

ACC

10000/142/584
(VOL. 17)

REVIEW
MAY, JUN

10000/142/584
(VOL. 17)

REVIEW OF COURT CASES, CORRESPONDENCE
MAY, JUN. 1945

AC/1083/1/L.

VOLUME : 17

FROM : No. 1771

TO : No. 1940

1940-14446

SUBJECT : REVIEW OF COURT CASES - CORRESPONDENCE

198
1961

0005

TO : No. 1940

12/1/40

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

198 *mu*

10000.1 / 942 / 587

THIS FOLDER
CONTAINS PAPERS
FROM *mu*
TO *mu*
CATALOGUE

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		1933	1963			

FROM : No. 1771

TO : No. 1940

197

4083/1
✓
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
FAPLES COMMUNE
LEGAL DIVISION
APC 394

(1940)

L-3020

29 June 1945

SUBJECT: SACCO Giovanni - GALLO Nunciato.

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

1. Reference is made to your letter
AG/4083/1/L, 16 June 1945, relative to the above
subject.

2. Both the defendants were tried by the
Italian Court.

For the Commissioner:

198

CCB/pv

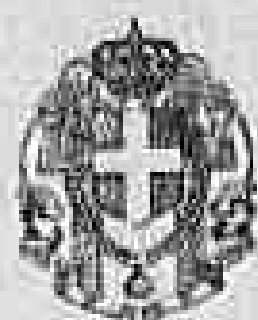
Frank L. Vecchiola
FRANK L. VECCHIOLA, 4260
Major, J.A.G.D.,
Senior Legal Officer.

Encls: 2 Posizioni Giuridiche.

30 JUN 1945

file

fm



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

Ufficio I° A.P.

Prot. N° 131.282/1251

COMMISSIONE ALIATA
Sottocommissione Legale
ROMA

Proposta n° del 9.6.945

Inv. Inv. N° 4083/1.4

OGGETTO FALLIA Salvatore di Giacomo.

e per conoscenza:

ALL'UFFICIO DI COLLEGAMENTO
GABINETTO

Si comunica a codesta On. Commissione che la nota suindicata e l'allegato, sono state trasmesse, per competenza, al Ministero dell'Interno, dal quale dipendono le Commissioni Provinciali di confino.

per il MINISTRO
(A. Spallanzani)

[Signature]
W. I. W.

195

4083/10

(1938)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-4014

28 June 1945

SUBJECT: Case of Caldò and others.

TO : AC Hq. - Legal Sub-Commission,
Rome.

1. Herewith find enclosed, for your consideration, a letter from the Tribunale Civile e Penale, S. Angelo dei Lombardi, (Avellino Province).

For the Commissioner:

F. L. Vecchiolla
F. L. VECCHIOLLA, by 663
Major, J.A.G.D.,
Senior Legal Officer.

MS/ms

CLO

DCLO

Chief Counsel

CJO

Italian

CL RKS

29 JUL

194

*file**7*



TRIBUNALE CIVILE E PENALE DI S. ANGELO DEI LOMBARDI

Prot. N. 492/44

Alleg. N.

Risposta a nota N. 1205 del

MAY 22 1944 - XX

OGGETTO: Procedimento penale contro Calò Giuseppe
di Ciriaco.

All'Ufficio Legale - Presso il Governo

Allato -

N a p o l i

La Corte Superiore Alleata distaccata in
Frigento con sentenza del 21 aprile 1944 condannò
Calò Giuseppe di Ciriaco; Pascucci Carmine di
Marino; Calò Carmine di Giuseppe alla reclusione
di anni 2 ciascuno, per il reato di incendio e sac-
cheggio del Comune di Frigento.

Perché è necessario alligare al procedimento
che segue d'avanti questo Tribunale per reati di
competenza della Giustizia Italiana, la copia della
sentenza emessa dalla Corte Superiore Alleata prego
la far tenere detta copia.

Con ossequi

Il Giudice Pretore

193

17083/1937
ALLIED MILITARY GOVERNMENT

AOSTA PROVINCE

22 June 1945

PR/AO/1814

SUBJECT : Bonsignori Raffaele, Mattioli Danilo and Others

TO : Chief Legal Adviser, Hqs., Legal Sub-Commission, Allied Commission

I. Reference is made to your AC/4083/I/L dated 11 June 1945 on the above subject.

2. I was relieved from my assignment as Provincial Legal Officer of Pisa on 26 April 1945.

3. To the best of my recollection, I made no recommendation on any petition for review on any of the cases involving the theft, sale and purchase of Allied Force parachutes.

4. I believed at the time of the trials, as I do now, that the offenders were deserving of the sentences imposed upon them, independently of the consideration of the sentences from a deterrent standpoint.

5. If petitions for review were forwarded in these cases with a recommendation for reduction of sentences, such recommendations were made by my successor who voiced his own rather than my opinion in this regard.

6. Because of the operational nature of the Allied Force properly involved, my convictions, which were strong at the time of the trials, have remained unchanged.

1945

Edward E. Nevans Jr.

EDWARD E. NEVANS JR.,
1st Lt. C.M.P.
Prov. Legal Officer.

C.C.- Regional Legal Officer,
Hqs., Toscana Region, A.M.G.

TO : Chief Legal Adviser, Hqs., Legal Sub-Commission, Allied Commission

I. Reference is made to your AC/4083/I/L dated 11 June 1945 on the above subject.

2. I was relieved from my assignment as Provincial Legal Officer of Pisa on 26 April 1945.

3. To the best of my recollection, I made no recommendation on any petition for review on any of the cases involving the theft, sale and purchase of Allied Force parachutes.

4. I believed at the time of the trials, as I do now, that the offenders were deserving of the sentences imposed upon them, independently of the consideration of the sentences from a deterrent standpoint.

5. If petitions for review were forwarded in these cases with a recommendation for reduction of sentences, such recommendations were made by my successor who voiced his own rather than my opinion in this regard.

6. Because of the operational nature of the Allied Force property involved, my convictions, which were strong at the time of the trials, have remained unchanged.

19!

Edward E. Nevans Jr.

EDWARD E. NEVANS JR.,
1st Lt. C.M.P.
Prov. Legal Officer.

C.C.- Regional Legal Officer,
Hqs., Toscana Region, A.M.G.

