

1358

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

785016

ACC

10000/142/583
(VOL. 16)

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AT

1359

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

785016

142/583
16)

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

1360

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

785016

AC/1033/1/L.

vol. 16

FROM : NO. 1613

TO : NO. 1770

SUBJECT : REVIEW OF ALLIED MILITARY COURT CASES - CORRESPONDENCE

144

1361

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

785016

SUBJECT : REVIEW OF ALLIED MILITARY COURT CASES - CORRESPONDENCE

174

174

100000 942583

THIS FOLDER

CONTAINS PAPERS

FROM

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TO

45

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

785016

FROM ; No. 1613

TO : No. 1770

173

1366

785016

4083/1
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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
CITY OF MILAN
1440

File : AC 4083 1 L

Date, 24 May 45

SUBJECT: BARONE Clemente fu Antonio

TO : Deputy Chief Legal Adviser, Allied Commission
APO 394

1. I have a separate recollection of some of the details of this case but have no records or receipts now. I recall that the defendant made application to Lt Col Pollack, Public Safety Officer, Rome City, for return of his camera, which was represented as being very valuable. The record of the case had been reviewed and inquiry made as to disposition of the camera since no order had been made concerning it. I consulted Lt Col Elder, the judge; who said no order of forfeiture was intended.

2. Major Hendrickson, Regional Legal Officer directed me to collect the camera and deliver it to his office. The camera was brought in by the police and I delivered it to Capt Rosario Gaziano, Deputy Legal Officer who gave me a receipt which was attached to the case file in the Prosecutors Office. It was his intention to consult Col Pollack and either personally restore the camera to its owner or deliver it to Col Pollack for that purpose. 172

3. I recall that some days later he showed me a receipt or gave it to me for the file, a receipt running to him, but I do not recall if it was from the Public Safety Division or from the owner. It is my recollection that I was satisfied that the camera had been returned to the owner.

4. Copies of all the letters and receipts were attached to the caserecord, then in the Prosecutors Office and later transferred to Legal Division, Lazio-Umbria Region. Since Capt. Gilreath has returned to the United States; Capt Gaziano, myself, Lt Col Pollack and the Rome Region records are the only sources of information. The case file if still available does contain the receipts.

5. I shall be pleased to give any further help required to locate the property.

Thomas A Morris
THOMAS A MORRIS
1st Lt CMP

file
27 MAY 1945

440931
COT
1769

UNITED STATES CLAIMS SERVICE
REGIONAL OFFICE VI
APO 512 U. S. Army

Ref. No.: R-2017-PD

31 March 1945.

SUBJECT : Claim against U. S. by Barone, Clemente.

TO : Provost Marshal, R.A.A.G., U. S. Army.

1. Barone Clemente, Via Sicilia 207, Rome, Italy, has filed a claim for payment or return of the following items:

1. Leica Camera (Sumitar Lens F. 1:2)
2. Hector Lens F. 1:4,5 cm 13,5
3. Elmar Lens 1:3,5, F. 6/m 5
4. View finder
5. Range finder.

2. According to allegations of claimant above items were confiscated by U. S. Military Police, on July 2, 1944, for failure to have items registered. Police concerned had offices at Piazza del Collegio Romano.

3. Further claimant alleges that he was tried by a A.M.G. court on 4 July 1944, and sentenced to 15 days imprisonment, but that this trial did not make any disposition of above items.

4. Request that this office be informed of status of above listed items.

/s/

WILLIAM R. ORLANDI,
Major, J. A. G. D.,
Claims Officer in Charge.

171

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1768

AC/4083/1/L.

JL/rm.
26 May 1945.

SUBJECT : ROMANO Salvatore di Antonio.

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

1. The enclosed Petition was brought to this Office by the defendant's attorney who alleges that your Office had transmitted the record in the above case to this Office.

2. Our records of cases pending review and cases reviewed disclose that no such record ever reached this office.

3. Please forward the case with the enclosed petition.

By command of Rear Admiral STONE:

W. D. Benning

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

Incl. : 1 Petition.

4083/1

1767

file

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3020

26 May 1945

SUBJECT: Case of CAPUTO Giuseppe and CAPUTO Antimo.

TO : HQ., Allied Commission (For Attention of Legal Sub-Commission)

1. Reference is made to your letter AC/4083/1/L, 13 May 1945, GMW/lc, relative to the above subject.

2. The record in the above case was heretofore in the possession of the Regional Public Safety Officer who needed the same for purposes of investigation in the matter of Vice Brigadiere SABATINO Alfonso fu Giuseppe of CC.RR. Thereafter the Procuratore Militare of Naples requested the record in question and the written application therefor, was forwarded to your office for your consideration and advice. This was done because we believed the record to have been forwarded together with all other records in this office prior to 31 March 1945.

3. Subsequently it was discovered that the Public Safety Division had the record, which record was then delivered personally to the Procuratore Generale of Naples. The latter was advised that the record was confidential and not to be revealed to any lawyer or other Italian civilian excepting, insofar as said record would form part of the charges to be laid against Vice Brigadiere SABATINO.

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4. We have learned that the only part of the record which came into the hands of the attorneys for CAPUTO Giuseppe and CAPUTO Antimo, was that part of the record which formed a part of the written official proceedings

x3

- 2 -

before the Tribunale Militare of Naples. We believe that the lawyers in question had the right, under Italian law, to know and make extracts from written proceedings of the Italian Courts.

5. We have been advised that the case against Vice Brigadiere SABATINI will be completely instructed and tried within the next month. We shall follow the progress of the case and report to you accordingly.

6. The Allied Financial Agency informs us that the 1,000,000 lire fine imposed on each CAPUTO, has not yet been paid.

7. The entire record and Form 8 is herewith enclosed.

For the Commissioner:

CCB/pv

Frank L. Vecchiola
FRANK L. VECCHIOLLA, *ly 669*
Major, J.A.G.D.,
Senior Legal Officer.

168

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CID	
Italian Section	
CL RKS	

27 MAY 1945

4083/1

1766

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

31 May 1945

SUBJECT: Case of DISCLO Vincenzo di Paolo 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.

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HEADQUARTERS
AMG - PAPLES COMMUNE
LEGAL DIVISION
APO 394

31 May 1945

SUBJECT: Case of FORNARO Alfonso 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:

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

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JUN 1945

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4083/1

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HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

31 May 1945

SUBJECT: Case of ORLANDO Augusto fu 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:

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

165

JUN 1945

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HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

31 May 1945

SUBJECT: Case of PRIECO Salvatore di Pasquale
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.

16

JUN 1945

15

1762

HEADQUARTERS
ANG -- NAPLES COMMUNE
LEGAL DIVISION
APO 394

31 May 1945

SUBJECT: Case of RUOTOLO Onorio fu Antonio

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.

16

7 JUN 1945

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

~~1758~~
1761

AC/4083/1/L.

/rm.
31 May 1945.

SUBJECT : General Court.

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

1. The record in the case of LUONGO Michele and 4 others (acquitted by a General Court on charges of killing a member of the Allied Forces and assaulting members of the Allied Forces with intent to kill) is returned herewith.

2. The Record contains a copy of the order convening the Court signed by the Provincial Commissioner. I cannot find that authority to convene a General Court has been delegated to the Provincial Commissioner; can you tell me how he was authorised to convene this Court?

3. Are either Capt. DYASON or Capt. STANHOPE-HAYNE, the other members of the Court, qualified lawyers? The present policy is that the majority of a General Court shall be Judicial Officers (see Art. I of Consolidated Instructions) unless this Sub-Commission sanctions the convening of a Court with only one Judicial Officer.

By command of Rear Admiral STONE:

153

P. mu.

M. E. MEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Copy to : AC/4002/11/L.

XJ

1760

4083/1

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
ATO 394

28 May 1945

SUBJECT: Case of Gallo Giovanni di Vello

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.

161

30 MAY 1945

4683/1
HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1759

28 May 1945

SUBJECT: Case of Curato Ernesto fu Alberto

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.

100

30 MAY 1945

4083/1

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

28 May 1945

SUBJECT: Case of Magnano Fortunato 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.

159

10 MAY 1945

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(1757)

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

28 May 1945

SUBJECT: Case of Miloro Gennaro fu Carmine

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.

158

30 MAY 1945

75

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

28 May 1945

SUBJECT: Case of Piccirillo Gennaro 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:

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

157

30 MAY 1945

(1755)

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

28 May 1945

SUBJECT: Case of Capri Antonio 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.

156

30 MAY 1945

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/Arb.

29 May 1945.

AC/4083/L/L.

SUBJECT : Lippi Andree (10370).

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

1. Reference your IVIII/19/3005 of 18 May, the answers to the specific questions raised in para 5 are as follows.

2. (i) Your 5 (a). When forfeiture is an appropriate penalty it can be imposed as the sole punishment, unaccompanied by any other penalty. The wording of Proc 1 Art XI Para 2 is not restricted by the wording of Consolidated Instructions Art 25 (2) or Art 27 (4).

(ii) Your 5 (b). Failure to convert a car to make it run on methane gas is not "wrongful use sale purchase or possession" of the car.

(iii) Your 5 (c). A Provincial Order cannot confer a power of forfeiture when the offence is not one of "wrongful use sale purchase or possession".

3. The order directing compulsory conversion of cars to run on methane gas is itself ultra vires a Provincial Commissioner.

4. Forfeiture, for non-declaration, of apparatus for the use of methane gas for motors is also ultra vires, and cannot be met by decreeing that possession of non-declared articles shall be unlawful, as that in turn would be ultra vires a Provincial Commissioner.

5. Re your 7. Forfeiture is a penalty to be used with discretion, for as you point out it may be an extremely severe punishment. Rule 23 (7) of the Rules of Procedure expressly provides for commutation of a sentence of imprisonment to a fine, but as it is silent on the question of commuting an order for forfeiture I am of opinion that this cannot be done. If the reviewing officer considers that forfeiture is too severe a punishment, he can order the return of the property immediately or on a future date. In many cases a period of 2 months or more may have elapsed between date of seizure and date of review, during which the offender will have been deprived of the use of the forfeited article, which may constitute sufficient punishment.

6. I gather from your letter that your view is the same as that expressed above: the conviction of Lippi Andree should, of course, be quashed.

- 2 -

7. As this letter criticises the order of the P.C. and SCAO Florence it is probably better not to circulate it, but no doubt you will issue such instructions to your Provincial Legal Officers as you think desirable.

By command of Rear Admiral STONE:



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

file

(1753)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/175.
28 May 1945.

SUBJECT : MONAGELLI Giovanni.

TO : Legal Officer, AMG Ancona.

1. Reference to your letter Amc/11/7 of 21 May 1945, the sentence of 12 months (4 suspended) on above named was on review varied to read 12 months (10 suspended). He is to be released accordingly after serving 2 months.

2. Will you ensure that above named is notified accordingly, and that the above decision is carried into effect.

By command of Rear Admiral STONE:

W. E. B. W.

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

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153

1386

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

785016

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Application for Review of Sentence

To: C.L.A. Legal Sub Commission HQ. Alcom - Rome

From: L.O. Ancona

Ref: ANC/II/7

Date: 21 May 1945

LEGAL OFFICE

ANCONA

Further to our ANC/II/7 of 18/5/45.

Herewith are documents in support of Application for review by
MONACELLI Giovanni referred to in para I (d) of the above letter.

For the Provincial Commissioner :

AWL. FRANKLIN Major
L.O. Ancona

acting

HEADQUARTERS
25 MAY 1945

CLO	
DCLO	
Chief Counsel	
CLO	
Legal Section	152
CLO	
25 MAY 1945	

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

file
AC/4083/1/L./rm.
27 May 1945.

SUBJECT : FRONZI Armando.

TO : Major P.D. COTES-FREEDY
HQ. Venezia Region.

With reference to the attached Form 11
can you please deal with points in the application
which I have underlined. There is a note on the Bail
bond in your writing that no proper explanation was
given when accused did appear later in the morning:
can you say what excuse was given?

By command of Rear Admiral STONE:

W.M.
W.M. SHREWS,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

JL/1a.
28 May 1945.

SUBJECT : Case of Di Battista Antonio et al.

TO : Direzione delle Carceri Giudiziarie di POZZUOLI.

1. As per request of your Dott. Pasquaretti Cayaldo, here in below are the various charges which the above defendants were served.

2. The charges are as follows:

FIRST CHARGE

Violation of Procl. N. 2, Art. 2, Sec. 34.

Particulars: In that the accused, and each of them during the period 29 Dec. 1943-30 Dec. 1943 at Vietri and Nocera Inf. (Salerno province), did offer and pay a bribe to certain soldiers of the Allied Forces in order to induce them not to perform their duty

PRIMA ACCUSA

Violazione del Proclama N. 2, Art. 2, Sez. 34

Dettagli: Nel periodo dal 29 al 30 Dicembre 1943 a Vietri sul Mare e a Nocera Inferiore (Salerno) gli accusati ed ognuno di essi, per conto proprio, ha offerto e pagato denaro e corrotto alcuni soldati appartenenti alle Forze Alleate persuadendoli a non adempiere il loro dovere.

SECOND CHARGE

Violation of Procl. N. 2, Art. 2, Sec. 45

Particulars: In that the accused and each of them, did purchase on or about 31 Dec. 1943 at Gravina (Bari Province) approximately 3 tons of macaroni for resale on the Black Market in Salerno Province, an act to prejudice of the good order and security of the Allied Government of Salerno Province.

SECONDA ACCUSA

Violazione del Proclama N. 2, Art. 2, Sez. 45.

Dettagli: Addì 31 Dicembre 1943 o nei giorni anteriori o posteriori a tale data gli accusati e ciascuno di essi a Gravina, (Provincia di Bari), hanno acquistato approssimativamente 3 tonnellate di maccheroni per rivenderli al mercato nero nella Provincia di Salerno compiendo azione che pregiudica il buon ordine e la sicurezza stabiliti dal Governo Militare Alleato della Provincia di Salerno.

-2-

THIRD CHARGE

Violation of Proclamation N.2, Art.2 Sec.27 and Art.3
Sec.1

Particulars: In that the accused Sabino and Amatulli on or before 2 January 1944 did steal or did assist in stealing 400 cigarets, 33 bars of chocolate 25 gallons of petrol, and one empty can, the property of the Allied Forces or of members thereof.

TERZA ACCUSA

Violazione del Proclama N.2, Art.2, Sez.27, Art.3,
Sez.1

Dettagli: Addì 2 Gennaio 1944 o nei giorni anteriori o posteriori a tale data gli accusati Sabino ed Amatulli hanno rubato o assistito nel furto di 400 sigarette, 33 pezzi di cioccolata, 25 galloni di benzina ed un bidone vuoto per benzina, il tutto appartenente alla Forze Alleate o a membri delle stesse.

W. B. W.

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

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/im.

29 May 1955.

AC/4083/1/L.

SUBJECT : BANASSI Battista and others.

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

1. The record in this case is returned with the convictions affirmed as there is evidence of active assistance to avoid capture by all the defendants though it is doubtful whether the charge of conspiracy was actually established against some of them.

2. The sentences were quite justified at the time when they were imposed, but in view of the remarks of the Judge and the changed situation at the present time it is thought that greater leniency might properly be allowed now. It is clear that Maier was a genuine deserter and that the various accused were all actuated by gratitude for valuable assistance rendered by Maier during the German occupation. The sentences have therefore been reduced to 9 and 3 months.

3. The record in this case is most difficult to read. Would you ask Major CALDWELL if he would please write a little larger, and leave more space between lines, and indicate more clearly where the evidence of one witness ends and that of another starts? He should also show which portions of the evidence are examined in chief, cross-examination and re-examination respectively (art. 30, (6) of Consolidated Instructions). If these points are followed further records of cases tried by him will be very much easier for the reviewing officer to study.

4. An extra copy of this letter is enclosed which could be forwarded to Major CALDWELL.

By command of Rear Admiral STONE:

W.E. Bennett
W.E. BENNETT,
Colonel,
Deputy Chief Legal Advisor. 148

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file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1748)

AC/4083/1/L.

/rm.
27 May 1945.SUBJECT : ANTONINI Carlo fu Domenico and
CASTIGLI Ida.

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

1. The above man was convicted by an Allied Military Court at Macerata on 14th Apr. 45 and sentenced to 6 years imprisonment. On review of the trial his sentence has been reduced to 5 years imprisonment.

2. I am unable to state where he is confined but it is probably in Macerata Province.

3. Will Your Excellency please arrange for the Direzione of the prison and the prisoner to be informed of the reduction of the sentence.

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

HEADQUARTERS ALLIED COMMISSION IN
APO 394
LEGAL SUB-COMMISSION

(1747)

AG/4083/4/L.

/rm.
29 May 1945.

SUBJECT : VICTIM'S Secondo.

TO : Provincial Commissioner (attn. Senior Legal
Officer), ALCONA, oname.

1. Reference your AG/41/6 of 21 May 45 re above. The record in the above case has arrived at this office.
2. On review the conviction and sentence have been affirmed.
3. Please notify the accused, as soon as possible, of the decision taken.

