 Dec 44. While the contents were 'noted' the record came back unchanged. It still appears to us that the accused is convicted under Section 42 and 44 for the one identical act.

[Signature]
 JOHN K. WEBER,
 Colonel, Infantry
 Regional Legal Officer.

2 APR 1945

A. C.

file

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Clerk	
CIO	<i>[initials]</i>
Italian Section	
CL RKS	
3 APR 1945	

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1526

XJ

4083
TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)
FROM : HQ AMG/AC MARCHE UMBRIA REGION
SUBJECT : Reduction of sentence
REF. : R5/511/8
DATE : 30 March 1945

(1526A)

I annex exact transcription of an Italian telegram addressed to me at Ancona and repeated over the phone to me today. The message appears to be quite meaningless. I cannot trace either in Marche or Umbria Records any prisoner of the name of Antonio SACCONI nor have I any idea of the identity of the sender of the telegram. The matter may be of some importance however and you may have some knowledge of it and for these reasons I bring it to your attention.

For the Regional Commissioner

U.L.W.
RECORDED
1 APR 1945
A. G.

1 APR 1945
R. G. S. ALEXANDER, Major
R.L.O.
S. Alexander

6096

15240

R.L.O. Region 5 Major Alexander, Ancona
Please advise recommendation reduce sentence Antonio SACCONI granted
and if authority Terni or REGINA COELI Rome notified.

No 6 Via LOVANTO

VASELLI

Roma

Probably word "if" omitted here

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

FROM : HQ AMG/AC UMBRIA MARCHE REGION

SUBJECT : Reduction of sentence - SACCONI Antonio

REF. : R5/511/8

DATE : 31 March 1945

Ref this HQ letter of even number dated 30 Mar. '45 I find that this is a Terni case. There is no card for this case amongst the Lazio Umbria Region papers and the Record itself cannot be traced. There is however a reference to it on one of the File Inventories. I am making further enquiries. I regret you were troubled in the matter.

For the Regional Commissioner

1 APR 1945

1 APR 1945

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

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

785016

(1524)

H083/11

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/651/385

WHL/dsh.
30 March 1945.

SUBJECT : SERENARI Luisa, Summ. Ct. Case No. 241, Bologna.

TO : Headquarters, Allied Commission, APO 394 (For
Deputy Chief Legal Advisor).

1. Record of trial in above case forwarded for review at
your Headquarters, inasmuch as charge is laid under sec. 44 of
Proc. No. 1.

2. PLO Bologna Province has been requested to again advise
CAOs of the provisions of para. 4 of your AC/4002/L, 7 December 1944,
and to ensure that such charges are drafted by him if prosecutions
are to be brought in Allied Military Courts.

For the Regional Commissioner:

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

Encls. as above.

115

LEGAL SUB-COMMISSION	
CLO	/
DCLO	/
Chief Counsel	/
CI	/
Italian Section	/
Q. RKS	/
1 APR 1945	

1524

XJ

1 3 5 6

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

785016

FROM : No. 1524

TO : No. 1611

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