DCLO

Chief Counsel

W

2 JUL 1945

file +

4083/11

1936

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 Corps
Legal Division

26 June 1945

Subject: Claim by Barone Clemente in Antonio
To: Chief Legal Adviser, Headquarters,
Allied Sub-Commission, Legal Sub-Commission,
APO 394 (Attention: Lt. Col. Welsford)

1. Receipt is acknowledged of your letter of AC/4083/11
L, 20 June 45 on a/m subject. I replied to your letter above
mentioned on 16 June 1945.
2. Attached hereto is a copy of my letter.
3. If I can be of any further assistance, I shall be
pleased to do so.

Rosario A. GAZIANO
Rosario A. GAZIANO
Captain, inf.
Legal Officer.

2 incs:

- incl. 1. Copy of letter, Subject, Barone Clemente, 16 June 45
incl. 2. Letter of hq. A G, Legal Subcommission, 20 June 45

191

Handwritten notes:
This is an
extra copy
seen by
may want
1/4 total
29 June

Handwritten:
+3

TO	
CIC	
DOLO	
Chief Counsel	
CJO	
Italian	
Ch. Sec.	
26 JUN 1945	

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS
LEGAL DIVISION.

File No:-- 13C/Les/ 16 June 1945.

Subject:-- Barone, Clemente fu Antonio.

To:-- Chief Legal Adviser,
H.Q., Allied Commission,
APO 394
(Attention: Lt.Col.G.M.Welsford)

1. In reply to your letter on a/m subject, Ref. No. AC/4083/1/L of 1st June 1945, the following information is furnished with regard to the articles. I became familiar with the Barone Clemente case when Major R.C.Hendrickson, Regional Legal Officer, told me in his office to take the Leica camera various lens and finders from Lt. T.A. Morris of Central Prosecutors Office. Lt. Morris left the photographic material which had not been confiscated by the Summary Court in the Legal Division headquarters; the camera, the lens, and finders were placed in a large manila envelope and placed in the Legal Division safe, which was locked. I remember giving Lt. Morris a receipt that he had turned in the camera lens and finders in Barone case. Two or three letters were written to Mr. Clemente Barone from the Legal Division concerning his appeal to Colonel Pollock and how he was to collect his camera. Several weeks went by. Then Major Hendrickson told me to contact Lt.Col. Pollock, R.P.S.O., Region 4, and to request that the Public Safety Division keep the Barone camera and equipment and return to the owner? I had two separate conversations with Col. Pollock concerning the Barone camera case. Col. Pollock stated that as head of the Public Safety Division he would see to it that the camera and lens were returned to the owner if the Legal Division turned the equipment to Public Safety. I reported this to Major Hendrickson. Major Hendrickson gave me instructions that the large manila envelope containing the camera and equipment to be returned to Barone Clemente be turned over to the Public Safety Division. From the safe in the R.L.O's office I took the large manila envelope containing the camera, lens and finders to the Public Safety Office downstairs and I received a receipt from Col. Pollock for the photographic equipment of the Barone case. That is the last I saw of the Barone camera lens and finders. I returned upstairs to the Legal Office and reported to Major Hendrickson that I had turned over to the Public Safety Division the camera and showed him the receipt for it. Major Hendrickson instructed me to take the receipt to the Central Prosecutor's office to be filed with the Barone case. I took the receipt to the Prosecutor's

1. In reply to your letter on a/m subject, Ref. No. AC/4083/1/L of 1st June 1945, the following information is furnished with regard to the articles. I became familiar with the Barone Clemente case when Major R.C. Hendrickson, Regional Legal Officer, told me in his office to take the Leica camera various lens and finders from Lt. T.A. Morris of Central Prosecutors Office. Lt. Morris left the photographic material which had not been confiscated by the Summary Court in the Legal Division headquarters; the camera, the lens, and finders were placed in a large manila envelope and placed in the Legal Division safe, which was locked. I remember giving Lt. Morris a receipt that he had turned in the camera lens and finders in Barone case. Two or three letters were written to Mr. Clemente Barone from the Legal Division concerning his appeal to Colonel Pollock and how he was to collect his camera. Several weeks went by. Then Major Hendrickson told me to contact Lt. Col. Pollock, R.P.S.O., Region 4, and to request that the Public Safety Division keep the Barone camera and equipment and return to the owner? I had two separate conversations with Col. Pollock concerning the Barone camera case. Col. Pollock stated that as head of the Public Safety Division he would see to it that the camera and lens were returned to the owner if the Legal Division turned the equipment to Public Safety. I reported this to Major Hendrickson. Major Hendrickson gave me instructions that the large manila envelope containing the camera and equipment to be returned to Barone Clemente be turned over to the Public Safety Division. From the safe in the R.L.O.'s office I took the large manila envelope containing the camera, lens and finders to the Public Safety Office downstairs and I received a receipt from Col. Pollock for the photographic equipment of the Barone case. That is the last I saw of the Barone camera lens and finders. I returned upstairs to the Legal Office and reported to Major Hendrickson that I had turned over to the Public Safety Division the camera and showed him the receipt for it. Major Hendrickson instructed me to take the receipt to the Central Prosecutor's office to be filed with the Barone case. I took the receipt to the Palazzo di Giustizia, Rome, where the Central Prosecutor's office was. I gave the receipt from Col. Pollock, Public Safety Division, to Lt. Morris with instructions to place it with the Barone Clemente case file. I mentioned to Lt. Morris that the Public Safety Division would return the property to the owner. The Summary Court cases for the city of Rome were kept in the Central Prosecutors Office in the Palace of Justice. The Superior and General Court cases and the Summary Court records from the provinces were kept in the files at Region 4 Headquarters.

All these records were turned in to Legal Sub-Commission, A.C., about April 1945.

2. I have the impression that subsequently either Colonel Pollock or Major Corhead of the Public Safety Division stated that the Camera and lens had been returned to the owner. Until I received your letter of 1 June narrating the claim of Barone Clemente I had felt certain that the camera and lens had been returned to him.

3. I do not have any files of the case record, receipts, or letters written at Region 4 Headquarters, concerning the Barone camera. If I can be of any further assistance in this matter, I shall be pleased to do so.

Rosario A. Gaziarno
ROSARIO A. GAZIANO.
Captain; Inf.
Legal Officer.

2 Incls.

Incl. 1. Copy of letter of Major Orlandi, 31 March 45.

Incl. 2. Copy of letter of Lt. Morris, 24 May 45.

To: Ceph. Gattano
40 13 Corps

188

Legal

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4583/1/L.

/rm.
20 June 1945.

SUBJECT : Claim by BARONE Clemente fu Antonio.