By command of Rear Admiral STONE:

Smu

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

1746

HEADQUARTERS A LINE COMMISSION
 HQ 34
 L. AL SUP-COMMISSION

40/4083/1/L.

/cm.
29 May 1955.

SUBJECT : PERRICHALLI Pietro of Corte d'Atella,
 Via Libertà 4/2.

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

1. In this case, as stated by the Judge, there is no corroboration at all of CALABRO's accusations against PERRICHALLI.

2. It appears from exhibit 1 that PERRICHALLI was discharged by S.M. on 23 Aug., whereas if CALABRO's statement is correct he was not at work that day. He might have been discharged in his absence, and there is a statement on page 6 that he was absent on 23 and 24 August, but here this information was obtained and how presented to the court does not appear. The matter should have been thrashed out and an adjournment made for that purpose if necessary. Evidence of previous offences was also improperly admitted during the trial.

3. Whether there was any "theft" of the lorry is most doubtful, no permanent deprivation of the owner appears to have been intended; the defence was wrongful possession.

4. Though it appears from the card index in the record, that PERRICHALLI's conviction was affirmed on review it should have been quashed for lack of corroboration, and is accordingly quashed now. CALABRO's conviction of conspiracy can stand as one of conspiracy with the unknown man; he was clearly a party to the grain episode from his own statement and the conspiracy could have been charged as one to have wrongful possession of the lorry.

5. This matter has come to light on an informal petition by the parents which does not state where PERRICHALLI is confined. He was convicted on 12 Sept. 44 in Naples Superior Court.

6. Will you please trace his place of imprisonment and secure his release?

By command of Rear Admiral STONE:

145

Law

A. J. BURNHAM,
 Colonel,
 Deputy Chief Legal Advisor.

Copy to : Major A.W. COLE,
 HQ V.M.C. Reg.

15

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

51/1rb.
23 May 1945.

AC/ 4033/1/L.

SUBJECT : Case of ALDI Guido and CAMPO Teodoro.

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

1. ALDI Guido and CAMPO Teodoro were tried and convicted by an Allied Military Court at Perugia on 6th April 1945.

2. The cases have now been reviewed. The case of ALDI has been affirmed. The case of CAMPO has been varied to read "Conviction and sentence affirmed, imprisonment to start from date of arrest, viz 7 January 1945".

3. It is not known where the accused are detained but it is to be presumed that they would be held in the Perugia prison.

4. Will Your Excellency issue the necessary instructions so that the decision on review (with regard to CAMPO Teodoro) be put into effect and the accused persons notified of the decision.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/1/L.

29 May 1945.

file
SUBJECT : Case of MARONE Carlo.TO : Provincial Commissioner (attn. Senior
Legal Officer), NAPLES Commune.

1. On the 12th inst. you forwarded an application by the above for the return of two documents adduced at his trial, and they are enclosed herewith.

2. Will you please have these handed to the above man and his signature obtained for them on the enclosed receipt and return the same to this Sub-Commission for filing with the record.

3. MARONI is confined in the Carceri Giudiziarie di Napoli.

By command of Rear Admiral STONE:

J. M. L.

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

143

OGGETTO : Ricevuta di documenti, Record N°. 3740 Southern Reg.

ALLA : Commissione Alleata,
Sotto-Commissione Legale

R O M A

Via Veneto

1° Documento:

Comune di Sanseverino Rota
copia telegramma della R. Questura di Salerno
in data 9 settembre 1940 - VIII Numero 0174

Podesta

Sanseverino Rota

Duce dispone proscioglimento condizionale
confinato MARCO Carlo di Domenico punto Frego farlo
qui accompagnare da vigile urbano per ulteriori provve-
dimenti punto Presente diretto Podestà Sanseverino Rota
conoscenza Tenenza Carabinieri Nocera Inferiore punto -
Questore - firmato - Palma -

Per copia conforme -

Sanseverino Rota, 11 10.9.40

IL SEGRETARIO CAPO

(firma illegibile)

2° Documento:

R. Questura di Napoli

16 Agosto 1944

Il Sig. MARONE Carlo fu Domenico in data odierna in Via I° Salvatore Ferrara a Bagnoli è stato depredato da ignoti soldati Alleati di due portafogli uno contenente carta d'identità n. 0330120 rilasciatagli dal Comune di Napoli e altro contenente documenti politici, fotografie e carte personali nonché di un orologio con catena.

Si rilascia a richiesta dell'interessato.

Il Funzionario di P.S.

(firmato: illegibile)

3. Ricevuto dalla Sottocommissione Legale, della Commissione Alleata 2 documenti dei quali i suddetti sono copie conformi.

MARONE Carlo

Data, _____ 1945.

141

(1743)

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
29 May 1945.

SUBJECT : PAGANO Calogero.

TO : A.C. Liaison Officer (CATANIA)
c/o 204 Sub Area, C.M.F.

Reference to your letter LO/CAT/IO of 15
May 45 enclosed is certified copy of Summons against
above named, also certified copy of the record of
evidence taken at trial of the other accused concerned
in the offence.

By command of Rear Admiral STONE:

W. E. Behrens

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

140

1742

LO/CATXEO
I5 MAY 45.

In 1943 the a/n was arrested together with Alaimo Giuseppe, Pittà Giuseppe, Villano Mario, and Anzalone Michele for theft of petrol and tyres. In November 1943 they were tried at Enna (Sicily) by an A.M.G. Court, except PAGANO who escaped before the trial took place.

As PAGANO has been now arrested again, will you please let me have all the relevant documents in your possession, so that he can be tried for the abovesaid offence.

HB/AB.

FEDERAL BUREAU OF INVESTIGATION

LEGAL COUNSEL DIVISION

CLO
DCLO
Chief Counsel
CIN

MAY 1968

H. BENTLEY, Major,
Liaison Officer,

file

134

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/lrb.

30 May 1945.

AG/4083/1/L.

SUBJECT : RAIMONDI Domenico fu Vincenzo.

TO : U. S. Claim Service, Region 6, APO 512, U. S. Army.

1. With reference to the case of Raimondi Domenico, the said accused was tried and acquitted of various charges before an Allied Military Court in Rome on 29 August 1944.

2. The accused was arrested at Viale Mazzini 134 at 1830 hours on 12 August 1944. The accused had the following articles in his possession:

"Possedeva nella propria abitazione una pistola automatica cal. 6,35 con 125 cartucce - una baionetta con giberne e cartucce da fucile e un apparecchio che si suppone radio-telegrafico trasmettente con cuffia."

3. The above said articles were ordered confiscated by the Court.

By command of Rear Admiral STONE:

W. E. Benrens

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

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

JL/rm.

30 May 1945.

AC/4083/1/L.

SUBJECT : Case of PALIERI Filippo.

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

1. PALIERI Filippo was tried and convicted by an Allied Military Court on 23 June 44, sitting at Cerignola, Province of Foggia. He was sentenced to 1 year on 1st. charge and 2 years and 350,000 lire on the 2nd charge. Sentences of imprisonment on 1st and 2nd charges to run concurrently; also, in default of payment of fine, defendant to serve 2 additional years of imprisonment.

2. The fine of 350,000 lire imposed on PALIERI Filippo, Piazza Vittorio Emanuele N°. 29, Cerignola, prov. di Foggia, was duly paid on 26 June 44; receipt N°. 45809, financial officer Foggia.

3. It is not known where the accused is imprisoned; however, it is probable that he may be imprisoned in the prison of Cerignola.

4. Will Your Excellency please issue the necessary instructions to the Director of Prison in which the accused is imprisoned, so that PALIERI Filippo of Piazza Vittorio Emanuele N°. 49 Cerignola is credited with having paid the fine.

*W.E. Behrens**for*W.E. BEHRENS,
Colonel,

Deputy Chief Legal Advisor.

accy.

137

Copy to : PALIERI Filippo
Piazza Vittorio
Emanuele N°. 29
Cerignola
Prov. of Foggia

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

JL/lrb.
30 May 1945.

SUBJECT : Case of D'AMORE Francesco
ANGIONO Alberto
VOLTA Bruno
MASPES Francesco.

TO : Giudice Tribunale Di Rome, Sezione Fallimentare,
Rome.

1. Avv. Annibaldi Alfredo has requested a copy of
the charges and sentence in the above case; they are as
follows:

(a) Maspes Francesco fu Basile

(i) Proclamation I Article IV Section 11.
In that the accused in Rome on or about 3/7/1944
had wrongfully in his possession property of the
Allied Forces, namely 2350 books of English Red
Cross destined to war prisoners, contrary to
said proclamation.

(ii) Sentence: 50,000 lire fine to be paid
in one week; in default of fine accused to
serve 6 months imprisonment. Fine paid 12th
September 1944.

(b) Angiono Alberto fu Vincenzo

(i) Proclamation I Article IV Section 11.
In that the accused in Rome on or about 1/8/1944
was wrongfully in possession of allied property,
namely 2350 English books destined from British
Red Cross to prisoners, contrary to said
proclamation.

(ii) Sentence: 20,000 lire fine to be paid
within one week; in default of fine accused to
serve 2 months imprisonment. Fine paid 16th
September 1944.

- 2 -

(c) Volta Bruno di Attilio

(1) Proclamation I Article IV Section 11.
In that the accused in Rome on or about 1/8/1944 was wrongfully in possession of Allied property, namely 2350 English books destined from British Red Cross to prisoners, contrary to said proclamation..

(11) Sentence: 40,000 lire fine to be paid in one week; in default of fine accused to serve 4 months imprisonment. Fine paid 16th September 1944.

(d) D'Amore Francesco

(1) Proclamation I Article V Section 27.
That the accused in Rome on or about 10 August 1944 wrongfully was in possession of Allied property, namely books and magazines belonging to the British Red Cross and a time destined to war prisoners, contrary to said proclamation.

(11) Sentence: 1,000 lire fine to be paid in one week; in default of fine accused to serve 1 week imprisonment. Fine paid 12th September 1944.

2. The above defendants, namely D'Amore Francesco, Angiono Alberto, Volta Bruno and Maspes Francesco were tried together by an Allied Military Superior Court, sitting in Rome, convening on 22 August 1944. Sentence was passed on 12 September 1944.

Sgt. A. R. W.

W. E. BEHRENS,
Colonel,

Deputy Chief Legal Adviser.

by J. L. L. F. J.

HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUB-COMMISSION

JL/rm.
30 May 1945.

AG/4083/23/L.

SUBJECT : RONZINI Quintilio.

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

1. Reference your letter "ufficio IV Grazie Prot. N. 4555/45 of 25 May 45" and the signal of the Procuratore Regio returned herewith.

2. Since the signal raises a question of health, will Your Excellency please issue the necessary instructions that it be dealt with in accordance to the Procedure set out in this HQ's letter, to Your Excellency, 4002/L of 5 April 45 and your reply thereto set out in your letter "ufficio VI Prot. N. 133590-8" of 16 April 45, covering your circular "ufficio VI Prot N. 13359-8" of 16 April 45.

W. R. W.

W. R. WARRERS,

Colonel,

Deputy Chief Legal Advisor.

(1737)

AC/4083/11 ✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

I-3025

26 May 1945

SUBJECT: SANNINO Vincenzo di Francesco.

TO : Hq., Allied Commission (For Attention of Legal
Sub-Commission)

1. Corrected file in the case of the above subject
is returned herewith.

For the Commissioner:

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, *by 669*
Major, J.A.G.D.,
Senior Legal Officer.

CCB/pv

TO	FROM	DATE
CLO		
DCLO		
Chief Counsel		
CLO		
Italian Section		
CL RKS		
27 MAY 1945		

133

1736

HEADQUARTERS
ANG - MAPLES COMMUNE
LEGAL DIVISION
APO 394

26 May 1945

SUBJECT: Case of Di Lorenzo Edmondo 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
Major, JAGD,
Senior Legal Officer.

132

27 MAY 1945

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 May 1945

SUBJECT: Case of RAIOLA Guglielmo di Luigi

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.

131

27 MAY 1945

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
LEO 394

26 May 1945

SUBJECT: Case of Ricci Antonio di 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:

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

130

27 MAY 1945

4083/1

1733

FROM: COLONEL JOHN K. WEBER

REGIONAL LEGAL OFFICER,
HEADQUARTERS,
TOSCANA REGION,
A.P.O. 394.
25th May, 1945.

Dear *Colonel Behrens*:

I have given very careful consideration to your letter of 18 May concerning the case of Di Martino and others, our number 10145.

I conferred in person at Livorno with the officer in charge of the C.I.C. It is my recommendation that the existing conviction of Major Martino be set aside, and a new trial ordered.

The officer in charge of the C.I.C. has agreed to furnish an agent with experience in prosecuting cases. Such agent has not been connected with the case. The officer in charge of the C.I.C. has stated his position: He is concerned only with a fair presentation of the evidence; it is for the trial Court and the reviewing authority to evaluate the evidence and apply the judicial conclusion. No quarrel can be had with such premise.

I have succeeded in obtaining from P.B.S. the services of a Lieutenant Colonel for summary court trials. After a preliminary course of training, he has been conducting trials in a very credible manner. This officer, and Lt. Johnson are available to conduct the Di Martino trial.

I do not have a legal officer at Pisa. However, the Provincial Public Safety Officer has succeeded in obtaining a loan of an American Sergeant who is a practicing attorney in civil life. The Sergeant has been looking after the office in an efficient manner under the P.P.S.O. We have been using the Italian Courts in Pisa. Also, the borrowed Lt. Colonel has Pisa on a circuit with Livorno, for such cases as we elect to try, and thus far, we have functioned very well.

I have two general Court cases, (a murder and an assault to kill our forces) at Pisa. The American Sergeant is preparing the cases as prosecutor. I think I will be able to constitute a substantial court, though it will require some imagination on my part. There are approximately eight Superior Court cases untried at Pisa. The Sergeant is preparing these cases for trial as well.

Captain Delbridge is winding up the Provinces of Arezzo, Grosseto and Siena. We have used Executive Memo 72 as a guide. We are reviewing all outstanding sentences. A report for each Province and the records, should be available shortly. I am desirous that the report and the records be prepared

- 2 -

The Provinces of Pistoia and Lucca are under Colonel Purcell. Florence is being administered by Major Glenn.

The Presidente of the Court of Appeals and the Procutore Generale and I have now personally inspected the Italian Courts at Livorno, Pistoia, Pisa and Florence.

Yours sincerely,

Ромов

126

LEG-2 SUB COMMISSION

CHE

DE (C)

CH -

CA -

104

27 MAY 1945

408311
✓
HEADQUARTERS
AMG -- NAPLES COMMUNE
LEGAL DIVISION
APO 394

24 May 1945

SUBJECT: Case of TERRANA Francesco

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	
CFO	
DCLO	
Chief Counsel	
CL	gm
CLERK	
CLERK	
CLERK	

127
F.L. Vecchiolla
Major, JAGD,
Senior Legal Officer.

1731

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

23 May 1945

SUBJECT: Case of Caruso Vincenzo di Aniello

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.

126

✓ 408311

Q. 1730

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

For the Local Commissioner:

123

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

1954-1958 COMMISSION

60

610

Chief Counsel

113

Legal Section

2-13

165 March 1945

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

24 May 1945

SUBJECT: Case of Uliano Carlo 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:

124

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

4083/1
HEADQUARTERS
ANG - NAPLES COMTUNE
LEGAL DIVISION
APO 394

1728
24 May 1945

SUBJECT: Case of BRUNO Michele 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:

123
F.L. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

26 MAY 1945

40831

1727

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
LPO 394

25 May 1945

SUBJECT: Case of Luongo Michele 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:

122

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

Sgt. 1

Legal
Charges

Record these as initials
written Record with my letter

- (1) Killing German Hosts on 12 Nov 45
- (2) Assault on German Hosts, 2hrs before 2 hrs. Butlers will
return to full on 12 Nov 45.

✓

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1726

Subject: Application for review of sentence

To: C.L.A. Legal Sub Commission HQ Alcom = Rome

From: L.O. Ancona

Ref: Ano/11/7

Date: 23 May 1945

LEGAL OFFICE

Ancona

1. Forwarded herewith are application for review of sentences in the following cases :

BIGELLI Eugenio
Mengoni Emilio
Polesinanti Arrigo
LO Preiato Flora

sent RHQ 23-4.
do 25-4
do 30-4
do 5-5.

AWL Franklin Major

AWL. FRANKLIN, Major
L.O. Ancona

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

23 MAY 1945



4083/1

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Regal S/C
1725

Case & Petition
Joined

Subject: Antonelli Guido and Vecchioni Secondo
To: C.L.A. Sub-Commission-Alcom-Rome
From: L.O. Ancona
Ref: Anc/11/6
Date: 21/May/45

LEGAL OFFICE

L.O. Ancona

- 1) Search in this office has failed to reveal the records referred to in your AC/4083/I/L. Search will be continued and the records if found be forwarded.
- 2) All information available is contained in the index cards, copies of which are attached.