TO : Captain R. GAZZINO,
HQ VENEZIA Region.

1. Can you please let me have a reply to my letter,
reference as above of the 1st inst?

2. Lieut. MORRIS states that on receipt from the Military
Police of the camera etc. belonging to BARONE he handed the same to
you as Deputy Legal Officer, and that you gave him a receipt for
the same. Can you state how you disposed of the camera and other articles,
and can you give any other information concerning this matter?

By command of Rear Admiral STONE:

Wm Locksford
18/6/45
W.E. BEHRENS,
Colonel,
Chief Legal Advisor.

187

14-00000-2
13 CORPS
Date 25/6
File

HQ. REGI - N 12
A. C. C.
4035 B
Date Rec'd 23 JUN 1945

Lock

4083/1
✓
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Legal
1935

Subject: Application for review of sentence

To: C.I.A. Legal Sub Commission A.C. = ROME

LEGAL OFFICE

From: Liaison L.O. Umbria-Marche = Ancona Commune

Ref: Anc/11/7

Ancona

Date: 22 June 1945

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

MARCANTONIO Leslie James DI/Anc/160 - 68-1-1
TIBERI Giuseppe DI/Anc/790 - 68-3-25

file

A.R. Troxell

A.R. TROXELL
Lt. Col.
Liaison L.O.
Umbria Marche
Ancona Commune

Note. as I have no interpreter I am unable to
send translations as I should,
ART!

186

+3

1934

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/408/1/L.

/ra.
28 June 1945.

SUBJECT : MAFARO Francesco and TRINONE Ciro.

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

1. The records of trial of these two men are returned and the convictions quashed and a re-trial ordered before another Judge on appropriate charges.

2. The driver of the vehicle does not appear to have been cross-examined in Court at all as to his reason for being in the Piazza Garibaldi and there is merely a statement by someone, - the Record does not say by whom - that he should not have been there! The Record does not show where VERONA was travelling, whether in the front or back of the vehicle.

3. Cases of theft or assisting in theft of military mail should always be tried before a Superior Court. The offence is a serious one, and the sentences imposed if the accused are guilty, are entirely inadequate. However, if the re-trial of this case ends in conviction of either of the defendants, it would be undesirable that the Judge should impose a heavier sentence than that imposed in the original trial, but he can state in Court that the sentence is light for that reason and that any future cases will be very severely dealt with.

By command of Rear Admiral STONE:

1854

[Signature]
W.E. BISHOP, M.C.
Colonel,
Chief Legal Advisor.

13

1933

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2 July 1945

SUBJECT: Case of MIRABILE Pasquale and TUCCILLO 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.

184

Recd
JUL 1945

73

HEADQUARTERS
LIVORNO PROVINCE ZONE
ALLIED MILITARY GOVERNMENT

1931

28 June 1945

File: Z.L.O.82/S.

Subject: Bernardis Franco and Mazzolli Mazzollo, Region VIII Case No. 10542.

To: Chief Commissioner, Allied Commission, APO 394
(Attn: Chief, Legal Sub-Commission)

1. The record in subject case, under "Terms of sentence", should be corrected to read "6 months suspended in sentence of Bernardis, 10 months suspended in sentence of Mazzolli".

2. The prison has correct commitments.

For the Zone Commissioner:

Arber Johnson
ARBER JOHNSON
1st Lt. Infantry
Z.L.O., Livorno

10542

LEGAL SUB-COMMISSION

CLO

DOLO

Chief Counsel

CJO

Ligation Section

CL RKS

183

80 JUN 1945

408916
HEADQUARTERS
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

1927

29 June 45

File: Z.L.O. 1426

Subject: Transmission of files.

To: Chief Commissioner, Allied Commission, APO 394.
(Attn: Chief, Legal Sub-Commission).

Inclosed herewith find 13 files Summary Court cases.

For the Zone Commissioner:

1 JUL 1945

Archer Johnson
ARCHER JOHNSON
1st Lt. Infantry
Z.L.O., Livorno

182

HEADQUARTERS
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

28 JUNE 45

File: Z.L.O. 1424

Subject: Transmission of Files.

To: Chief Commissioner, Allied Commission, APO 394
(Attn: Chief, Legal Sub-Commission).

Inclosed herewith please find 123 Files Summary Court
cases.

For the Zone Commissioner:

Archer Johnson
ARCHER JOHNSON
1st Lt. Infantry
Z.L.O., Livorno

181

file

X5

✓
4023/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

(1925-

L-3104

28 June 1945

SUBJECT: Port Summary Court cases.

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

1. Enclosed herewith are cases tried by the
Port Summary Court during the period 6 June thru
13 June 1945.

For the Commissioner:

CCB/pv

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

180

28 JUN 1945

4083/1
✓(1925)
aHEADQUARTERS
AMG -- NAPLES COMUNE
LEGAL DIVISION
ATO 394

28 June 1945

SUBJECT: Case of Tixon Salvatore 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.

179

29 JUN 1945

47
✓

4083/1

✓

1924

HEADQUARTERS
ANG - NAPLES COIRUNE
LEGAL DIVISION
APO 394

28 June 1945

SUBJECT: Case of Panzuto Carlo di Gennaro

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..

178

29 JUN 1945

NY

file

(1923)

4083/1 ✓

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

28 June 1945

SUBJECT: Case of DE CANDIDIS Giuseppe 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.

177

29 JUN 1945

608311

(1922)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMZONE
LEGAL DIVISION
APO 394

L-3020

28 June 1945

SUBJECT: GERCHIA Pietro Angelo fu Antimo.

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

1. Reference to your letter AG/4083/1/L,
16 June 1945, relative to the above subject.

2. Attached hereto is Form 8 and application
in the case of the above subject.

For the Commissioner:

Frank L. Vecchiola
FRANK L. VECCHIOLA,
Major, J.A.G.D.,
Senior Legal Officer.

CCB/pv

170

	CIO	
	DOLO	
	Chief Counsel	
→	CIO	
	Relian Division	
	CL RKS	
	29 JUN 1945	

x2

(1921)

4083/1 ✓

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
CPO 394

28 June 1945

SUBJECT: Case of AGENTO Gennaro di Pietro

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.

175

	CIO	
	DOLO	
	Chief Counsel	
→	CIO	
	Belmonte	
	CLERK	
	29 JUN 1945	

1920

4083/1

HEADQUARTERS
AMG - 141 PLES COMUNE
LEGAL DIVISION
APO 394

28 June 1945

SUBJECT: Case of Ruggiero Giuseppe 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.

174

CIO	
DSIO	
Chief Counsel	
CIO	
Legal Section	
CL TKS	
29 JUN 1945	

77

1919

4083/1

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 39

28 June 1945

SUBJECT: Case of INIGO Egidio di Giovanni

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.

29 JUN 1945

173

1918

4083/1

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

28 June 1945

SUBJECT: Case of TEDESCO 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.

172

29 JUN 1945

x2

4083/1

1917

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

28 June 1945

SUBJECT: Case of Fraioli Bernardo

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.

171

29 JUN 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1916
/rm.
27 June 1945.

file
AG/4083/1/L.

SUBJECT : CIOFFI Valerio and others.

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

1. The record in the attached case is returned herewith; the forged notes forming the exhibits in the case have been handed over to the Public Safety Sub-Commission for destruction.

2. The sentences have been reduced solely on the ground raised in one of the applications for review, that the higher sentences imposed are in excess of the maximum which the Italian Court could impose, and in view of the fact that it is understood that another pending case of the same nature is being remitted to the civil Courts for trial.

3. The conviction of DI MEO is quashed for the following reasons:

- (1) The only evidence against him is the statement of one of the other accused, which is not properly evidence against him, and the fact that when shown that statement he did not say anything. His *silence* might be attributed to other reasons than a tacit admission of guilt.
- (2) He appears to have been prejudiced by being tried jointly with the other accused, as his counsel applied for COMBESANO to be called as a witness in his defence. It does not appear from the record whether COMBESANO was willing to give evidence in defence of DI MEO or not. The matter could have been dealt with by completing the case against the accused, other than DI MEO, and then after sentence calling COMBESANO in DI MEO's defence.

By command of Rear Admiral STONE

Gmw

170

A.L. MURPHY,
Colonel,
Chief Legal Advisor.

The police report
marked "Set D.V.12" and entry
C.R. 1/15/156 exhibit 4
should be returned to the

Police

Sgd by Gmw.

Date please
check case
record book for all
notes

(1) al

(1) TO.....

Si prega di voler invitare.....

You are requested to invite (

il rappresentante dell'Esercito Alleato presso la Commissione
.....

alleata in Italia - Roma .

a comparire alle ore .9.... del giorno 27 Giugno 1945 davanti a

to appear at.....hrs on..... 1945 before

.....

davanti al Presidente del "tribunale di Sciacca per deporre come
parte offesa nella causa contro Toto Angelo imputato di furto
in danno delle Forze Armate Alleate.-

Roma, li 23 Giugno 1945

L'Ufficiale Giudiziario



25. June 45

"non si possono di mandare

nessuno

169

signed by
Lt Col Wilford on
telegram submitted
by

1915

file

48805

a comparire alle ore .9.... del giorno 27 Giugno 1945 davanti a
to appear at.....hrs on..... 1945 before
.....
davanti al Presidente del Tribunale di Sciacca per deporre come
parte offesa nella causa contro Toto Angelo imputato di furto
in danno delle Forze Armate Alleate.-

Roma, li 23 Giugno 1945

L'Ufficiale Giudiziario



[Handwritten signature]

25. June 45

"non si possono di mandare
nessuno"

163

*signed by
Lt Col Welford on
telegram submitted
for info. by
Director. J. Potter
T/4 25 June.*

file

HEADQUARTERS ALLIED COMMISSION
ATC 394
LEGAL SUB-COMMISSION

(1914)

AC/4083/1/L.

/rm.
26 June 1945.

- SUBJECT : Case of PITTIS Antonio.

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

1. Reference your RMII/LE/UDI/A/05 of 21 last, the above mentioned man should be detained in a lunatic asylum. If the Director thereof considers him at a later date to be able to look after himself and fit to be released, the matter should be referred through you to the A.C.

2. The record is returned herewith.

By command of Rear Admiral STONE:

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

162

file

HEADQUARTERS ALLIED COMMISSION
AFD 894
LEGAL SUB-COMMISSION

(1913)

AC/4 89/4/L.

/rm.
20 June 1945.

SUBJECT : Claim by PERMACCHI Angelo.

TO : C.C. (for claim's C.C.), HQ. RAC.

1. The above mentioned man visited this Sub-Commission on about the 2nd inst with regard to a claim against the Allied Government. He was referred to British claims and hiring office, Via delle Botteghe oscure n. 46, Rome.

2. A letter was written to Capt. E.V. PARK whose name was mentioned in the papers which PERMACCHI had, and a copy of the reply received from him is enclosed. As the car was confiscated to the AMG, it was an act of grace 5 months later to order the restitution of the car to him so far as that was possible, see para 7 of Capt. PARK's letter.

3. A letter has been received from Capt. CHAZARD concerning this claim, which is sent herewith. Together with copies of the documents PERMACCHI produced to this Sub-Commission.

For the Chief Commissioner:

W.A.

W.A. BIFFERT,
Colonel,
Chief Legal Advisor.

167

+3

HEADQUARTERS
Allied Military Government
13 COMPS.

SUBJECT: Case of Dr. Pennacchi Angelo.

15 June 45.

REF: 130/LMG/

TO: Chief Legal Adviser, HQ. A.G.
Legal Sub-Commission, HQ. A.G.
(Attn: Lt-Col G.M. Welsford).

1. In reply to your letter on e/m subject AG/4053/1/L dated 2 June 45, the following information is furnished.

Dr Pennacchi was tried by Summary Court in PERUGIA for violation of Sec. 40, Art V, Procl 1 (traveling more than 10 km beyond his home without a permit) in the early days of Allied Military Government. At his trial his car was confiscated by order of the judge. Dr Pennacchi is a practicing physician in Perugia. On review of his case the Regional Commissioner ordered restitution of the car to the doctor on the grounds given in the review order. The statement of facts are as outlined in the letter of Executive Officer, Lazio-Umbria Region, to Provincial Commissioner, Perugia Province. I do not know what the reply to that letter was.

2. Mr ANZI, a lawyer of Perugia and Rome had been referred to Legal Division, Region 4, by Capt FALM. He brought new written appeals for the restoration of the confiscated machine, the first appeal written by him had been misdirected to the 5th Army.

3. After the car had been returned, both Mr Anzi on about six visits and Dr Pennacchi on one visit, came to complain that the car returned had been divested of certain parts; two wheels, battery, tyres and tubes changed. The car they stated had never been requisitioned nor any of the parts. There was a directive in Region 4 that a car of a physician was, as a matter of policy, not to be requisitioned.