LEG. SUBCOMMISSION	
CLO	
Chg	
CLD	SMR
CL RIG	
20 May 1945	

+3/

AWL Franklin Major
Acting L.O. Ancona.

Page 1
Have you the application, by Vecchioni Secondo
Case & pet - joined
28 May 45
1/4 Jolida

file

1724

HEADQUARTERS ALLIED COMMISSION
 AND 394
 REGAL AIR-00815-ION

AC/2033/1/L.

JL/rn.
 25 May 1945.

SUBJECT : In re WILLIAM H. Berio.

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

The enclosed documents under cover of att'y
 no. 111, letter are forwarded to you for whatever action
 you may deem necessary.

BY COMMAND OF ROYAL AIR-00815-ION:



W. V. SUMMERS,
 Esq.,
 Deputy Chief Legal Advisor.

110

X5

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1723)

J./rm.
24 May 1945.

AC/4083/1/L.

SUBJECT : Case of BUNARPO Alfonso.

TO : Ufficio d'Istruzione, Tribunale di ROMA.
(Sec. VI).

1. Reference this HQ letter of 13 March 45, 4083/1/L
2. Will you please return items to 1 to 10 enclosed in the above quoted letter.

Lt. P. W.

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

111

1421

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1723

15/4083/1/L.

JL/rm.
24 MAY 1945.

SUBJECT : Case of BORGARO Alfonso.

To : Ufficio d'Istruzione, Tribunale of ROMA.
(Sez. VI).

1. Reference this HQ letter of 13 March 45, 4083/1/L.

2. Will you please return items to 1 to 10 enclosed in the above quoted letter.

W. R. W.

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

13

117

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1722

AG/4083/1/L.

/mt.
23 May 1945.

SUBJECT : Review of Cases.

TO : Provincial Commissioner ANCONA Commune (for SLO).

1. Reference your Anc/11/7 of 18 May, the convictions and sentences of the below mentioned are affirmed:

NAME	SENTENCE	PLACE OF TRIAL
CLEMENTI Attilio	1 yr	ANCONA
BARTOLONI Vittorio	2 yrs	ANCONA
BOCCA BALDI Evelina	18 months	JESI
DOMINELLA Armando	2 yrs (18 months suspended)	ANCONA
MONACELLI Giovanni	12 months (10 months suspended by RLO Umbria-Marche)	JESI
CANDI Giuseppe	2 months	JESI
TOTTI Isidoro	1 yr	ANCONA

1. The above should be communicated to the respective accused.

By command of Rear Admiral STONE:

Stone

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

47

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

22 May 1945

SUBJECT: Case of Picone Enrico 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:

LEGAL SUB-COMMISSION
CLO
DUIC
Chief Legal Officer
CLO
CLERK

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

113

23 MAY 1945

483/1

1725

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 39

22 May 1945

SUBJECT: Case of Ambrosini 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:

PROSECUTOR	
CLO	
DCLO	
Chief Counsel	
CLO	
Legal Officer	
CLERK	
3 MAY 1945	

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

4083/1

1719

HEADQUARTERS
A.C. - NAPLES COMMUNE
LEGAL DIVISION
APO 394

22 May 1945

SUBJECT: Case of Molino Gennaro fu Edoardo

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,
Major, JAGD,
Senior Legal Officer.

REC - Sub-Commission

CLO

DCLO

Chief Counsel

CLO

DCLO

Chief Counsel

CLO

DCLO

Chief Counsel

CLO

DCLO

Chief Counsel

CLO

DCLO

23 MAY 1945

113

40831/

1718

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

22 May 1945

SUBJECT: Case of D'Amato Mario di Ferdinando

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.

CLIO	
DELO	
Chief Counsel	
CIO	
Legal Division	
CUMS	
23 MAY 1945	

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

22 May 1945

SUBJECT: Case of Rispoli Salvatore fu Enrico

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.

111

23 MAY 1945

785016

4683/1

17/6

SUBJECT: Case of Scarpato Antonio 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.

111

4083/231 ✓

4083/1

1715

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Application for review of sentence

To: C.L.A. Legal Sub Commission HQ. Alcom - Rome

From: L.O. Ancona

Ref: Anc/11/7

Date: 18 Maggio 1945

LEGAL OFFICE

Ancona

1. Forwarded herewith are applications for review by :

- | | |
|-------------------------|------------------------|
| a) Bartolini Vittorio ✓ | e) Dominella Armando ✓ |
| b) Fonti Isidoro ✓ | f) Candi Giuseppe ✓ |
| c) Mosca Evelina ✓ | g) Clementi Attilio ✓ |
| d) Monacelli Giovanni ✓ | |

2. Records were forwarded to R.L.C. Region 5 by Capt. BOONE on 30th April, 30th April, 16th April, 23rd April, 7th May, 16th April and 30th April respectively, and are presumably therefore now in possession of your HQ.

3. As location of both Trial Judges concerned ~~is~~ unknown to this HQ. it has not been possible to obtain their comments, and present L.C. knows nothing of the facts of any of them.

4. In accordance with the approval given in your AC/4058/2/L of 14/5/45 this HQ. will revert to the practice of NOT forwarding records until application for review has been submitted or time for submission of such application has been passed. The cases now forwarded illustrate the inconvenience of abandoning this practice.

file

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	Sm
Italian Section	
CL 773	
21 MAY 1945	

J.A. BOYD CARPENTER
Major, L.O. Ancona

183

13

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF: RIX/LE/654/321

WHL/gle
21 May 1945

SUBJECT: Petitions for Review, BAZZOLI Domenico No 71, LANDI Romolo
No. 72, GIUNCHI Afro No. 73 - Superior Court, Forli Province
TO: Headquarters, Allied Commission, APO 394 (for Deputy chief
Legal Advisor)

1. Forward herewith records of trial and petitions for
Review in the above cases.

2. These cases were tried by me and were originally reviewed
by Major German. However, Major German is not attached to Regional
HQ. anymore, and in view of the petitions for Review just received,
I will appreciate it if you will review the cases.



For the Regional Commissioner

W. Levit

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

SUBCOMMISSION	
CLIO	
DELO	
Chio	
CLIO	
Chio	
CLIO	

CONVICTION AND SENTENCE AFFIRMED

Shaw

23 MAY 1945

108

file

4083/1

1713

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

17 May 1945

SUBJECT: Case of Cicarelli Giovanni di Aniello

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	
DELO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	
18 MAY 1945	

107

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
22 May 1945.

SUBJECT : BELLOMO Giuseppe.

TO : Allied Commission Liaison Officer, Bari.

1. Reference your LB/6150 of 18 May 1945 asking for the record in this case. The accused was tried with a number of other persons and the record is fairly bulky, and we would prefer to keep it here if possible.

2. The accused, whose address is given as Via Palazzo di Citta 33, Bari, was convicted on 15th December 1944 under Art's 648 and 110 of the Italian Penal Code for jointly, with others, acquiring property of the Allied Forces knowing it to be the product of a crime, and was sentenced to 1 year reclusione to start on 25 November 1944 and a fine of 2,000 lire which was paid.

3. The record contains no reference to the temporary release referred to in your letter. If there is any specific information you require from the record would you let us know and we will obtain it for you.

4. For your information, it has recently been definitely established with Minister of Justice that prisoners sentenced by AMG Courts will be dealt with by the prison authorities in exactly the same way, in the event of sickness, as prisoners sentenced by the Italian Courts, and prison governors have been instructed by the Minister to act accordingly.

By Command of Rear Admiral STONE:

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

4083/1
0
ALLIED COMMISSION
LIAISON OFFICE
BARI

1311
Tel.: 14152

May 18, 1945

Subject: BELLOMO Giuseppe

Ref.: LB/6150

To: H.Q. Allied Commission
(attn. Legal Sub-Commission)

1. Will you please let me have the proceedings in the case of BELLOMO Giuseppe who (with others) was tried at BARI on Dec. 15th, 1944 by an Allied Military Superior Court (No. BA/S/57) and sentenced to 1 year's imprisonment.
2. BELLOMO was granted 3 months' conditional liberty on medical grounds by the Zone Police Officer Bari, and the time has now come to effect his arrest.

LEGAL SUB-COMMISSION
C/O
MAY 19 1945
EM
S. W. Miller

S.W. Miller, Lt. Col.
Allied Commission
Liaison Officer

file
→
15
105

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

file
AC/4083/1/L.

(1710)
JL./rm.
21 May 1945.

SUBJECT : MAZZEO Pasquale.

TO : Regia Pretura di Roma.

1. Reference your letter 20228/44 R.G. of 13 April 45; referred to this office.
2. It is regretted that it is not possible to comply with your request.

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

104

4083/1
4017/2

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel : 478709

AC/14211/PS

19 May, 1945

SUBJECT : Forwarding of Correspondence
TO : Legal Sub-Commission, A.C. ✓

The attached correspondence, addressed to Captain Gilreath (now Major), R.L.O., Lazio-Umbria Region until the closing of that Headquarters, and pertaining to a request from the Questura of Rome for medical papers in the case of MAZZEO Pasqualen is forwarded for any action deemed necessary.

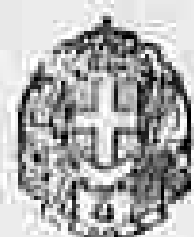


JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

Enc: as above

103

RMF/wg



R. PRETURA DI ROMA

UFFICIO

41 CLAIMS & MAY

Data Base: 20

20228 R.E

44

Risposta a nota N.

140

Oggetto:

Allegati N.

Roma, li 13 - 1900

1945. A

Al-7 Caprine lybreath
Bee: 6 minute all to

Roma -

Indicare nella risposta il numero del protocollo e la sezione.

On non interessino alcuna pratica di competenza di codesto ufficio, prego voler disporre la trasmissione dei due referti in allegati il 17. 10. 94 al prof. Felice Zerace a favore di ~~Marzio~~ ^{Marzio} Paronale e Marzio Luigi trasmessi dal Commisario di P.S. Quattrone in data 23. 10. 44.

Tali referti dovrebbero essere allegati al
processo a carico di Ugoello Andrea -

Em negrin

Johnston 102

To Captain Fibreath
Albert Taburati - Rome

Rome Pretura

13.4.1945

If they don't concern any file of your
office, I beg you to please forward (to me)
two medical certificates made out on the
17.10.1944 by Prof. Felice Terace for
MAZZEO Luigi and MAZZEO Sarguole, that
were forwarded to you by the Quadraro
Civil Police Station on the 23.10.1944 -

These certificates should be attached
to a book against USIELLO Andrea

To AC. Public Safety
Sub-Commission

The Pretore
Signed
Illegible

101

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1709)

AC/4083/1/L

/rm.
21 May 1945.

SUBJECT : Assault and robbery against a negro M.P.

TO : C.G. Rome Allied Area Command
(attn. Provost Marshal).

Herewith Rapporto Giudiziario today received from the
Procuratore del Regno of the Tribunale Militare Territoriale di
Guerra at Rome concerning an assault on and robbery of a negro M.P.
P.F.C. PUOTE on the 16th inst.

For the Chief Commissioner:

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

2 Incls : 1 Legione territoriale dei
Carabinieri Reali del
Lazio - Stazione di Ponte
Milvio - No. 85 del rapporto
20 April 45. (copy)
2 OTTAVIO Vittorio ,
statement.



Roma, 10 MAGGIO 1945 AX

40831
REGIO
Procura Militare del Re
presso il
Tribunale Militare Territoriale di Guerra
di
ROMA

1703
Al A.C.
Sottocommissione Legale
ROMA

Prot. N. _____ Allegati _____
Risp. al F. N. _____ del _____

OGGETTO: Procedimento Penale contro il soldato
OTTAVI Vittorio

Rimetto le unite copie di rapporto
relativo al procedimento su indicato
per lo eventuale esercizio, da parte
di codesta Sottocommissione, della
facoltà di deferire il caso a giudi-
zio del Tribunale Militare Alleato.

IL PROCURATORE MILITARE
(Col. A. Bellini)

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3008

Date: 18 May 1945.

SUBJECT Case of LIPPI Andrea (10370).

TO : Chief Legal Advisor, Headquarters, A.C.

1. We are in need of your helpful advice in the above case.
2. The accused was charged with, and pleaded guilty to, a violation of Provincial Order No. 15 (Florence Province) in that he "on or about 19 April 1945 at Florence did not convert his vehicle No. 7898 FI. within the time specified by an order of Ufficio Autotrasporti from operation by gasoline to operation by methane gas." A copy of the Provincial Order is enclosed.
3. (a) The only evidence given was: "I live by this truck. This transformation is all right in flat country, but in my home it is hilly and uses up far too much gas and I was asked to pay 30,000 Lire for the conversion. I appealed to the CC.RR but heard nothing. I thought my appeal was receiving attention. I was then sent for by CC.RR and asked why I had not converted. I did not appeal till CC.RR sent for me".
(b) A Supplementary note by the Judge makes it clear that the reason the man did not convert, was because he could not afford the 30,000 Lire to do so.
4. The sole punishment inflicted upon the accused was the forfeiture of the truck.
5. We are in doubt upon three premises:

- (a) Can forfeiture alone (unaccompanied by other lawful punishment such as fine, imprisonment, etc.) be decreed?
- (b) If yea, can it be said that an omission (i.e. failing to convert) is a "wrongful use, sale, purchase, or possession of any property" within the meaning of Art XI para 2 (a) of Proc. I?
- (c) Is it within the competence of a Provincial Order to confer a power of forfeiture when the offence denounced is not "wrongful use, sale, purchase, or possession?"

6. In connection with (a) Supra,

Art XI para 2 Proc. 1 appears to be decisive unless the Proc. is restricted by the words "accompanied" in Art 25 (2) and "additional" in Art 27 (4) of Consolidated Instructions, or these words have the force of

(b) A Supplementary note by the Judge makes it clear that the reason the man did not convert, was because he could not afford the 30,000 Lire to do so.

4. The sole punishment inflicted upon the accused was the forfeiture of the truck.

5. We are in doubt upon three premises:

(a) Can forfeiture alone (unaccompanied by other lawful punishment such as fine, imprisonment, etc.) be decreed?

(b) If yea, can it be said that an omission (i.e. failing to convert) is a "wrongful use, sale, purchase, or possession of any property" within the meaning of Art XI para 2 (a) of Proc. I?

(c) Is it within the competence of a Provincial Order to confer a power of forfeiture when the offence denounced is not "wrongful use, sale, purchase, or possession?"

6. In connection with (a) Supra,

Art XI para 2 Proc. 1 appears to be decisive unless the Proc. is restricted by the words "accompanied" in Art 25 (2) and "additional" in Art 27 (4) of Consolidated Instructions, or these words have the force of legislative regulations on the exercise of the power. Our overall impression is that the Judge of first instance must first impose a lawful punishment (fine, imprisonment or death) before he can order the sentence to be (per Art 25 (2) Consolidated Instructions) "accompanied in permitted cases (i.e. after conviction for wrongful use, sale, purchase or possession of property) by an order for confiscation". But while the Judge of first instance may be so circumscribed, no restraint whatever is imposed when the judgement is made final upon review, because any part of the sentence can be set aside or modified.

As to (b) Supra: Reference is made

(1) To the actual words used in Proc. 1, Art XI (2)

(2) Arts 25 and 27 of Consolidated Instructions

(3) To Proc. 1, Art. IV, (5), (6) which although relating to

other offences, directs attention to the way in which crimes have been framed to make "possession" unlawful when such was the effect desired) and to Proc. 3, Art. 1, Sect. 2 (giving a case where a possession, once lawful, has been expressly degraded to become unlawful).

As to (c) Supra:

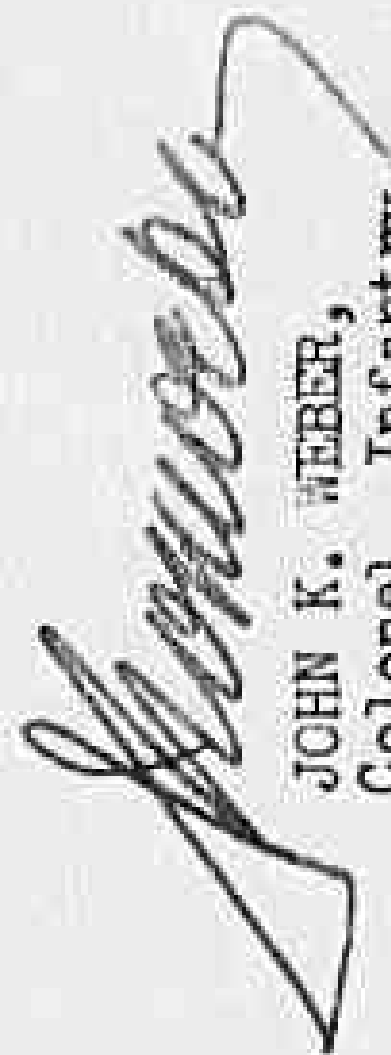
It is our impression, considering the proclamations as a whole, that it is ultra vires the power of a Provincial Commissioner to add to the powers of the Court conferred on it by the charter of its creation.