4. The case records of Dr Angelo PENNACCHI is in the files of Perugia Province, Lazio-Umbria Region. These files were transferred by R.A.O. pursuant to A.G. order to Legal Sub-Commission, Col Campbell, in April 1945.

5. I have no other information concerning the car in Perugia other than that contained in the files and the calls of Dr Pennacchi and his lawyer. If I can be of any further assistance in the matter, I shall be pleased to do so.

165

1912

4-0831

1. In reply to your letter on 5/m subject AO/4083/L/L dated 2 June 42, the following information is furnished.

Dr Pennacchi was tried by Summary Court in PERUGIA for violation of Sec. 40, Art V, Procl I (travelling more than 10 km beyond his home without a permit) in the early days of Allied Military Government. At his trial his car was confiscated by order of the judge. Dr Pennacchi is a practicing physician in Perugia. On review of his case the Regional Commissioner ordered restitution of the car to the doctor on the grounds given in the review order. The statement of facts are as outlined in the letter of Executive Officer, Lazio-Umbria Region, to Provincial Commissioner, Perugia Province. I do not know what the reply to that letter was.

2. Mr ANZIL, a lawyer of Perugia and Rome had been referred to Legal Division, Region 4, by Capt Falk. He brought new written appeals for the restoration of the confiscated machine, the first appeal written by him had been misdirected to the 6th Army.

3. After the car had been returned, both Mr Anzi on about six visits and Dr Pennacchi on one visit, came to complain that the car returned had been divested of certain parts; two wheels, battery, tyres and tubes changed. The car they stated had never been requisitioned nor any of the parts. There was a directive in Region 4 that a car of a physician was, as a matter of policy, not to be requisitioned.

4. The case records of Dr Angelo PENNACCHI is in the files of Perugia Province, Lazio-Umbria Region. These files were transferred by N.L.O. pursuant to A.O. order to Legal Sub-Commission, Col Campbell, in April 1942.

5. I have no other information concerning the car in Perugia other than that contained in the files and the calls of Dr Pennacchi and his lawyer. If I can be of any further assistance in the matter, I shall be pleased to do so.

RAG/JMC.

LEGAL SUB-COMMISSION

Encls. 5 letters

Station Division

CL RKS

18 JUL 1945

Rosario A. Lanzani
ROSARIO A. GAZIANO,
Capt. Infantry.
LEGAL OFFICER.

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

To : Regional Commissioner, VeneziaGiulia,
(for Regional Legal Officer).

Date 7 June 1945

Subject : Captain Gaziano.

File No: R XII /LE/Reg/A/13.

1. The eclosed four documents received at this HQ. yesterday, and intended for Capt. Gaziano of your Region, are forwarded to you for handing to him.

2. It is suggested that any further correspondence in this matter could be conducted by Capt. Gaziano, through your HQ., directly with the Legal Sub-Commission, and avoiding this HQ. as an intermediary.

W. R. Lutes
Major
Colonel,
for Regional Legal Officer,
Venezie Region.

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

JL/TR.
2 June 1945.

AG/4083/1/L.

SUBJECT : Case of Dr. PERMOCCI Angelo.

TO : Regions: Legal Officer (for Capt. E.V. PARK)
LIMBINGIA Region and Regional Legal Officer
(for Capt. P.M. GRAZIANO), VENEZIA Region.

1. Dr. PERMOCCI called in this office and laid claim for tyres, battery, and wheels removed from his car which was taken from him and later restored. He was referred to the claims office.

2. Copies of the letters which he had on his person were made. It is to be expected that this sub-commission will be called upon to give any information it can so that a proper disposition might eventually be made on this possible claim.

3. The letters are sent to you for your perusal. Please return them with your comments and any information which you may possess in the matter.

By command of Rear Admiral STONE:

Wm. L. B. B. B.
W.L. B. B. B.
Colonel,
Deputy Chief Legal Advisor.

Incls : 3 letters.

HQ. VENEZIA REGION

Doc. No. 1137B

Date Recd JUN 6 1945

164

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION
APO 394

C O P Y

Per/A/03

26 February 1945.

SUBJECT : Restoration of Motor Vehicle of
Dr. Angelo PENNACCHI - Perugia.

TO : Provincial Commissioner, Perugia Province.

1. On 29 October 1944 the Regional Commissioner issued in order restoring to Angelo PENNACCHI, doctor in Perugia, his automobile which had been confiscated by the Summary Court.

2. The Regional Commissioner has received the enclosed letter from Dr. PENNACCHI Angelo, 15 February 1945, which shows that the Doctor's machine was despoiled of many parts before being returned to him. The letter is referred to you for necessary action to comply with the order or restitution.

3. A written report will be made to this Headquarters as to what action has been taken by you.

By order of Colonnello POLETTI:

A.D. BONHIAN CARTER
Lt. Colonnello,
Executive Officer.

Incl. 1 : Letter of Dr. Angelo PENNACCHI
15 February 1945.

"Written in Pencil":

5 tyres and tubes
1 battery
2 wheels.

163

C O P Y

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION
PERUGIA PROVINCE

(letter written in pen and ink)

FILE No : PERUGIA 9th April 1945
SUBJECT : Tyres.
TO : Officer i/c Transportation
HQ, AMG/ACC, Rome.

Sir:

The bearer Dr. PENNACCHI Angelo, has applied for 3 tyres and 12 Volt Battery, I have shown him the only 3 tyres of Civilian Pattern that I have also, a 12 Volt Battery, and he is not willing to accept them.

If it is possible, for him to have the tyres I am at a loss as to where he can get them.

E. HALFARE

(Rank illegible)

Pro. Trans. Off.

"Written in pencil"

Inviare una domanda

Motor transportation Officer
Reg. V

(Capt. Richardson)

162

BACK SLIP

A. M. G.
PERUGIA ! PROVINCE

Date

The attached document N. _____ is transmitted
for information and/or necessary action.

	To for action by:	Initials	Date
Legal	✓		

REMARKS :

Capt. FALK - This was left with me by the Dr.
Please see me to-day if possible.

Sgn. Allegre

4083/11

(1911 227

COMO PROVINCE

ALLIED MILITARY GOVERNMENT

LOMBARDIA REGION

APO 394

GO/220

Subject: PENNACCHI Angelo.

TO: LEGAL SUB COMMISSION
HEADQUARTERS A C
Attn REGIONAL LEGAL OFFICER
HQ - LOMBARDIA REGION

LEG	SUB-COMMISSION
CLO	
DCLO	
Chief Counsel	
CJ	
Italian Section	
CL 115	
1 JUN 1945	

Como, 10 June 1945.