7. Proc. 1, Art XII (1), by implication, gives the reviewing authority the right to "modify" or "set aside" judgements. Confiscation of a vehicle involves a very heavy pecuniary punishment, and in certain cases ~~in~~ tantamount to confiscating a man's entire fortune, and taking away his livelihood. This may be very hard, especially when there is a serious doubt as to whether the man was ever able (e.g. on the grounds of expense) to comply with the order. Is it competent for the reviewing authority:

- (a) to "modify" the pecuniary hardship of the confiscation by substituting a fine, and/or
- (b) to impose a different kind of punishment (e.g. imprisonment?)

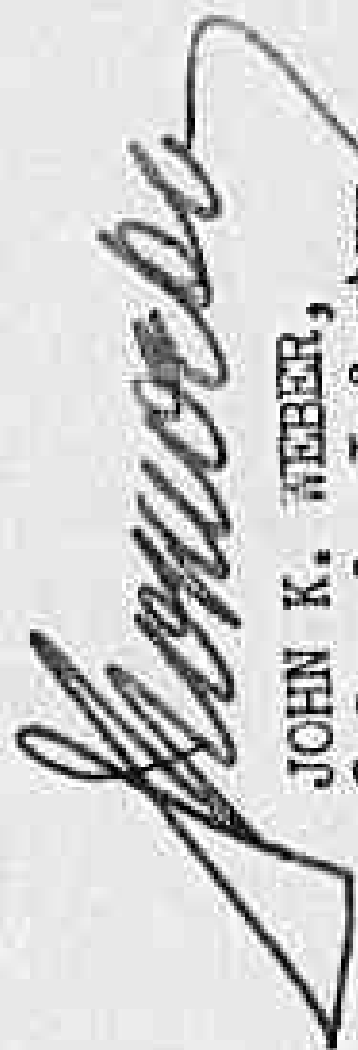
8. If possible, we should greatly appreciate sufficient copies of your reply for distribution among the Legal Officers of the Region.

For the Regional Commissioner:


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

LEGAL SUB COMMISSION		
CLO		
DCLO		
Chief Counsel		

For the Regional Commissioner:



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

97

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Itation Section	
CL RKS	

- 2 - 21 JUL 1963

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL /rm.
19 May 1945.

AC/083/1/L

SUBJECT : CHIRICO Pietro and MARCIANO Edoardo.

TO : Ministero dei Trasporti - Ferrovie dello Stato -
Direzione Generale.

1. Reference your letter pag. 42/20/59582/3/II-125/1945/ICM/4328/30
of 15 May 45, returned herewith.

2. The above mentioned persons were convicted of having violated
articles 624 and 61 (11) of the Italian Penal Code - (12 tins of Corned beef).

W. E. B.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL /rm.

19 May 1945.

ACX083/1/L.

SUBJECT : CHIRICO Pietro and MARCIANO Edoardo.

TO : Ministero dei Trasporti - Ferrovie dello Stato -
Direzione Generale.

1. Reference your letter pag. 42/20/59582/3/II-125/1945/IOCN/4328/30
of 16 May 45, returned herewith.

2. The above mentioned persons were convicted of having violated
articles 624 and 61 (11) of the Italian Penal Code - (12 tins of Corned beef).

W. E. B.

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

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL /rm.
19 May 1945.

AC/4033/1/L.

SUBJECT : Form 11 in re BINI Alberto.

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

The enclosed petition was received together with records of
other cases; the Record of the case was not forwarded.

By command of Rear Admiral STONE:

(f.l.c.)
W.E. BEHRENS,
Colonel,
Deputy Chief Legal Adviser.

4083/1

1706

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AG/4058/1/1.

/rhp.
25 March 1945.

SUBJECT : Naples Commune.

TO : Regional Commissioner, SOUTHERN Region.

1. On the withdrawal of officers from SOUTHERN Region, AMC will, as you are of course aware, continue in Naples Commune. For this purpose a staff of three legal officers is assigned to the Provincial team.

2. Some question has been raised as to the extent of the duties of the legal officers. For the purpose of clarification therefore, it is stated that they will perform the normal functions of Provincial Legal Officers in an AMC Province.

3. The Senior Legal Officer, Major F. L. Vecchiola, will be responsible, with the assistance of his associates, for rendering to the PC any legal advice which the PC may require.

4. AMC Courts will continue to be held in the Commune for the trial of such offences committed within the Commune as the PC considers desirable to refer to them. All cases so tried will be referred to Legal Sub-Commission for review.

5. Contact with the Italian Courts within the Commune will be maintained in the same way as in any normal AMC Province.

6. It is no part of the functions of the Legal Division to endeavor to maintain contact with Italian Courts situated outside the Commune of Naples. Indeed it would be contrary to the terms of the New Deal for them to do so.

7. It is to be expected that complaints will continue to be received from military authorities over the workings of these outside courts. These complaints will be referred to the Legal Sub-Commission.

By command of Rear Admiral STONE:

[Signature]

G. R. OFFICIN, Brig.
VP CA Sec. Hq. AC.

Copy to: File AG/4083/1.

43

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

file

AC/4083/1/L.

/rm.
16 May 1945.

SUBJECT : PANTALEONI Priso
SIMONCINI Augusto
PETRUCCI Balilla

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

1. In view of the closing down of the Region concerned will Your Excellency kindly have the enclosed notification and receipt transmitted to the Procuratore del Regno at Urbino.

2. This Sub-Commission will appreciate the return of the receipt duly signed by the Procuratore del Regno and would also appreciate being informed whether or not the fine of L. 100,000 imposed on PANTALEONI is paid within the time fixed i.e. 18 May.

J. C. W.

S. J. BERRINS,
Colonel,
Deputy Chief Legal Advisor.

33

X5

Al : Procuratore del Regno a URBINO

Dal : Quartiere Generale della AMG/AC -Regione Abruzzi Marche

R5/5II/I4/

I. Con la presente siete notificato sulla rivista delle
seguente decisioni :-

<u>CASO</u>	<u>Area</u>	<u>Ref.</u>	<u>Decisione</u>
Pantaleoni Primo	Cagli	PU/Sup/54/33	Condanna e sentenza afferмата su appello
Simoncini Augusto Petrucchi Balilla	Cagli	PU/Sup/56/34	Condanna e sentenza su ambedue accusati dopo seconda accusa affermata dietro appello.

2. Per piacere intimate le surriferite decisioni ai prigionieri
rispettivi firmando e restituendo direttamente al Quartiere Generale
della Commissione Alleata l'acclusa ricezione.

3. Le decisioni furono effettuate al 10 Maggio 1945 dall'Ufficiale
Legale della Regione per conto del Commissario Regionale.

Data : 10 Maggio 1945

92
Alex.
R.G.S. ALEXANDER
Maggiore
Ufficiale Legale
Regionale

SUPERIOR COURT Vinci

Date of all sentences 20 March 1945

All sentences are concurrent

All fines to be paid by 1 April 1945

All fines have been paid.

No.	Name	Sentence	Fines	Days	Oil conf.	
10.	CAPARRINI Tommaso	316 days	226 suspended	31670	316	122.3
12.	CENCI Guido	1. 327 " 2. 280 "	1/2 " " "	32700	327	47
14.	CINELLI Anafesto	1. 3 1/2 years suspended 2. 3 1/2 years suspended				
15.	CINELLI Romolo	1. 132 days 2. 112 "	1/2 suspended " "	13200	132	20 c.
17.	FIORNI Raffaella	1. 166 " 2. 166 "	all suspended all suspended	16700	167	
20.	GAINI Zeffira Summary	74 "	all suspended	7480	74	
29.	LUZZI Tommaso	1. 162 " 2. 108 "	162 days susp. 102 " "	16300	163	54.25 to be delivered to acct. of (see letter # 1669 4083/1 Vol.16)
30.	LUPI Attilio	1. 278 days 2. 203 "	all suspended all suspended	27800	278	75 c.
31.	LUPI Basilio	1. 301 " 2. 170 "	suspend all but 1 month.	30160	301	131.6 c.
32.	LUPI David	1. 198 " 2. 178 "	all suspended all suspended	19800	198	20 c.
37.	LUPI Tommaso	126 "	all suspended except 30 days	12660	126	86 c.
39.	MAZZANTI Guido	1. 205 " 2. 145 "	all suspended all suspended	20500	205	60 c. 91
40.	MAZZANTI Vittorio	1. 174 " 2. 114 "	1/3 suspended all suspended	17400	174	60 c.

Olive oil confiscated (as indicated in right hand column) by A.M.C. for disposition thru Italian Agricultural Office of Economy.

SUMMARY COURT VINCI

Date of all sentences 20 March 45

All sentence are concurrent

All fines to be paid by 1 April 45

All fines have been paid.

No.	NAME	SENTENCE	FINE	DAYS	OIL CONFIS.
1. ALDERIGHI	Giuseppe	19 days all suspended	1960	19	19,6
2. MONTANELLI	Angelo	1. 36 " " " 2. 36 " " "	3680	36	none
3. BONFANTE	Giuseppe	1. 64 " 1/2 suspended 2. 64 " " "	6450	64	none
4. BONFANTE	Virgilio	41 " all suspended	4100	41	41
5. BORGIOLI	Attilio	1. 64 " all suspended 2. 64 " " "	6400	64	-
6. BORGIOLI	Consiglio	44 " 1/2 "	4400	44	44
7. BORGIOLI	Fioravante	60 " 1/2 "	6000	60	60
8. BORGIOLI	Guido	29 " all suspended	2900	29	29
9. BORGIOLI	Zelindo	19 " all suspended	1900	19	19
10. CARRRINI	Tommaso	Remanded to Superior Court			
11. CENCI	Giuseppe	17 days 1/2 suspended	1780	17	7 con.
12. CENCI	Guido	Remanded to Superior Court			
13. CENCI	Palmira	1. 46 days all suspended 2. 46 days " "	4600	46	-
14. CINELLI	Anafesto	Remanded to Superior Court			
15. CINELLI	Romolo	Remanded to Superior Court			90
16. FERROLI	Giuseppe	1. 46 days all suspended 2. 46 " all "	4600	17	-
17. FIORNI	Raffaella	Remanded to Superior Court			
18. GAINI	Giulio	158 days 1/2 suspended	15800	158	-
19. GAINI	Zeffire	Remanded to Superior Court			

- 2 -

No.	NAME		SENTENCE	FINE	DAYS	OIL CONF.
20. GAINI	Saul		75 days all suspended	7500	75	-
21. GAINI	Clorindo	1. 2.	117 days all suspended 78 days all "	11700	117	39 C.
22. GIOVANNINI	Clemente		94 " 64 days susp.	9470	94	94 C.
23. GIOVANNINI	Paolo	1. 2.	34 " 34 "	3400	34	-
24. GRIFFINI	Mario	1. 2.	20 " 20 "	2020	20	-
25. INNOCENTI	Enrico	1. 2.	46 " all suspended 46 " all suspended	4630	46	-
26. LEFORATTI	Adamo		12 " suspended	1200	12	12 C.
27. LEFORATTI	Marcello	1. 2.	52 " all suspended 52 " all "	5300	53	-
28. LUCARELLI	Luigi		174 " all suspended	17490	174	174.9 C.
29. LUZZI	Tommaso		Remanded to Superior Court			
30. LUPI	Attilio		Remanded to Superior Court			
31. LUPI	Basilio		Remanded to Superior Court			
32. LUPI	David		Remanded to Superior Court			
33. LUPI	Felice		180 days all suspended	18000	180	60 C.
34. LUPI	Giuseppe	1. 2.	20 days 1/2 suspended 20 " 1/2 "	2000	20	-
35. LUPI	Luigi		19 " all suspended	1900	19	19 C.
36. LUPI	Serafino		95 " all suspended	9500	95	95 C.
37. LUPI	Tommaso		Remanded to Superior Court			
38. MAZZANTI	Francesco	1. 2.	16 days all suspended 16 days all suspended	1650	16	-
39. MAZZANTI	Guido		Remanded to Superior Court			
40. MAZZANTI	Vittorio		Remanded to Superior Court			
41. MAZZANTI	Zelindo		134 days all suspended	13400	134	134.4 C.

-3-

No.	NAME	SENTENCE	FINE	DAYS	OIL CONF.
42.	MENICETTI Giuseppe	1. 34 days all suspended 2. 26 days all suspended	3400	34	8 c.
43.	NERI Paolo	1. 52 days 1/2 suspended 2. 52 days 1/2 "	5200	52	-
44.	RICCI Giuseppe	8 days all suspended	830	8	-
45.	PASQUINUCCI Sante	1. 42 days 1/2 suspended 2. 42 days 1/2 suspended	4260	42	-
46.	SANI Gino Sabatino	17 days all suspended	1790	17	17.9 c.
47.	SANTINI Alcino	1. 47 days)all but 2. 47 days (2 weeks suspended	4700	47	-
48.	SANPINI Angelo	1. 36 days all suspended 2. 36 days all suspended	3600	36	-
49.	COSTECCHI Decimo	19 days all suspended	1900	19	11 kg. c.
50.	ULIVELLI Armando	Dismissed			
51.	VENIURINI Guglielmo	1. 35 days all suspended 2. 24 days all suspended	3580	35	-
52.	ZINCONI Enrico	75 days all suspended	7560	75	75.6 c.

Olive oil confiscated (as indicated in right hand column) by A.M.G. for disposition thru Italian Agricultural Office of Economy.

88

Review by
Date of review
Decision on review

Lt. Col. G.M. Weisford
11 May 45
Conviction and sentence affirmed.
Suspensions applied to both sentences as shown above.

HEADQUARTERS ALLIED COMMISSION
NO 394
LEGAL SUB-COMMISSION

10/1403/1/1.

/ut.
17 May 1945.

SUBJECT : SARTINO Vincenzo di Francesco.

TO : Provincial Commissioner, NAPLES Commune (for Senior Legal Officer).

1. With reference to my previous letter, ref. as above, of 4 May 1945, you have not answered the question raised in the first para: thereof.

2. Two Forms 11 on behalf of SARTINO Francesco have been submitted and the Record of trial of SARTINO Vincenzo, son of the applicant, who it appears from the sheet attached to the Green Form 11 was also arrested at the same time.

3. Please explain the position. Were both the father and the son tried, if so will you please forward both records.

4. I am retaining the record of TROIANO's case No. 3244.

By command of Rear Admiral STONE:

Incl: 1 record.

Emu
R. E. BARNES,
Colonel,
Deputy Chief Legal Adviser.

LEGAL Sec.

1699

To: HQ. AC. (For Attn Legal Sub-Comm)

From HQ. ANG. Umbria-Marche Region.

Subject Review of Cases.

Ref. R5/511/14/Anc.

Date 15 May 45

1.

1. Herewith Superior Court records in the Cases of GALLIENZI Guido D1/Anc/871 and ZOLLINO Orlando D1/Anc/869.

2. Conviction and sentence in the first named case have been affirmed. No appeal has so far been received. It is not known yet whether the fine has been paid.

3. In my opinion the sentence on the first charge in the ZOLLINO case is excessive having regard to the changed military situation. Probably a sentence of 9 months or a year would meet the case. I have not actually reviewed this case as it would seem that it ought to be reviewed in the light of any appeal which may and probably will be lodged.

FOR THE REGIONAL COMMISSIONER.

RECEIVED

A. C.

N. G. S. No. 1000

Major,
R.I.O.

ZOLLINO case is excessive having regard to the changed military situation. Probably a sentence of 9 months or a year would meet the case. I have not actually reviewed this case as it would seem that it ought to be reviewed in the light of any appeal which may and probably will be lodged.

FOR THE REGIONAL COMMISSIONER.

RECEIVED

A. C.

N. L. S. *Notary*

Major,

R.I.O.

DEPT	88
Chief Clerk	<i>for</i>
CJO	
Station	
CLERKS	
16 MAY 1945	

FROM : COLONEL W. E. BEHRENS

LEGAL SUB-COMMISSION.

HEADQUARTERS,

ALLIED COMMISSION.

A.P.O.394.

18th May, 1945.

Dear

I frankly need your help.

I am very troubled over the case of Di Martino and Others - your number 10148. This case was badly tried by Capt. Granai and resulted in the conviction of all five accused on charges arising out of the theft of flour and beans from an Allied Commission warehouse.

Major Di Martino was believed by C.I.D. and found by Capt. Granai to be ringleader and he received a sentence of 10 years imprisonment, 3 years suspended (which incidentally I intrinsically disapprove).

The evidence given against Di Martino was exclusively that of accomplices and as to 98% consisted of a report by the C.I.D. agent (Marcellino) of what another accused Lieut. Ronea told him against Martino. Ronea himself did not give evidence so that his story in the witness-box, for what it might have been worth, is not available.

No corroborative evidence was called. Two pieces of corroborative evidence might have been available according to the C.I.D. report -

- (a) Lt. Grandi (Incl. 11) whose evidence requires amplifying, but if amplified might show that Di Martino was fully conversant with the conspiracy.
- (b) Zavattaro (Incl. 3) whose evidence might induce the Court to believe that the Major was in fact directing the entire conspiracy.

I am not prepared to affirm the conviction as it now stands, and am indeed quite prepared to quash it. Such quashal would inevitably be the decision of an appeal court at home.

However I have reason to believe that such a decision would be very badly received. The alternative is to order a new trial at which Lieut. Ronea should be called as a witness for the prosecution together with the corroborative evidence mentioned above. However I do not know whether this

- 2 -

is practicable either on the ground of the availability of witnesses or on account of your shortage of staff.

Will you let me have your views. I should add that neither of the C.I.D. agents need be called for the retrial if there is any difficulty as they have no relevant evidence to offer.

The file is returned for reference.

yours

Colonel John X. Weber,
Regional Legal Officer,
Toscano Region.

84

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3008

Date: 14 May 1945.

SUBJECT Case of DODOLI Sirio (10046)

TO : Chief Legal Advisor, Headquarters, A. C.

1. On your decision on review of the above case, the following remarks in handwriting of Lt. Colonel Welsford appear:

"The Record in this case is very unsatisfactory, apparently taken in shorthand in Italian and then translated. The translation is never good, parts of it are inaccurate, and parts have been omitted with the translation. The translation makes no reference to the Defense Exhibits. In order to get a picture of what took place it has been necessary to read large portions of the Record in Italian, as to refer to the Italian version to find the meaning of the English version, adding immensity to the work of reviewing the case. Would you please ask Captain Granai in future to make his own note of the evidence in the normal way?"

17 MAY 1945

G. M. Welsford
Lt. Col.

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

who is no longer in this Region

2. This case was tried by Captain C. O. Granai. This office has previously voiced similar comments to Captain Granai on records it has reviewed. It is our impression that in receiving these comments, Captain Granai was of the impression that they were not necessarily made as a constructive criticisms. We have not harbored ill-will against Captain Granai or any officer. It may be, under the circumstances, the comments you have made should be sent direct to Captain Granai.

For the Regional Commissioner:

83

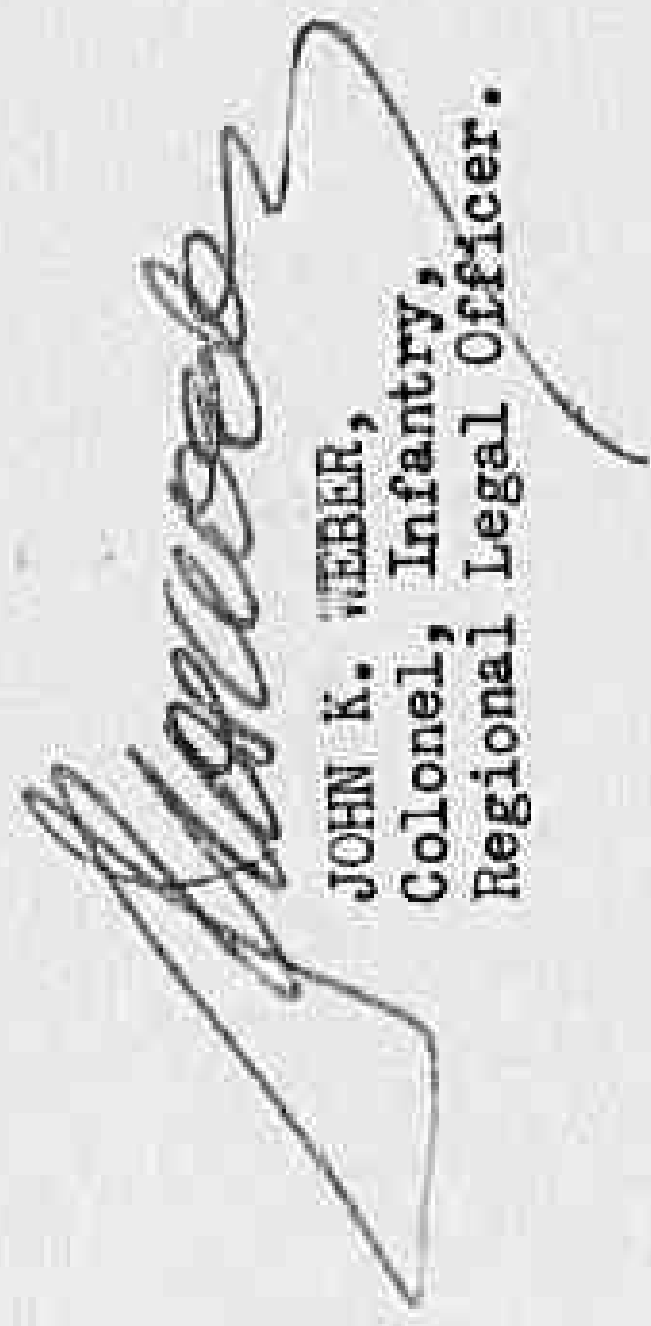
Welsford

G. M. Welsford
Lt. Col.
for
Colonel,
Deputy Chief Legal Advisor.

who is no longer on duty in this Region.

2. This case was tried by Captain C. O. Granai. This office has previously voiced similar comments to Captain Granai on records it has reviewed. It is our impression that in receiving these comments, Captain Granai was of the impression that they were not necessarily made as a constructive criticisms. We have not harbored ill-will against Captain Granai or any officer. It may be, under the circumstances, the comments you have made should be sent direct to Captain Granai.

For the Regional Commissioner: 83


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

17
MAR 1945

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1696

AC/4683/1/L.

/mt.
18 May 1945.

SUBJECT : DODOLI Sirio (case 10046).

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

Reference your RVIII/19/3008 of 14 May 45 re the record in the above case, as Capt. GRANAI is no longer with your Region the difficulty probably will not arise again, as it is most unlikely that he will have been able to take the shorthand writer with him. If it does, I will take the matter up with him as you suggest.

By command of Rear Admiral STONE :

Stone

W. E. REEDERS.
Colonel.
Deputy Chief Legal Advisor. *82*

+3

file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

1695

AC/4083/1/L.

/rm.
18 May 1945.

SUBJECT : FERRARA Francesco fu Lomenico.

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

1. The above named was on the 19 June 44 tried by AMG Court at Castelcapuano - Napoli - and sentenced six years reclusione. He is now detained at Casa di Lavoro all'aperto di Castiades.

2. On reconsideration of his case his sentence has been reduced to two years expiring 26 May 46.

3. Will Your Excellency kindly give the necessary instructions for implementing the above decision and notifying same to the above named.

Jm

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

31

4083/14

LEGAL 5/6

TO : HQ AC (For Legal Sub-Commission)

FROM : HQ AMG Umbria-Marche Region

SUBJECT : Applications for Review of Sentences

REF : R5/511/14/ANG

DATE : 15 May 1945

1. Herewith applications for Review of Sentences in the following cases received of this date:-

D1/Ancona - 742 TACCALITI Giovanni
741 SCANDALI Guerrino

D2/iesi - 1063 VECCHIONI Secondo
D1/Ancona - 830 ROCCHI Duilo
D1/Ancona - 838 TITTARELLI Attilio
D1/Ancona - 789 TONTI Arturo
D2/JL/945 945 BEZZI Eugenio

2. Records in all above cases have already been forwarded.

For the Regional Commissioner:

R. G. S. Alexander
F. G. S. ALEXANDER
Major
Regional Legal Officer

file

*all ~~cases~~
appeals
forwarded with
case except
Vecchioni*

REG. OFFICER
CIO
DCIO
Chief Clerk
CL
Relief Officer
CL

80

3 JUN 1945

file

1692

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/mt.
18 May 1945.

SUBJECT : ANTONELLI Guido and VECCHIOTTI Secondo.

TO : Provincial Commissioner ANCONA Commune (for SLO).

Forms 11 for the above 2 cases, tried at Ancona on 8 May 45 and at Jesi on 2 May 45 respectively, have been received here direct from Major ALEXANDER. We cannot trace the Records here: are they still in your office? If so, will you please forward them, or can you supply any information about the cases?

Fmw

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

+3

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/ra.
18 May 1945.

SUBJECT : TERRACCIANO Mario - DE VAGLIO Nicola
MIGLIETTI Teodoro - QUAGLIOZZA Ciro

TO : Provincial Commissioner (attn. Senior Legal Officer),
NAPLES COMZONE.

1. Reference your L 4014 of 14 May, the record in each of these cases tried in the Port Court on 13 Nov. 44 shows that the accused were charged with illegal possession of property of the Allied Forces, giving no details of what such property consisted, and also with 4 other charges as to which there are no particulars whatsoever, and that two were convicted on four charges and two on five charges. It was impossible in the record of MIGLIETTI's case to get any inkling of what the trial was about. That record did however contain a reference to QUAGLIOZZA's case, but on 1 May it was not possible to trace that record owing to the absence of any proper index of the Southern Region cases when they were sent here; it has however recently come to light and in turn contains a reference to DEL VAGLIO's case.

2. The records in DEL VAGLIO's case and in QUAGLIOZZA's case do each contain a statement of witness which gives some information as to the facts on the wrongful possession charge, but that statement unfortunately was not included in MIGLIETTI's case. It would have been better if the trial of these 4 men (who must obviously have been tried together) had been consolidated into one Record, rather than in four separate records.

3. As it is still impossible to find out from any of the records what the other four charges against these men were, the balances of their sentences are also suspended. As they are all apparently in the Casa Penale di Pozzuoli will you please arrange their release.

By command of Rear Admiral STONE:

Smbo.

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

78

45

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

file
AC/4083/1/L.

16 90
17 May 1945.

SUBJECT : DE MARINI Cesira.

TO : H. H. The Minister of Gordon and Justice.

1. A petition for Review of Sentence passed on the above woman by the Superior Allied Military Court at Pesaro on 2nd May 1945 has been received and considered here.

2. The balance of the sentences of imprisonment passed on this woman are hereby suspended, and the fine of L. 7,000 is cancelled. This fine had not been paid on the 10th May and if paid since that date should be returned to her.

3. Will Your Excellency please give instructions that the above be communicated to the woman and that she be released forthwith.

5/
W. H. BENTLEY,
Colonel,
Deputy Chief Legal Advisor.

785016

4083/1 ✓

LEGAL S/C

1689

74

1688

TO : H.Q., ^{Umbria} ~~AMG/AC~~ Marche Region (For RLO)

FROM : P. C. ANCONA PROVINCE.

158.

Decision on review has been received and appropriate action taken in the following cases:-

MARCHETTI DUILIO & OTHERS	SENIGALLIA	227
BENIGNI AGOSTINO	JESI	843
MORETTI ATTILIO	"	895
MANCHI CESARE	"	910
CHIUGCHIU' ALFIERO	"	940
DAZZI FRANCESCO	"	951
GEMINI GUGLIELMO	ANCONA	SUP/650
ORLANDONI ALFREDO	"	780
GILBERTI LUDOVICO	"	793
PESARESI ROLANDO	"	820

-70-8-103

-69-4-63

-71-1-7

-70-8-102

X5

.....7 May.....1945

W. B. G. G. G.

P.L.O. for P.C.

70

4003/1

1687

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

16 May 1945

SUBJECT: Case of D'Amico Angelo

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	
Relief	

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

74

18 MAY 1945

4083/1
✓

1686

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

16 May 1945

SUBJECT: Case of Zcolpito Luigi di Eduardo

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.

73

18 MAY 1945

13

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

16 May 1945

SUBJECT: Case of Del Sorbo 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:

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

72

18 MAY 1945

4083/1

1686

HEADQUARTERS
AMG - NAPLES COMBUNE
LEGAL DIVISION
APO 394

16 May 1945

SUBJECT: Case of Catiero Salvatore fu Gaetano

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,
Major, JAGD,
Senior Legal Officer.

71

18 MAY 1945

4083/1
✓

1683

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

16 May 1945

SUBJECT: Case of Oliva Antonio di Alfonso

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.

70

18 MAY 1945

13

40851

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1682

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

16 May 1945

SUBJECT: Case of Botta Nicola 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.

69

18 MAY 45

40831/Repalsh

1681

To : HQ. AC. (for attn Legal Sub-Comm)
 From : HQ. AMG. Umbria-Marche region
 Subject : Review of Cases.
 Ref. : R5/511/14/Anc.
 Date : 15 May 45

1. Herewith Superior Court Records specified in attached letter Anc/11/12/1 dated 5 May 45 today received from P.I.O. ANCONA.
2. The IESI case involving 5 defendants is reviewable by you.
3. Convictions and sentences in the ANCONA case have been affirmed.
4. No appeals in either of the cases have yet been received.

FOR THE REGIONAL COMMISSIONER.

N. W. S. *[Signature]*Major, C2
-R.I.O.

Tried 2 May - IESI

- FOR THE REGIONAL COMMISSIONER.

~~N. u. s. de xander~~

Major, C.B.
R.I.O.

Tried 2 bags - TEST

me

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1680

9083 A

TO : HQ., Allied Commission (For Attention of
Legal Sub-Commission)

file

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, *ly 66*
Major, J.A.G.D.,
Senior Legal Officer.

LEG. L. SUB. C. 1115	
CLO	
DCLO	
Chief Counsel	
CJO	3
Italian Section	
CL. RICS	
7 5 1977 1945	

62

~~55~~

4083/1
HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

14 May 1945

SUBJECT: Case of AMODIO Francesco fu 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.

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1679

AC/4083/1/L.

/rm.
16 May 1945.

SUBJECT : Case against BENVENUTI Ottavio and others.

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

1. The Record in the above case is returned herewith. If the fine imposed on PIRACCINI Luigi was paid will you have the record endorsed accordingly? If a receipt was obtained from her for the 100,000 lire ordered by the Court to be repaid to her that should also be attached to the Record, or some other evidence of the payment.

2. The conviction on the 4th charge against BENVENUTI has been affirmed as the charge would have been a good one if the property had been alleged as that of the Allied Forces. On a charge of possession of property of a specified member of the Allied Forces that property must exist, and similarly with an attempt to obtain possession of such property.

By command of Rear Admiral STONE:

W.P. Behrens

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

68

1677

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

14 May 1945

SUBJECT: Case of Sannino Vincenzo di Francesco

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.

62

+5/

4083/1

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

14 May 1945

SUBJECT: Case of Azino 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:

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

4003/1
HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

14 May 1945

SUBJECT: Case of Lombardo Francesco 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:

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

4087/1

1674

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

14 May 1945

SUBJECT: Case of BORTONE Francesco fu 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:

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1673)

AC/4058/2/L.

/RS.
16 May 1945.

SUBJECT : Review of Cases.

TO : Provincial Commissioner (attn. Senior
Legal Officer), MPMS Com zone.

1. Confirming our telephone conversation this morning (Col. BETHENS - Major VIGNIOLA), in accordance with para 4 of AC/4058/1/L of 25 Mar. 45 all cases tried in Naples Com zone must be forwarded to this Sub-Commission for review, including those tried in the Port Court.

2. Review is specifically provided for in the Proclamations, and such review can only be done upon the information contained in the records of the cases, which must be give sufficient details to allow the reviewing officer to understand what took place, (see Consolidated Instructions Art. 30 paras 4 - 6).

3. Records should be forwarded by you as soon as the period of 30 days after trial has elapsed, or of an application for review is received before expiration of that period. Before they are forwarded records should be checked by you to see that they are complete with all relevant evidence and exhibits. It will greatly facilitate the work here if you will forward records frequently, rather than allow a large number to accumulate and be forwarded together.

4. After review the records will be returned to you for filing, and I would like to emphasize the great importance of good system of filing and card index so that any particular record can be easily traced either in your office or by any one elsewhere who may hereafter have custody of the records.

60

15

- 2 -

5. Would you please forward the record of the case against DI AMICIS and others?

6. A large stock of legal forms of all sorts has been received here from UMBRIA-MARCHE Region including Forms 2 and 4, and 8 with counterfoil. Would any of these be of use to you or in the Summary Court. Please do not have further forms printed without first ascertaining if they can be supplied from here.

By command of Rear Admiral STONE:

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

P.S.

Since signing this letter the Record of DI Amicis and others (reference para 5) has been received.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1672)

AC/4083/1/L.

/rm.
16 May 1945.

SUBJECT : Case of LAZZARI Guido.

TO : Provincial Commissioner (attn. Senior Legal Officer), ANCONA Comune.

1. Reference your ANC/11/12 of 11th inst. recommending that above case be tried in Forli Province, this is agreed.

2. Will you please pass all the papers to R.C. Emilia Region for attention RLO.

By command of Rear Admiral STONE:

Copy to : RC EMILIA Region
(attn. RLO).

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

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1671)

AC/4083/1/L.

/rm.
16 May 1945.

SUBJECT : PINOCHI Modesto.

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

1. The above mentioned man was sentenced at Pesaro on 8 May 45 to 4 months of reclusionone and a fine of 20,000 lire to be paid by 18 May 45 or in default of payment to a further 3 months of reclusionone.

2. He filed an application for revision of his conviction and sentence, which application has been refused. Would Your Excellency please cause that fact to be announced to him?

3. The fine had not been paid on 10 May 45. Would Your Excellency please give instructions that this Sub-Commission be informed whether or not the fine is paid by the 18th May as ordered by the Court?