- 1). Ref. your AC/4083/I/I of 2/6/1945., Dr. Pennacchi was tried by me in July 1944 under G.O.20 for illegal use of his car, licensed to him as a doctor. This was the first case in Perugia of this offence and I therefore inflicted the penalty of confiscation as a deterrent. On appeal the confiscation was upheld by the R.E.O.
- 2). As a consequence of the confiscation, the car was used by AMG Perugia Province. 2 tyres of Dr. Pennacchi's car were transferred to the car of the P.F.O., Capt. Leno. This car was stolen in Rome.
- 3). Dr. Pennacchi came to see me repeatedly and representations on his behalf were made by the C.I.M. He also made repeated visits to the R.L.O. and his deputy.
- 4). In November the R.L.O. with my full agreement altered his decision on appeal to confiscation for 6 Months.
- 5). The car of Dr. Pennacchi was fitted with other tyres (with 100 Pennacchi now claims to be unusable) and another battery. His father signed a receipt for the car, saying he had received it in good conditions. Dr. Pennacchi now says it was dark and his father did not examine the car.
- 6). Dr. Pennacchi then paid me and the R.L.O. and the D.R.L.O. and Lt. Col. Bosham Carter many more visits. I explained to him that I could not produce tyres out of a hat, explained that in my opinion he had a good claim against Claims & Hirings for his two tyres, which were on Capt. Leno's car when stolen.

./.

227

COMO PROVINCE
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION

APO 394

1

continuation of letter to LEGAL SUB COMMISSION. HQ. AC.

- 7). The copy of the letter from Col. Bonham Carter to P.C. Perugia Province of 26/2/1945 is not the same as the original, as Lt. Col. Bonham Carter added the following words in ink to Para 2 "as far as possible".
- 8). When the order to return surplus cars to Region IV was given in April 1945, before sending back these cars I arranged that two tyres should be given to Dr. Pennacchi as per Col. Bonham Carter's instructions and a receipt was obtained to the best of my knowledge from him.
- 9). Correspondence is hereby returned.

E. V. Falk
Capt. E. V. FALK
P.I.O.
AMG. COMO PROVINCE.

159

file

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

(1910)

AC/4083/1/L.

/ra.
21 June 1945.

SUBJECT : PASSEMONTI Mariano.

TO : Provincial Commissioner (attn. Senior Legal Officer),
ANCONA Commune.1. Reference your letter Amc/11/12 enclosing copy letter
from S.A.B. (50 Sect.).2. Major ALEXANDER Regional Legal Officer reviewed this case
on 1st May 45 and suspended 4 months of the one year prison term
leaving eight months to be served.3. Will you ensure that the decision on Review is notified
to Prison Authorities and to accused.

By command of Rear Admiral STONE:

A.P.W.

W.E. BEHRING,
Colonel,
Chief Legal Advisor.

154

4083/1 ✓

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

LEONH-1C

1909

Subject: A.M.G. Court Cases

To: C.L.A. Legal Sub Commission Alcom-ROME

From: L.O. Ancona

Ref: Anc/11/12

Date: 18 June 1945

LEGAL OFFICE

Ancona

GIANNONI ELGINO di Ernesto

1. Reference your AC/4083/1/L dated 9 June 1945.
2. Having satisfied myself that the facts in this case are as stated by the Sindaco, that this man's children are not being properly looked after, I have to day suspended the balance of the sentence and ordered his immediate release.

LEGAL SUBCOMMISSION	
CLD	
DCUO	
Chief Counsel	
CIO	
23 JUN 1945	

For the Provincial Commissioner

F.H. Leaning RA.

F.H. LEANING, Lt. R.A.

L.O. Ancona Commune

157

4083/1

1908

VERONA PROVINCE
VENEZIE REGION
ALLIED MILITARY GOVERNMENT

APO 394

TO HQ, Allied Commission, ✓
(attn. Legal Sub-Commission) APO 394. Date 16 June 1945
SUBJECT: GIANNINI Eduardo.

FILE REF: RXII/VER/: L/IO.

Ref.AC/4083/I/L - 9 June 1945

1. As trial judge my remarks were requested as to the conviction of the a/n person for violation of Proclamation 1 Art.V Sec.42 "Riding in a WD vehicle without written authority.

On 27 August 44, Provincial Notice N°4, a copy of which is enclosed was published in Ancona Province. Please note that para 3 of this notice advises civilians that a breach thereof will be regarded and punished as a violation of Proclamation 1, art.5, sec.42.

I regret that the record did not refer to the Provincial Notice and this was an oversight on my part.

W.T. Boone
W.T. BOONE, Capt. CMP,
Provincial Legal Officer,
Verona Province.

Copy to:

P.C., Ancona Commune,
for attention Legal Officer.

CLD	
DCLO	
Chief Counsel	156
CLD	<i>mm</i>
Legal Secretary	
CLD	
25 JUN 1945	

File

x7

ALLIED MILITARY GOVERNMENT
Governo Militare Alleato
PROVINCE OF ANCONA

PROVINCIAL NOTICE No.4

1. ALLIED MILITARY personnel who are driving or in charge of ALLIED transport are expressly forbidden to give lifts to civilian.

2. Civilians are expressly forbidden to ask for or accept lifts or ride in ALLIED ARMY vehicles or vehicles requisitioned for the use of the ALLIED FORCES unless in possession of an authority in writing signed by an ALLIED OFFICER.

3. Any breach of this Notice will be regarded as a violation of Proclamation No.I,art.V ,sec.42 and will be punishable accordingly.

H.G.NICHOLS, Lt.Col.
Provincial Commissioner,

Ancona, 27 August 1944

AVVISO PROVINCIAL No.4

1. Il personale MILITARE ALLEATO che conduce o ha in custodia automezzi ALLEATI ha l'espressa proibizione di farvi salire dei civili.

2. Ai civili é categoricamente proibito di chiedere di accettare di salire o di viaggiare su veicoli degli ESERCITIALLEATI o su veicoli requisiti per uso delle Forze Alleate, se non sono in possesso di un'autorizzazione scritta, firmata da un Ufficiale Alleato.

3. Ogni infrazione a questo avviso sarà considerata come violazione al proclama I, art.5, sez.42 e sarà punibile in conformità.