W.F.

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

*Inter + Post**1670*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.
12 May 1945.

AC/4083/1/1.

SUBJECT : SCHETTINI Luigi
 FLORIO Alfredo
 TAGLIATELLA Giovanni
 GAIATOLA Edoardo di Giuseppe.

TO : Questura di Napoli.

1. Reference your letter of 10 April 45 returned herewith.

2. SCHETTINI Luigi, FLORIO Alfredo and TAGLIATELLA Giovanni were convicted by an AMG Court in Naples on 15 Dec. 44. FLORIO and SCHETTINI were sentenced to imprisonment for 6 years. TAGLIATELLA was sentenced to imprisonment for 4 years.

3. You requested a copy of the sentence of one GAIATOLA Giovanni fu Giuseppe. The record of the case shows that one GAIATOLA Edoardo di Giuseppe, of Via Portacarrese No. 14 of Naples was convicted and sentenced by an AMG Court on 15 Dec. 44 and sentenced to serve a term of imprisonment of 4 years.

(S. P. W.)
W.E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

58

TS

Office of
Principal Sea Transport Officer,
Mediterranean.

1st May, 1945.

Ref. 2577/31.

THE LEGAL SUB-COMMISSION OF THE ALLIED COMMISSION,
ROME.

On 7th December 1944 unauthorised entry was effected into the Sea Transport Stores in Ancona, when a considerable quantity of Survivors' Kits were stolen. In a report dated 11th March, 68 Section, Special Investigation Branch, Corps of Military Police, C.M.F., intimated that certain Italian civilians were apprehended, their names being D'Agostini Ezio, Luigi Burrattini, Cariola Giovanni di Giovanni and Tofani Guido di Lorenzo.

2. The report also intimates that the four accused appeared before the Superior Court of the A.M.G. at Ancona on 5th March 1945, in consequence of which they received varying terms of imprisonment and approximately 2,015,000 lire which they had in their possession was confiscated.

3. It would appear from the report of the Special Investigation Branch that certain of this money accrued to the accused through the sale of Survivors' kit, the property of the Sea Transport Department, and I have now been instructed by the Director of Sea Transport to claim a proportion of this money. It is therefore requested that you will inform me whether or not such a claim is practicable and on whom it should be tendered.

Y. B. Williams
/ COMMODORE.

55

BP 20 May.

4 MAY 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
11 May 1945.

SUBJECT : Case of D'AGOSTINI Ezio — 68-2-13
BURRATTINI Luigi
CARIOLA Giovanni — 71-1-6
TONANI Guido — 71-1-6

TO : Office of Principal Sea Transport
Officer, Mediterranean.

1. Reference is made to your letter No. 2577/31
of 1st May 45.

2. Under the arrangements for handing over, the
records of Ancona Province are expected to arrive at this
H.Q. very shortly when the case will be reconsidered.

W.P.W.

W.P. BARRONS,
Colonel,
Deputy Chief Legal Adviser.

BF. 20 MAY 45

- 54

666
 HQ ROME AREA ALLIED COMMAND
 APO No 794 US ARMY

Ref: 1 A
 25 Apr 45

Subject: Death 503787 Pte. F. BROMANUM;

Lt. Col. Millhouse,
O/O DPM, RAAC.

1. SIB Report 76/A/44/425 dated 30 Sep 44 on the death of the above named soldier disclosed that he was shot by an Italian civilian named NISI.
2. Will you please ascertain and advise this HQ what was the subsequent disposal of this civilian.

A. L. LOUDEN, MAJ
 For Lt. Col. A. & QMG

A. C. Public Safety L. C.

1st End.

File : PSL/L1.

To : Allied Commission HQ. Legal Sub-Commission.
 From : Lt. Col. R. T. Millhouse, Liaison Officer.

Rome 30th Apr 1945

1. Only records available here disclose that on August 1944 Legal Provincial Office Littoria was instructed to hold Summary Court proceeding in this case (copy of letter attached).
2. May I, please, be informed of final disposal of case.

1st End.

File :P3L/L1.

To : Allied Commission HQ. Legal Sub-Commission.
From : Lt.Col.R.T.Millhouse, Liaison Officer.

Rome 30th Apr 1945

1. Only records available here disclose that on August 1944 Legal Provincial Office Littoria was instructed to hold Summary Court proceeding in this case (copy of letter attached).

2. May I, please, be informed of final disposal of case.

53

R.T. Millhouse
R.T. Millhouse, Lt. Col.
A.C. Public Safety I.O.

LEGAL SUB-COMMISSION
DCLO
DCLO
Chief Counsel
CLO
Legal Section
CL (K)
30 APR 1945

15

To : E.P. 30. LITTONIA
Provincial Commissioner.

1. Regional Legal Office has instructed Legal Provincial Office LITTONIA, to hold Summary Court proceeding in this case take records and forward to this Office for information and further direction.
2. It may be that a case for "illegal possession of firearms" may be disclosed and this aspect should be tied up when dealing with the case.
3. PM.Bnt. R.A.A.C. is interested in the identification by desecrch and on conclusion of case any documents and proof of identity should be forwarded to him for information and onward transmission.

H.Q. Region IV Public Safety Div.

August, 1944

P.E. Coxhead,
Major for J.A. POLLOCK
Lt. Colonel
Chief Public Safety Division.

(1665)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
10 May 1945.

SUBJECT : Death of 903787 Pte. F. EMMANUEL.

TO : HQ Rome Area Allied Command.

1. Reference your 1 A of 25 April 45 to Lt. Colonel MILBHOUSE, (copy attached) the accused RISI, (Christian name unknown) was brought before a Summary Court at Priverno on 19 Aug. 44 charged with killing a member of the Allied Forces, and was acquitted on the grounds of lawful defence, of self, home and family.

2. The evidence showed that the accused was awakened at about 0100 hours by banging on the door of his house: a shot was fired outside, and the door burst open showing 3 soldiers outside. Another shot was then fired into the house and one of the soldiers pointed a gun at RISI, who then raised his gun and fired at that man, and the other two soldiers fled.

3. RISI was unable to get help till the next morning when he reported the facts to the CCRB.

For the Chief Commissioner:

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

51

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4033/1/L

/1c.
14 May 1945

SUBJECT : Case of Barbuto Espedito.

TO : Provincial Commissioner (Attn: SLO.) NAPLES Commune.

1. The enclosed petition on behalf above named is rejected.
2. It is based on two grounds: the alleged innocence of above named and his state of health.
3. As regards first ground he was found guilty as long ago as 8 May 1944 and the conviction and sentence were affirmed on 19 June 1944.
4. The state of his health is purely a matter for the Italian Prison regulations to which a recent circular from the Italian Ministry calls the attention of all Prison Authorities.

H. P. W.

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

1662

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

8 May 1945

SUBJECT: Petitions for Pardon.

TO : HQ., Allied Commission (For Attention
of Legal Sub-Commission)

1. Attached hereto are two applications for
pardon in the case of CHIARO Giuseppe and ~~BE SIMO~~ *BARBUTO*
~~NE Antonio.~~ *especialito*

2. Forms 8 in these cases have been forwarded
to your HQ.

For the Commissioner:

	LEGAL SUB-COMMISSION
CCB/pv	
	DCLO
	Chief Counsel
	CLO

Frank L. Vecchiolla
FRANK L. VECCHIOLLA,
Major, J.A.G.D.,
Senior Legal Officer. *by 66 L*

49

MAY 1945

HEADQUARTER EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

LEGAL S/C

1660

9 May 1945

REF/ RIX/LE/651/ 183

WHL/glg

SUBJECT : MAGNANI Egidio - Sum Ct. Case n° 280 Bologna
STEFANELLI Amos " " " " 281 "
BURZI Aurelio " " " " 282 "
GIORDANI Leopoldo " " " " 283 "

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

1. Forwarded herewith records of trial in above cases
including letter of 29 April 1945, from PLO Bologna, for review at
your HQ.

For the Regional Commissioner

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

Incl: as above

file

HEADQUARTER	
CIO	
DCLO	
Chief Counsel	
CIO	
Italian Region	
CL RKS	

12 MAY 1945

48

COPYALLIED MILITARY GOVERNMENT
BOLOGNA PROVINCELEGAL OFFICE

REF : BL/LE/660.1/6
SUBJECT : Summary Court Cases - MAGNANI Egidio, STEFANELLI Amos,
BURZI Aurelio - GIORDANI Leopoldo.
TO : Regional Legal Officer, Emilia Region, AMG.

LIC/nee
29 April 1945.

1. I have held these cases up trying to get a copy of the order referred to as shown by the letter attached.

2. The Court and the CAO have departed from the area. I talked to the CAO here and he informs me that he posted an order in San Benedetto regulating the transportation, sale and possession of grain chestnut flour and livestock and that each of the accused had violated the order so posted.

3. I regret not being able to give you more definite information with regard to the order.

For the Provincial Commissioner:

LOUIS L. COX
Major, S.R.
Provincial Legal Officer.

4 Incls: as above.

47

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

GMW/lc.
13 May 1945.

SUBJECT : Records of Cases.

TO : Provincial Commissioner NAPLES for SLO.

1. The green Forms 8 used in Naples are printed on such thin paper that many of them are almost in rags after a comparatively short period of time, particularly when used as the cover for a large number of documents.

2. Where there are many documents forming the Record could you use a thicker cover, enclosing the Form 8 as one of the documents in such cover, as it is important that the Form 8 should be preserved intact.

By command of Rear Admiral STONE :

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

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

FROM : HQ AMG UMBRIA MARCHE REGION (Legal)

SUBJECT : Case of MENGONI Emilio & others

REF. : R5/511/14/AMC

DATE : 7 May 1945

Herewith Record in above case for review please. An appeal has been received from one of the accused ALESSANDRELLI and is enclosed. This is the only appeal so far received in this case.

For the Regional Commissioner

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJ	
Italian Section	
CLERKS	
12 MAY 1945	

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

3828

4083/1 ✓

1657

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

FROM : HQ AMG UMBRIA MARCHE REGION (Legal)

SUBJECT : Case for review - LIUTPRANDI Eros
GABRIELE Armando - FAL/Sup/31.

REF. : R5/511/14/P

DATE : 28 April 1945

25 Ap

Perugia

Herewith Record in above case for review. The L 10,000 subject of the charge against GABRIELE have been deposited at this HQ.. Whilst strictly speaking the actual notes form part of the Record and ^{perhaps} should be forwarded therewith it is thought you may be willing, in order to obviate risk in transit, to dispense with production of same. *The money has been deposited with the R.F.O.*

LEGAL SUB-COMMISSION

For the Regional Commissioner

CLO

DCLO

CHIEF CLERK

CL

HON

Q. HON

CONVICTION AND SENTENCE AFFIRMED

28 APR 1945

R. G. S. Alexander

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

45

3819

1656

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

FROM : HQ AMG UMBRIA MARCHE REGION (Legal)

SUBJECT : Case of ANTONINI Carlo - Macerata 156.

REF. : R5/511/14/M

DATE : 7 May 1945

14 April - Macerata

Herewith Record in above case for review please.
been received.

No appeal has yet

For the Regional Commissioner

file

REG	SUB COMMISSION
CLO	
DCLO	
Chief Counsel	
→ CLO	
Relay	
Q. L. S.	
12 MAY 1945	

15

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

0 4083/1 0 1654

HEADQUARTERS
AMG - RAPID COMMUNE
LEGAL DIVISION
AFC 394

11 May 1945

SUBJECT: Case of BUGGIANI Alberto and BUGGIANI Salvatore.

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

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

For the Local Commissioner:

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

4083/1
HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

10 May 1945

SUBJECT: Case of Sportiello Ciro 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.

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Case of LATTANI Guido

To: Chief Legal Advisor, Legal Sub Com Hq, Alcom

From: L.O. Ancona

Ref: LHC/11/42

Date: 11 May 1945

LEGAL OFFICE

1. Reference H3/511/15 of 7 May 1945 addressed your ltr.

2. On arrival at Ancona I discussed question of this case with Lieut. Miller who was in charge of the prosecution at the abortive sitting of a General Court at Pesaro on 18th April 1945.

3. I attach a memo by Lieut. Miller who is, as appears, strongly of the opinion that it is impracticable to try this case at Pesaro as suggested by the late R.L.O. Umbria Marche Region, and is of the opinion that case should be tried in North Province.

4. I am in entire agreement with this view and recommend that case be sent to R.L.O. Emilia Region for disposal.

5. If your ltr accepts this recommendation, papers which have not yet reached this Hqs from R.L.O. Pesaro, could be sent as soon as they arrive direct to R.L.O. Emilia Region.

For the Provincial Commissioner:

A. Ryd-1 km

J. A. RYD - CARPENTIER, Major
L.O. Ancona

40

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel

Copy to: R.L.O. Emilia Region
for information

- 3. I attach a memo by Lieut. Miller who is, as appears, strongly of the opinion that it is impracticable to try this case at Pesaro as suggested by the late R.I.C. Umbria Marche Region, and is of the opinion that case should be tried in Forli Province.
- 4. I am in entire agreement with this view and recommend that case be sent to R.I.C. Emilia Region for disposal.
- 5. If your lgs accepts this recommendation, papers which have not yet reached this lgs from R.I.C. Pesaro, could be sent as soon as they arrive direct to R.I.C. Emilia Region.

W

For the Provincial Commissioner:

T.A. Boyd - Clerk

J. A. BOYD - CARPENTER, MAJOR
L.O. Ancona

Copy to: R.I.C. Emilia Region
for information

40

LEGAL SUB-COMMISSION	
CIO	/
DCIO	/
Chief Counsel	/
CJ	/
Historical Section	/
Q. R. S.	/
13 MAY 1945	

17

MEMORANDUM

FROM: LTJ. MILLER
 TO : MAJ. ROYD - CAMPBELL
 DATE: 11 May 1945

Case of Lazzari Guido

1. The facts in the case of Lazzari Guido are simple. He was definitely in possession of a gun and was present when the Marasciello of CO. 1st was shot.
2. The personnel of the trial present an extremely difficult problem, however. Every one concerned is located in the Province of Forli, at a great distance from Pesaro. The accused is in the prison at San'Archangelo. His advocate has offices at Cesena. The two CO. 1st witnesses and the three civilian witnesses are at or near Sarsina, which is a few kilometers southwest of Mercate Saracene. The distance from San'Archangelo to Sarsina is not great - but the provincial highway - which is the only available route is in poor condition. One full day will be necessary to prepare the case for trial, if held at Pesaro, another day to round up the personnel. On the other hand the towns of Rimini and Cesena are equidistant from the necessary personnel - so that one full day could be saved in the preparation for trial. Further there are many military installations situated in either town - readily able to supply officers as members of the Court.
3. Under the circumstances, therefore, I strongly recommend that the trial be held at either Rimini or Cesena.

Marshall A. Miller
 MARSHALL A. MILLER
 1st. Lieut. Sig. Corps

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

GLW/lc.

13 May 1945

SUBJECT : Case of Caputo Giuseppe and Caputo Antimo.

TO : Provincial Commissioner NAPLES. (for J.L.O.)

1. This case was tried by Major Mc Fadyean on 20 March 1944, but the Record cannot be traced here.

2. A very full application for revision of sentence passed on the accused has been presented by Avvocato Cav. Pietro Grimaldi and/or Avvocato Di Nicola, of Naples on the grounds of alleged perjury at the trial by Vice-Brig. Sabatini Alfonso fu Giuseppe of the CCRR., who is being prosecuted for perjury at their instance before the Tribunale Militare di Guerra at Naples, and a summons was issued by that Court on 6th March 45.

3. In the application for revision there is set out in full what purports to be, and has every appearance of being, Major Mc Fadyean's judgment and also a translation of this note of Sabatini's evidence before the Superior Court.

4. Will you please see the avvocati in question and ascertain from them how they were able to make these translations and obtain from them, if they have it as appears very probable, the copy of the Record of the case before Major Mc Fadyean, including if possible any exhibits, on the grounds that I should like to see the document from which they worked in preparing their application? They should not be informed that the Record cannot be found.

5. Will you please also ascertain when the proceedings before the Tribunale Militare are likely to take place and see that that Court proceeds with proper diligence with regard thereto?

6. Will you also have a careful search made to make sure that the Record is not in your office. It is possible that it may have been lent to the Avvocati, though this should not have been done, and on return not replaced with other records. JJ

7. Have the fines of 1,000,000 lire each been paid?

By command of Rear Admiral STONE :

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

(1648)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.
12 May 1945.

AC/4083/1/L.

SUBJECT : Applications for review.
TO : Regional Commissioner (attn. Regional
Legal Officer), Toscana Region.

Reference your RVIII/19/3008 of 3 May 45.

1. The sentences on AZZINI Faustino and NENCINI Guido are suspended respectively as to 30 days, 60 days as recommended by the trial Judge. *The other 2 petitions are denied*

2. The Records are returned herewith.

By command of Rear Admiral STONE:

W.B.

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

+5

file

(1647)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4033/1/L.

/rm.
12 May 1945.

SUBJECT : PATRICELLI Pietro di Orazio.

TO : Direttore delle Carceri Giudiziarie di

N-A-P-O-L-I

1. Reference your letter 7067 of 3 May 45,
returned herewith.

2. PATRICELLI Pietro was tried and convicted on
12 September 44. He was sentenced to prison for two (2)
years.

W.B. BEHRENS

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

73

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

FROM : HQ ALB LIEBIA MARCHE PERION (Legal)

SUBJECT : General Court Case - LAZZARI Guido.

REF. : R5/511/16

DATE : 7 May 1945

1. Ref telephone conversation on Saturday (Col. Behrens - Major Alexander) herewith copy letter dated 25 Mar. '45 received from PIO Pesaro which outlines the circumstances of this case. It is thought as well that you should be put in possession of some details of the case before this Headquarters closes down.

2. As explained verbally it was found impracticable to arrange a Court before the 10th inst.. Communication with Major Franklin has been impossible.

What has been arranged following upon telephone conversation above referred to is this. A signal has been sent to Major Franklin asking him meantime to communicate all information re this case in his possession to Capt. Boone.

This information will be handed on to Major Boyd-Carpenter by Capt. Boone when the former takes over probably on Wednesday of this week. If it is possible for Major Boyd-Carpenter to see Major Franklin personally about the case before the latter leaves he will do so.

3. It is suggested that in view of the fact that Major Boyd-Carpenter will preside at the trial, the best thing will be for a Prosecuting Officer to proceed to Ancona as soon as he is available. Major Boyd-Carpenter will then give him the papers and he can proceed to Pesaro, interview such witnesses as may be necessary and advise Major Boyd-Carpenter when he is ready to proceed with the trial. Formal application will then be made to your Headquarters for convening the Court. The application will state the names of any officers whom Area ~~XXXX~~ may agree to make available. It is probable that the only officer required from your Headquarters will be the Prosecutor. There is no security objection to an Italian Avvocato appearing for the Defence and it is believed that one has already been instructed.

4. It will be seen that there has been a very long delay in bringing this case to trial. I am not familiar with the early stages of the matter but it would appear that difficulties occurred in the police investigation stage and that these were aggravated by the escape of one of the accused.

2. As explained verbally it was found impracticable to arrange a Court before the 10th inst.. Communication with Major Franklin has been impossible. What has been arranged following upon telephone conversation above referred to is this. A signal has been sent to Major Franklin asking him meantime to communicate all information re this case in his possession to Capt. Boone. This information will be handed on to Major Boyd-Carpenter by Capt. Boone. When the former takes over probably on Wednesday of this week. If it is possible for Major Boyd-Carpenter to see Major Franklin personally about the case before the latter leaves he will do so.

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File

For the Regional Commissioner

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

LEO	Chief Clerk	Chief Clerk	Chief Clerk
CLO	Chief Clerk	Chief Clerk	Chief Clerk
DELO	Chief Clerk	Chief Clerk	Chief Clerk
Chief Clerk	Chief Clerk	Chief Clerk	Chief Clerk
CJO	Chief Clerk	Chief Clerk	Chief Clerk
Religion	Chief Clerk	Chief Clerk	Chief Clerk
CLARK	Chief Clerk	Chief Clerk	Chief Clerk

Copy to : PLO ANCONA (through PC) For necessary action please.

12 MAY 1947

ALLIED MILITARY GOVERNMENT
PESARO PROVINCE

C O P Y

=====

SUBJECT : Case at S. Arcangelo
TO : RLO, Abruzzi Marche Region (thru RC)
REF. : PV/4/01/B
Your: RE/511/14/PV - 21.3.45

1. This case arose on 22 Nov. 44 when ANTONIO HASSAN, a British deserter, and SANTORO GIACOMO and LAZZARI GUIDO, two former Italian soldiers, went to farmer's house in northern part of Pesaro Province, impersonated British soldiers, and demanded food and other property. When their identification cards were demanded, they refused, pushed farmers aside and looted house. The farmer sent messenger to CC.RR..

2. When CC.RR. attempted to arrest, they shot a Brigadier. We left house surrounded, secured the assistance of British soldiers. The hunted men fired at British but the house was finally taken in real western movie fashion. The British soldiers did real job. The hunted had but two weapons.

3. Presumably Hassan has been dealt with by military. SANTORO escaped from jail after about a week (7 weeks before this office was informed of the case).

4. LAZZARI says he had no weapon - that the other two did. Both Italians say the deserter shot the brigadier. Hassan confirms this.

5. Not having been informed of SANTORO's escape, we prepared charges against both Italians as per enclosed copy. Possibly we preferred to make charges but in view of conflicting stories we thought it advisable to make sure at least one charge would hold up. We doubt if Iazzari could be convicted of illegal possession of arms, except possibly on conspiracy basis. These charges were the ones recommended in report. It was our intention to dismiss all but applicable charges.

6. PPSO Pesaro first attempted to have Forlì province handle these cases. Later we made same request but Forlì declined; but said they would co-operate.

7. PPSO thought a superior court sufficient. We suggested general court at first but accepted PPSO view.

8. Upon receiving your signal, Capt. Bolter went to S. Arcangelo as we could not get message through and adjourned case.

fired at British but the house was finally taken in real western movie fashion. The British soldiers did real job. The hunted had but two weapons.

3. Presumably Hassen has been dealt with by military. SANTORO escaped from jail after about a week (7 weeks before this office was informed of the case).
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5. Not having been informed of SANTORO's escape, we prepared charges against both Italians as per enclosed copy. Possibly we preferred to many charges but in view of conflicting stories we thought it advisable to make sure at least one charge would hold up. We doubt if LAZZARI could be convicted of illegal possession of arms, except possibly on conspiracy basis. These charges were the ones recommended in report. It was our intention to dismiss all but applicable charges.
6. FP30 Pesaro first attempted to have Forli' province handle these cases. Later we made same request but Forli' declined; but said they would co-operate.
7. FP30 thought a superior court sufficient. We suggested general court at first but accepted FP30 view.
8. Upon receiving your signal, Capt. Bolter went to S. Arcangelo as we could not get message through and adjourned case.
9. If you still think it should be a general court case against LAZZARI, please advise and we will take steps to organize. Would you also kindly check charge sheet and advise what charges should be omitted in an amended charge sheet.
10. As late as 20 Feb. '45 we were advised by two different Forli' AMF Officers that both Italian were in prison.

S/ RAY LETHBRIDGE
for C. A. WARTEN, Major AUS
Provincial Commissioner,
Pesaro Urbino Province.

file *(1645)*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
11 May 1945.

SUBJECT : CARBONE Giorgio and others.

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

1. The Record in the above case is returned herewith. The conviction and sentence against the defendants other than CARBONE is affirmed but the conviction of CARBONE is quashed and a retrial ordered by another Judge on charges of assisting AMATO and AD LINA to obtain possession of Allied Forces property by knowingly lending them money to purchase the same.

2. CARBONE should not have been tried with the other defendants, as the facts of his case were completely different from the facts of the case against the others.

3. The trial judge convicted him of possession of property of the Allied Forces, as to which there was no evidence at all, on the ground, apparently, that he had committed a different offence. The proper course would have been to frame fresh charges against him, and grant any necessary adjournment that the defence might require to meet them.

By command of Rear Admiral STONE:

Stone *33*
W.H. BURNENS,
Colonel,
Deputy Chief Legal Advisor.

file

1645

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
11 May 1945.

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TO : Provincial Commissioner (attn. Senior
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1. The Record in the above case is returned herewith. The conviction and sentence against the defendants other than CARBONE is affirmed but the conviction of CARBONE is quashed and a retrial ordered by another Judge on charges of assisting AMATO and ADLINA to obtain possession of Allied Forces property by knowingly lending them money to purchase the same.

2. CARBONE should not have been tried with the other defendants, as the facts of his case were completely different from the facts of the case against the others.

3. The trial judge convicted him of possession of property of the Allied Forces, as to which there was no evidence at all, on the ground, apparently, that he had committed a different offence. The proper course would have been to frame fresh charges against him, and grant any necessary adjournment that the defence might require to meet them.

By command of Rear Admiral STONE:

W.E. Burners
W.E. BURNERS,
Colonel,
Deputy Chief Legal Advisor.

30

15

RESTRICTED

(1644)

3rd Ind.

FROM : Legal Sub-Commission, Allied Commission, APO 394.

TO : Headquarters, 2675th Regiment, Allied Commission, (OVHD), APO 394,
US Army.

10 May 45.

1. Reference 1st Indorsement.
2. Reply received from Regional Legal Officer, TOCANA Region, to
2nd Indorsement is forwarded.

LEGAL S/C.

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

+5/

785016

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: R00419/3008

Date: 3 May 1945

SUBJECT Case of COCCIOLI Antonio No. 7085

TO : LEGAL SUB-COMMISSION, HEADQUARTERS, AC.

1. As requested, we submit the following from the above-named case.

(A) On 5 February 1945, before the Summary Military Government Court, Livorno, First Lieutenant L.C. Becker presiding, one COCCIOLI Antonio, residing at Via Cappucinelli, 22, Naples, was brought to trial for violation of Proclamation I, Article V, Section 45, and Proclamation I, Article V, Section 46. Under the first charge it was alleged that the accused did an act prejudicial to good order of the Occupied Territory, in that on or about 28 January 1945 at AKPS, Livorno, the accused did threaten to kill an Allied Officer. Under the second charge, it was alleged that the accused in the same place and on same date did travel from Napoli to Livorno, a distance of more than ten (10) Kilometers without a pass.

(B) The accused was represented by Avvocato Diaz, Livorno Bar, and pleaded Not Guilty, to the first charge and guilty to the second charge. Trial was then had in open Court.

(C) The prosecution stated to the Court that a patrol of Livorno Allied Military police became suspicious of defendant and detained him for questioning. During the interrogation a letter was found on his possession (Exhibit A) which apparently contained threats against an Allied Officer. In addition he had traveled without a proper permit (Exhibit B).

(D) There was sworn testimony from S/Sgt Fred C. Huback 32094288 as follows:

On Jan 28, 1945 at approximately 1130 hours, Coccioli, Antonio di Luigi was brought into the police station for questioning. During the interrogation a letter was found written by him, which contained several phrases in which he threatened the life of an American Officer.

"It was also revealed that Coccioli, Antonio was traveling more than 10 Kilometers from his home without proper authority.

"I, S/Sgt. Fred C. Hubach 32094288 of the 52nd M.P.Co. placed Coccioli, Antonio under arrest, and charged him with an act to prejudice of the safety or security of a member of the Allied forces, to wit: Threatening the life of an American."

(B) The accused was represented by Avvocato Diaz, Livorno Bar, and plead Not Guilty, to the first charge and guilty to the second charge. Trial was then had in open Court.

(C) The prosecution stated to the Court that a patrol of Livorno Allied Military police became suspicious of defendant and detained him for questioning. During the interrogation a letter was found on his possession (Exhibit A) which apparently contained threats against an Allied Officer. In addition he had traveled without a proper permit (Exhibit B).

(D) There was sworn testimony from S/Sgt. Fred C. Huback 32094288 as follows:

"On Jan 28, 1945 at approximately 1130 hours, Coccioli, Antonio di Luigi was brought into the police station for questioning. During the interrogation a letter was found written by him, which contained several phrases in which he threatened the life of an American Officer.

"It was also revealed that Coccioli, Antonio was traveling more than 10 Kilometers from his home without proper authority.

"I, S/Sgt, Fred C. Huback 32094288 of the 52nd M.P.Co. placed Coccioli, Antonio under arrest, and charged him with an act to prejudice of the safety or security of a member of the Allied forces, to wit: Threatening the life of an American Officer. Also for traveling more than 10 K. from his home without proper authority".

(E) The letter (translated copy) was introduced as Exhibit A.

The defendant gave sworn testimony as follows: "I have a travel permit the Police took it away. I did not know that it was not good, it was signed by an American Officer. I came to Livorno to seek my wife who had deserted me and our child to go to Livorno with an American Major. Our child is sick and needs his mother. I have denounced her to the Questore, but she did not come back. I know she went with the Major.

XXAM:- I did not mean to threaten the Officer, I was trying to make my wife return to me. My child needs its mother".

The pass of the defendant was introduced as Exhibit B.

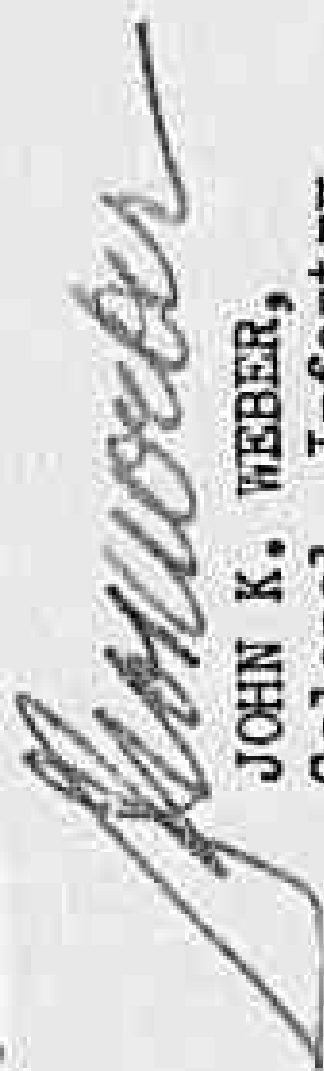
(F) The accused was found not Guilty on the first charge.

The accused was found guilty under the second charge, and was sentenced to fourteen days imprisonment. The Court further ordered the defendant to leave the Province of Livorno upon release from prison and to return to his home. Travel permit will be furnished.

(G) Under Remarks by the Court the record states: "This man has received a mental examination from the Prison Doctor. He is mentally responsible. The Court has taken great pains to explain to him that his suspicions regarding the Allied Officer have been investigated and found to be without basis. He has been furnished with one way permit to Rome".

(H) The above is revealed solely from the record of the case; the trial judge is no longer on duty in this Region.

For the Regional Commissioner:



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

LEGAL SUB COMMISSION
CLO
DCLO
CHIEF
CJO
RECORDS
CLERKS
7 MAY 1945

EXHIBIT "A"

Napoli, 7 January 1945.

I never thought that you could have such a hard foolish heart. You are a betrayer, and you have done the utmost in being so. Nobody in this world could have your cruel and scoffing character. How many privations I have suffered to make you a happy and satisfied life. You so cruelly left your house, our baby, and me. Poor baby grows up without a mother's love. Which mother could dare do such a thing, perhaps the mother of a wild beast.

That American Major to whom I have rendered so many kind services, hoping that some day he would be grateful, instead he betrayed me as the greatest betrayer in the world. But remember, only my death will give you a happy life, but in case I will not die your life will be very short. I hope that P.B.S. and Questura will soon take necessary action, and help me in the pursuit of righteousness, the law of honour, and that ideal we so hard fight for.

How could you leave your home, what reason compelled you to do such a thing. Knowing that you had plenty of every thing, all the people are wondering why you left your home. Do you think that by going off with that american you will be shed of your troubles? I have suffered too much because of you to forgive and forget. How can you live with that man who is 60 years of age? Unfortunate, coward, betrayer of yourself. I cannot write you a long letter, it is hard for me to write without acting. If you are not back home by the 20th of January, on the 21st I will go by foot, by train or by automobile, get my son and will bring him to Naples with me. And as I have told you before, I will sell everything in the house, then I will leave the baby and go to find you. I will kill you first and the Major next. This will all be done by me unless you come back asking for pardon for what you have done to my honour and family.

Therefore as you can see that there is only one way out for you, either you come back home to live with me or I shall bring destruction upon you and everything else.

Watch yourself, two pistols are already loaded, these shall be used against my betrayers.

My greetings to you if you are still worth of them.

NINI.

Translated to the best of my knowledge and ability.

Stefania Ascarelli
(STEFANIA ASCARELLI)

EXHIBIT "B"

Identity Card No.....

15 Feb 45

Validity expires.....

Signature.....

PASS
Coccioli Antonio

Permission is given to

And..... of (unit) Legione Territoriale di Napoli

to proceed from Rome

to Florence

via

Date of outward journey 27 Jan 45

Means of travel M.T.

Purpose of journey Passed to Florence Legion

The bearer of this pass will be not be interfered with

26 Jan 45

Major General
G.O.C. Land Force Sub-Commission
Allied Commission
(M.M.I.A.)

● Exple 4083/1 ●

2nd Ind.

TO : R.C. TOSCANA Region. (Attn: R.L.O.)

1. The attached is forwarded for investigation, report and return.
2. Report is required for Hq MTOUSA.

By command of Rear Admiral STONE :

W. E. BEHRNS,
COLONEL,
Deputy Chief Legal Advisor.

28 Apr 45.

5/

File

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

(164)

AG/4083/1/L.

/ra.
10 May 1945.

SUBJECT : Case of FELICI Quintino and others.

TO : Public Safety Sub-Commission.

Would you please have the enclosed letter
from R.I.O. Umbria-Marche Region transmitted to the
CCRR Station Pesaro for action as directed in the letter.