H.H.NICHOLS, Lt.Col.
Commissario Provinciale,

Ancona, 27 Agosto 1944 155

4083/1 ✓
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1907

Subject: A.M.G. Court Cases

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

From: L.O. Ancona

Ref: Anc/11/12

Date: 15 June 1945

LEGAL OFFICE

ANCONA

GIANNINI Eduardo

1. Reference your AC/4083/1/L dated 9 June 1945.
2. A copy is enclosed of Provincial Notice No 4 dated 27 August 1944, which was published throughout the Province of Ancona.

For the Provincial Commissioner

J.H. Leaning Lt. RA.

F.H. Leaning Lt. RA.

L.O. Ancona Commune

Copy to:

Capt. W.T. BOONE

H.Q. Venezia Region (through R.L.O.)

CL	
Section	
CL RKS	154
18 JUN 1945	

4083/1
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

1906

Subject: Superior Court Records.
 To: R.L.O., Umbria-Marche Region
 From: P.L.O., Ancona
 Ref: Arc/11/12/1
 Date: 5 May 1945

LEGAL OFFICE

Ancona

1. Enclosed herewith are Superior Court Records in the following cases:

<u>District</u>	<u>Nos. of cases</u>
D1/Ancona	846 - NARCISI Orvenio
	847 - MENGARELLI Sauro
D2/Jesi	990 - GIANNINI Eduardo
	980 - CAMELUCCI Marino
	991 - VITI Nino
	1054 - LO PREIATO Flora
	1070 - GATTA Amelia

} one case

Trid JESI 2 May

appeals awarded

plans
file

For the Provincial Commissioner:

W.T. Boone
 W.T. BOONE,
 Capt. CMP
 PLO Ancona

153

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL SUB-COMMISSION

1905
/ut.
22 June 1945.

file
5/1085/1/L.

SUBJECT : GERINI Bello and GERONI Mario.

TO : Major A. W. HARRISON.

1. I enclose the Record of the trial of the above 2 men which I cannot understand.
2. Both men pleaded guilty to wrongful possession of 40 sacks of sugar.
3. The facts appear to be shortly
 - (a) Sgt D. stopped a truck driven by GERINI which contained 17 sacks of sugar, each of 100 lbs
 - (b) GERINI took Sgt D. to GERONI's farm where 23 more sacks of sugar were found, about 5 kg. of sugar in addition, 391,700 lire, and later a further 382,000 lire
 - (c) GERINI stated he had bought the 17 sacks from GERONI and paid him 382,000 lire, and GERONI admitted this;
 - (d) the 382,000 lire was in 1000 lire notes of which Sgt D. knew the numbers and the payment thereof had been made to trap the accused;
 - (e) Each accused was sentenced to 6 months and 100,000 lire fine to be paid on a fortnight or 6 months in default. GERINI has paid, GERONI has not.
 - (f) Confiscation of 40,700 lire ordered as being proceeds of sale (by whom? - presumably GERONI) of other sugar not the subject of any charge.
 - (g) Restitution ordered of the sugar; restitution ordered of 380,000 lire.

4. Can you please explain about the 380,000 lire in notes of which Sgt D. knew the numbers? Was GERINI acting under police instructions and supplied with the notes, or allowed to carry out the deal with notes of which Sgt D. took the numbers? If so, he cannot be convicted of wrongful possession of sugar so bought. He has been in prison since 22 April.

5. There does not seem to be any evidence that GERINI was ever in possession of more than 17 sacks of sugar though GERONI had had 40, but only 23 at time of arrest.

6. What jurisdiction had the Court to order confiscation of 40,700 lire, proceeds of sale of goods in respect of which no charge was brought?

152

//.

= 2 =

7. To whom was restitution of 500,000 ordered?
8. Who is, or are, "the accused" in para 5 (d) above.

By command of Rear Admiral STUBBS:

W. E. BENTLEY
W. E. BENTLEY,
Colonel,
Chief Legal Advisor.

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1904

4083/1 ✓
Subject: Application for review of sentence

To: C.I.A. Legal (Sub) Commission Alcom = Rome

LEGAL OFFICE

From: L.O. Ancona

Ancona

Ref: Anc/11/7

Date: 19 June 1945

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

Madonna Giuseppe = A.M.G. Court of Lanciano
Mariani Alberico = D 3/Fab/203
Broganelli Nazzeno = D 3/Fab/198
Gerini Nello = D 1/Anc/930
Chiodi Mario = D 1/Anc/930

F.H. Leaning - Capt. R.A.
F.H. LEANING, Major
L.O. Ancona

LEGAL & COMMISSION	
CLO	
DDO	
Chief Counsel	
CJO	
Italion	150.
CL R	
22 JUN 1945	

file
joined
under
record
J. Lattella
23 June 45

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1902

AC/4083/1/L.

/rm.
23 June 1945.SUBJECT : GARGANI Dante fu Enrico,
of Via Piazza d'Armi 9, F-A-N-O

TO : AFHQ, C-2.

1. The above man was convicted by a General Court on 10 Jan. 45, of, inter alia, possession of a W/T transmitting set, in pieces, taken from a Allied aircraft which crashed in E.O.T., and he received a heavy sentence.

2. It was stated by the prosecutor at the trial that if the accused should be acquitted he would be interned. But the Record of Trial contains no information as to the grounds on which he was considered to be a danger to security, and the court was undoubtedly influenced by this in fixing the heavy sentence which it imposed.

3. Can you give me any information with regard to this man? There is no question of his release in the near future, but if in fact he is not thought to be a danger to security that is a matter to be taken into account in considering his case.

For the Chief Commissioner:

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

149

B.F. 7 July

45

file

1903

HEADQUARTERS ALLIED COMMISSION
 470 394
 LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
20 June 1945.

SUBJECT : CARGINI Dante fu Enrico,
 of Via Piazza d'Armi 9, I-A-M-O

TO : Public Safety Sub-Commission.

1. The above man, a Sarsacellio I.S., who had been released by the Germans after internment in Germany was tried by a General Court at Pesaro on 10 Jan. 45. He received a heavy sentence for possession of property of the Allied Forces, which included parts of a radio transmitting set taken from an allied aircraft which had crashed in S.S.T. The parts were capable of being reassembled into a working set by a skilled man and the Court found that the accused, a radio operator, had the necessary skill.

2. It was apparently stated by the prosecutor at the trial that, if acquitted, the accused would be interned. Have you any information with regard to this man and the facts on which this statement was based?

Pm

W.E. BILHARTS,
 Colonel,
 Chief Legal Advisor.