XJ

Incl : Umbria-Marche letter
R5/511/14/PV of
8 May 45.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrp.
7 May 1945.

SUBJECT : Case of AMATO Giovanni fu Ferdinando.

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

1. The record in the above case is returned herewith and the conviction for perjury has been quashed.

2. The evidence given in this case by the prosecution in Carbone's case was that accused denied on oath in the previous case that Carbone was engaged in buying and selling Allied property. The record of Carbone's case does not show that the accused made such a statement, and the judge in his judgment in the present case refers to a different statement made by Amato in Carbone's case, as to which no evidence was given in the perjury trial.

3. The charge in the present case should have shown the particular statement or statements by Amato in the previous case which were alleged to be false. The only evidence of falsity given was that the Judge in Carbone's case did not believe the evidence of Amato as he convicted Carbone, and the fact that at the earlier trial the evidence of Amato was at variance with a previous unsworn statement by him in connection with that case.

By command of Rear Admiral STONE:

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

Encl: Record

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

JL/lrb.
7 May 1945.

SUBJECT : MENGA Gaetano.

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

1. Returned herewith is your letter of 4 May 1945 and two enclosures.

2. MENGA Gaetano, whose civilian address was 13 Via Zara Napoli was tried and convicted on 8 April 1944 by an Allied Military Court. He was sentenced to imprisonment for 5 years, and a fine of 12,000 lire (in default an additional two years). Two years of sentence suspended on good behaviour. The sentence was affirmed on 23 June 1944.

By command of Rear Admiral STONE:

(J.P.W.)

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

Encl:
Your letter of 4 May 45.

Sept 1

Letter for R. Lofley, alt. 2. Lett now
 make a note to check on Record
 of Filter Function, & then when it
 arrives, that inspection is made
 quoted a note for delivery, sent
 to see?

from

John

1636

4083/1

TO : HQ ARMED COMMISSION
(For attention of Legal Sub-Commission)

FROM : HQ AREA UMBRIA MARCHE REGION (Legal)

SUBJECT : Case of Felici Quintino & others - PU/SUD/46/26.

REF. : P R5/511/14/PU

DATE : 8 May 1945

1. I attach letter addressed to CC.RR. Pesaro informing them that the order confiscating truck in the above case is cancelled and directing them to release it to the owner, MANFREGOLA Vincenzo. Particulars of the truck are as follows :- Fiat 522 targa No KA 13036. The truck is in custody of CC.RR. Pesaro.

2. Manfregola was not one of the accused in this case. The truck was however confiscated to AMG by the Superior Court which tried the case because it took the view that he was party to what amounted to a conspiracy to use the truck for Black Market purposes.

3. I have since had a visit from Manfregola and he has produced a certificate showing that he was in fact in jail at the material time and it appears very unlikely that he could have given permission for the wrongful use of the truck. The certificate has been attached to the Record.

4. I shall be obliged if you will transmit attached letter to the CC.RR. Pesaro through Italian channels. Meantime I am handing a copy of it to Manfregola upon which the Italian authorities may or may not be prepared to take action pending receipt of the order through official channels.

5. I have endorsed the Record to the effect that the confiscation order as respects the truck is cancelled.

For the Regional Commissioner

S. B. Brown

2. Mauregola was not one of the accused in this case. The truck was however confiscated to AIC by the Superior Court which tried the case because it took the view that he was party to what amounted to a conspiracy to use the truck for Black Market purposes.

3. I have since had a visit from Mauregola and he has produced a certificate showing that he was in fact in jail at the material time and it appears very unlikely that he could have given permission for the wrongful use of the truck. The certificate has been attached to the Record.

4. I shall be obliged if you will transmit attached letter to the O.C.R. Desaro through Italian channels. Meantime I am handing a copy of it to Mauregola upon which the Italian authorities may or may not be prepared to take action pending receipt of the order through official channels.

5. I have endorsed the Record to the effect that the confiscation order as respects the truck is cancelled.

For the Regional Commissioner

W. L.

LEGAL SUB-COMMISSION
C/O
D.C.O.
Chie
C.P.
Italin
C

10 MAY 1945

R. G. S. Alexander
R. G. S. ALEXANDER, M.P.
R.L.O.

X5

4088/1 ✓ 1635

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File
File Ref: 20111/19/3008

Date: 3 May 45

SUBJECT Applications for Review

TO : Legal Sub-Commission, Headquarters AC.

Of the 54 accused tried together at PRATO by Lt. Col. Troxell on 23 Feb 45 for violations of the olive oil amassing decree, 4 have put forward further applications for review. Enclosed herewith is

- a) The evidence common to all 54 cases.
- b) Appeals by and record in relation to, AZZINI, F.; LASCIALFARI, G.; NENCINI, G.; and NIERI, C.;
- c) Lt. Col. Troxell recommendations with regard to above.

In the light of Col. Troxell's specific recommendations and of all the circumstances it is thought right to forward the papers to you for any action you think it proper to take..

LEGAL SUB-COMMISSION	
CIO	
COLO	
Chief Counsel	
CIO	
Italian Section	
G. RKS	
7 MAY 1945	

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

file

4083/1

Legal

(1634)

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

FROM : HQ AMG UMBRIA MARCHE REGION (Legal)

SUBJECT : Case of CAMPO Teodoro - FAL/Sup/30

REF. : R5/511/14/P

DATE : 5 May 1945

6 April - Perugia

Herewith Record in above case for review please. No appeal has yet been received but if one comes to hand before 10th inst. it will be forwarded.

For the Regional Commissioner

HEADQUARTERS	LEGAL SUB-COMMISSION
7 MAY 1945	
CONVICTION	
CLERK	
Chief Counsel	
CFO	
Italian Section	
CLERKS	
7 MAY 1945	

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

21

3784

1632

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

Arb.
4 May 1945.

SUBJECT : SANNINO Vincenzo and TROIANO Eduardo.

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

1. Enclosed is record of trial of SANNINO Vincenzo and application for review in case of SANNINO Francesco. Has the correct record been sent? I regret I am unable to read the notes in ink on Form 4, will you please clarify them?

2. Record of case against TROIANO Eduardo also returned herewith. Will you please resubmit the cases together.

By command of Rear Admiral STONE:



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

- 3 Encls:
Encl 1-Record of SANNINO
Vincenzo.
Encl 2-Petition for SANNINO
Francesco.
Encl 3-Record of TROIANO Eduardo.

fill

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

JL/lrb/
1 May 1945.

SUBJECT : NIGLIETTI Teodoro.

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

1. NIGLIETTI Teodoro fu Sebastiano, of Via Giacomo Matteotti Number 10, Naples, was tried and sentenced on 18 November 1944 by a Summary Court to a fine of 25,000 lire and 9 months imprisonment.

2. On reconsideration of his case the balance of the sentence is suspended.

3. The accused is said to be detained in Pozzuoli's Carcere Giudiziarie.

4. Will Your Excellency please give instructions to ensure the prisoner's immediate release.

A.P.W.

M. E. REHRMAN,
Colonel,
Deputy Chief Legal Adviser.

Copy to:
Senior Legal Officer,
Naples Commune

✓ 4083/1 1631
HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

3 May 1945

SUBJECT: Case of CANIZZARO Ennio di Sebastiano

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.

CONVICTION AND SENTENCE AFFIRMED

4083/1 ✓

1630

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 May 1945

SUBJECT: Case of Panico Carmine and Lo Mastro 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:

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

4083/1

1629

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 May 1945

SUBJECT: Case of AMATO Giovanni fu Ferdinando

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.

16

45

1628

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
1 May 1945.

SUBJECT : Case of SCOMPUSOLO Domenico.

TO : Allied Commission Liaison Officer,
c/o HQ 54 Area, C.M.F.

1. SCOMPUSOLO Domenico di Giovanni of 47 Via Arco
Mastronsale, Turi, Province of Bari, was tried and convicted
by a General Military Court at Bari on 21 March 1945.

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:

A. E. W.

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

4631 file

(1627)

HEADQUARTERS ALLIED COMMISSION
 NO 324
 LOCAL DIS-CONTINUATION

AC/1010/L.

/mt.
3 May 1945.

SUBJECT : Trial of espionage and sabotage cases.

TO : VP, CA Sec.

1. The surrender of the German forces in Italy raises the question of the desirability of continuing the trials in AMG Courts of enemy espionage and sabotage agents.

2. The purpose of these trials, and of the heavy sentences imposed, is to be deterrent and to protect the security of the Allied Forces.

3. There are at present a large number of agents who have been apprehended and whose cases are being prepared by the security authorities but are not yet ready for trial. It is suggested that in present conditions in Italy there can be no object, on security grounds, in the trial of any offenders previously apprehended, and still less in the imposition of death sentences. This argument will apply more strongly when hostilities are officially declared to have ended throughout Europe.

4. Naturally, if offenses of this kind are committed in the future, the offenders must be tried in AMG Courts, and if an investigation of any offenses already committed suggests that a group of enemy agents is likely to be still at large and active in AMG Territory, it may be desirable to proceed with these trials for deterrent purposes. In other circumstances, however, it is suggested that the trials of enemy agents by AMG Courts could safely be discontinued.

5. It should be observed that in the case of all agents who are Italian subjects, charges of collaborating with the Germans can be preferred by the Italian Courts under the Fascist Sanctions Decree. It would seem to be more satisfactory for such persons to be handed over to the Italian Courts than to be tried by AMG Courts.

6. The present situation also raises the question of the confirmation of the death sentence in some 5 espionage cases which are at present awaiting review. While the death sentence is recognized as the normal deterrent penalty for these cases in war, the necessity for such deterrent action has presumably ceased and it is for consideration whether all sentences not yet far executed should not be commuted. It would be appreciated if the Chief Commissioner could be asked to give a decision on this policy, particularly in view of the typing and other work involved in the preparation of these cases for review by him.

A. P. BISHOP, Colonel,
 Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

JL/jl

1626

AC/4083/1/L

3 May 1945

Subject: Case of RUPOLO Leo fu Pietro and RUPOLO Angelo fu Pietro

To : Prefetto di Roma, Sec. 7th

1. The above named persons were tried by an Allied Military Court on 22 Aug. 44 for violation of Proclamation I, Art. IV section 5--the accused in MACCARESE on or about 1 Aug. 44 were wrongfully in possession of fire-arms contrary to the said proclamation."

2. The accused were sentenced to one year imprisonment.

3. On 4 Oct. 44, on further consideration, their sentence was reduced to six months imprisonment, with their release being ordered for 22 Feb. 45.

4. The above information has been requested by Attorney ALFARDI Zara, on behalf of the above subjects, who appear to be accused for the same offence, tried by the Allied Military Court.

5. The "report of arrest" produced by the above attorney is a copy of the "arrest report" which formed the basis of the charge for which RUPOLO Leo, and RUPOLO Angelo were tried and sentenced on 22 Aug. 44.

msw
W.E. REHRENS
Colonel
Deputy Chief Legal Adviser

✓ 4083/2

(1625)

TO : Hq. A.C.
(for attention of Legal Sub-Commission)

FROM : Hq. AC/AMC MARCHÉ UMBRIA REGION

SUBJECT : Cases of FERRI Pietro et al.

REF. : 85/511/14/ano

DATE : 1 May 1945

HEADQUARTERS
2 MAY 1945

1. Ref. your AQ/4083/1/L dated 24 April 1945 (para 2) suspension of sentence in the case of TOFFANI Guido is not recommended.
2. Refusal of this and the other applications referred to in your letter has been intimated.

For the Regional Commissioner

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Clerk

CJ

Sm

2 MAY 1945

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

12

3468

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1624)

/rm.

AC/4083/1/L.

7 May 1945.

SUBJECT : DE FAICO Gennaro.

TO : R. Questura, NAPOLI
Commissariato di P.S. di S. Giuseppe.

1. Reference your letter 3456 of 25 April 45,
returned herewith.

2. Owing to records which are still in transit it
is regretted that the information you request is unavailable.

3. It is suggested that the same information could
be had from the records of the prison wherein DE FAICO
Gennaro was, (or still is) confined.

W.F. Benrens
W.F. BENRENS,
Colonel,
Deputy Chief Legal Advisor.

4083/1
**HEADQUARTERS
 TOSCANA REGION
 ALLIED MILITARY GOVERNMENT**

LEGAL 3/c

1623

File Ref: RV111/9/3008

Date: 26 April 45

SUBJECT: Case of CAVALLARO Umberto

TO: LEGAL SUB-COMMISSION, HEADQUARTERS AG.

1. This man was convicted by Major Benlet sitting as Superior Court in Florence on 25 Nov 1944. He was sentenced to 7 years imprisonment for his part in a conspiracy to offer a bribe to obtain the use of an Army Truck. Conviction and sentence was affirmed by your HQ on 12 Jan 1945 under your reference 2421.

2. Later the convicted man's lawyer applied for a copy of the record, and on 27 Feb 45 in response to that request you wrote to this office:

"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. 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."

3. The defending Avvocato has renewed his request for a copy of the record and has put forward the documents enclosed herewith:

- (a) Letter dated 12/1/45 from Avv. A. AMIGHI
- (b) Translation thereof
- (c) Copy statement by PAOLETTI D.
- (d) Translation thereof.

4. It appears incredible that this new "witness" (a) should, by chance, have been twice in the shop at the very moment the conspiracy was being discussed and (b) that she should be able to give such a complete picture of events after so long a time. In any case she cannot understand English, so that her knowledge of the facts must necessarily be only partial and fragmentary.

5. Even if the new story were true, it would not appear to be of such a nature as would have influenced either the Court or the Reviewing Authority in the matter of conviction or sentence. 10

6. For the reasons indicated above, I do not recommend that the record, or a copy thereof, be made available.

HEADQUARTERS
 Chief Counsel's Office

JOHN A. WISER,
 Colonel, Infantry
 Regional Legal Officer.

23 Apr 1945

1622

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
1 May 1945.

SUBJECT : CAVALLANO Umberto.

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

1. Reference your letter RV111/19/3008 of 26 April 1945. Para 3 of this office letter of 27 February 1945 quoted by you was not intended to imply that if fresh evidence were produced the record of a case which had been tried would or might be made available at a later date for a defending lawyer.

2. Lawyers appearing in AMG Courts must make their own notes of the evidence given, and in no circumstances may a record which is the official dossier of a case, be made available for or shown to an Italian advocate.

3. The inclosures to your letter are returned.

By command of Rear Admiral STONE:

*For looks for
H. L.*

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

2 Incls:
Incl 1-Letter from
Avv Arrighi.
Incl 2-Statement of Paoletti Dorian

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

30 April 1945

SUBJECT: Case of SANNINO Vincenzo di Francesco

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.

4083/1 3 1620

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

30 April 1945

SUBJECT: Case of ZUPPIN Romeo di Antonio

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.

7

4083/1

(1619)

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APC 394

30 April 1945

SUBJECT: Case of SAETTA Giuseppe fu Felice

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.

4087/1 1617

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

30 April 1945

SUBJECT: Case of FORMATO Pasquale di Luigi

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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4083/1

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1615

30 April 1945

SUBJECT: Case of TROIANO Eduardo fu Serafino

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. VECCHIOLIA,
Major, JAGD,
Senior Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/lrb.
1 May 1945.

AC/4083/1/L.

SUBJECT : Case of VERGARA Mario.

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

1. VERGARA Mario, whose civilian address was Via Cola di Rienzo # 52, Rome, and now imprisoned at Regina Coeli prison, was convicted and sentenced to imprisonment for three years and a fine of 22,000 lire.

2. The petition of appeal and the record of the case have been reviewed and the following decision made:

- (a) Conviction on charges under (Arts. 482 in relation with Art 477 and Art 81) and 346 of the Italian Penal Code is affirmed.
- (b) Conviction on charge under Article 640 of the Penal Code is quashed.
- (c) The sentence is reduced to two years reclusion and a fine of 22,000 lire.

3. Will you please issue instructions so that the above decision will be communicated to the accused.

W. E. W.

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

4083
HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

1614

WHL/dsh.

23 April 1945.

REF : RIX/LE/651/65

SUBJECT : Cases of BALDINI Ferruccio, et al., Bologna Province.

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

1. Reference your undated letter, AC/4083/1/L, forwarded herewith copy of Sindaco's order and letter from the trial judge. I regret that only a translation of the order was furnished. If this is not sufficient, please advise and I will obtain a copy in Italian.

2. Records of trial also returned herewith.

For the Regional Commissioner:

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

Encls. as above

File

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4083/1

LEGAL S/c

1613

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

FROM : HQ AMG UMBRIA MARCHE REGION (LEGAL)

SUBJECT : Case of PETRUCCI Alessandro - D1/ANC/205.

REF. : R5/511/14/ANC

DATE : 28 April 1945

Herewith Record and Petition for Review in above case.

LEGAL SUB-COMMISSION	
CLO	
DELO	
Ch. 6. Council	
CLO	
Regional	
Q. 100	
30 APR 1945	

For the Regional Commissioner

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

R. G. S. Alexander