148

Bring forward ~~27 June~~
 7 July

43

RESISTANCE ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.
23 June 1945.

10/4/45/42.

SUBJECT : MICCONE Andrea di Salvatore and others.
TO : The Minister of Pardon and Justice.

1. The cases of the undermentioned men have been reconsidered by this Sub-Commission and their sentences are reduced as shown below.

2. All Your Excellency kindly give instructions that this reduction be notified to the Direzioni of the Prisons concerned and to the prisoners.

<u>Name</u>	<u>Place & date of conviction</u>	<u>Place where confined</u>	<u>Sentence to be served</u>
MICCONE Andrea di Salvatore	Palermo 11 Dec. 43	Casa penale di Noto	5 years from 11 Dec. 43
GALICATO Salvatore fu Salvatore	"	"	3 years from 11 Dec. 43
COSENTINO Carmelo fu Giuseppe	Catania 12 Jan. 44	Casa di reclusione di Noto	3 years from date of arrest
LA SPINA Salvatore di Ignato	"	Probably at Casa di reclusione di Noto	5 years from date of arrest
CANNAVO Salvatore fu Alfio	"	"	2 years from date of arrest
COSENTINO Alfio fu Carmelo	"	"	to be released immediately
PRIVITERA Angelo fu Salvatore	"	"	2 1/2 years from date of arrest

rm
R. E. BARNETT,
Colonel,
Chief Legal Advisor.

EMIGRANT AND ALLIED COMMISSION
 APO 394
 LEGAL SUB-COMMISSION

/rs.

23 June 1945.

10/4 23/1/45.

SUBJECT : VIGOR, Andrea di Salvatore and others.
 : The Minister of Prison and Justice.

1. The cases of the aforementioned men have been reconsidered by this Sub-Commission and their sentences are reduced as shown below.

2. Will Your Excellency kindly give instructions that these reductions be notified to the Director of the Prisons concerned and to the prisoners.

Name	Place & date of conv. et. or	Place where confined	Sentence to be served
VIGOR, Andrea di Salvatore	Palermo 11 Dec. 43	Casa penale di Noto	2 years from 11 Dec. 43
MAIOTTA Salvatore fu Salvatore	"	"	3 years from 11 Dec. 43
CONTESSA Carmelo fu Giuseppe	Catania 12 Jan. 44	Casa di reclusione di Noto	3 years from date of arrest
LA SPINA Salvatore di Ignato	"	probably at Casa di reclusione di Noto	3 years from date of arrest
MAIOTTA Salvatore fu Alfo	"	"	2 years from date of arrest
CONTESSA Alfo fu Carmelo	"	"	to be released immediately
MAIOTTA Angelo fu Salvatore	"	"	24 years from date of arrest

146

Prud
 W. S. BARNES,
 Colonel,
 Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUB-COMMISSION

AC/4083/1/L.

/rm.
21 June 1945.

SUBJECT : FARRI Pietro di Domenico.

TO : Ufficio Stralcio - Archivio
dell'Ufficio staccato AMG presso l'Azienda Servizi
Annonari del Quartier Generale AMG - Regione di
RomaR O M A

Via Cavour No. 3

1. With reference to your letter No. 3792 di pret. US/v of
13th inst, the above man was tried and convicted on charges arising
out of the events mentioned in the first paragraph of your letter
and was/lines paid. No order was made confiscating the goods on the
proceeds of sale thereof, and FARRI would therefore be entitled to
receive the sum of 3,505 lire mentioned by you.

2. This Sub-Commission has no knowledge of the facts referred
to in the 3rd paragraph of your letter and it is suggested that further
information should be obtained by you from the Procuratore del Regno
as to the department of the Allied Commission to which the documents
to which you refer were sent, and that you should then communicate
with that Department.

W.E. Burrens
for W.E. BURRENS,
Colonel,
Chief Legal Advisor.

145

5 July

*File*HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1897

AC/ACB3/1/L.

/rm.
26 June 1945.SUBJECT : Application for Revision of sentence by
CORNEL NATALE.

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

1. Will you please cause the above named man convicted by an Allied Military Court at Florence on 25 April 45 to be informed that the application has been considered and the conviction and sentence affirmed.

2. He is believed to be confined at Florence.

*Gmu*E.A. BEHRENS,
Colonel,
Chief Legal Advisor.

144

1896

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION/rm.
19 June 1945.

AG/4083/1/L.

SUBJECT : Claim by Carmine COSENTINO of Naples.
TO : C.G. (for claim's C.G.), HQ RAAC.

1. Enclosed herewith are papers received by this Sub-Commission with regard to the above claim. The allegation appears to be that after an irregular seizure by the CCHR, the lentils were improperly distributed by Capt. F. SCALFE to the populace and so were no longer available for return when duly released by the Procuratore del Regno.

2. The letter with enclosures has not been acknowledged as this Sub-Commission is not concerned.

For the Chief Commissioner:

*P*W.E. BERNARD,
Colonel,
Chief Legal Adviser.

143

na file

e le botti di cavoli in salamoia. Il camion colle lenticchie

C O P Y

Napoli, 10 Maggio 45

RACCOMANDATA

Spect. LEGAL SUB-COMMISSION

Via Veneto

R O M A

E per conoscenza

ONOR. COMANDO ALLEATO - Caserta

A S.E. L'AMBASCATORE degli STATI UNITI - Roma.

Io sottoscritto Carmine COSENTINO domiciliato in Napoli nello Studio CIONE, in via Cimerosa 37, espongo:

Il 16 gennaio 1944 i Carabinieri di Resina, credendo che io volessi trafficare in contrabbando, sequestrarono il camion targato ROMA 22761 ed il carico composto di 17 quintali di lenticchie/fu depositato, in attesa del processo, presso il Comando Alleato di Resina (Napoli) ed i cavoli nella Caserma dei Carabinieri.

Durante il processo, detto Comando di Resina restituì il camion, tratteneendo le lenticchie in attesa della decisione del Magistrato.

Il processo fu chiuso per ordine del Procuratore del Re di Napoli, il quale dichiarò che la merce era libera da ogni vincolo e che, quindi, non vi era reato, onde ordinò "la restituzione della merce sequestrata al Cosentino." (Allegato N. 1).

Senonche', mentre i Carabinieri mi consegnarono i cavoli, il Comando Militare di Resina mi disse di non potermi consegnare le lenticchie, perche' le aveva distribuite alla popolazione civile di Resina.

Io reclamai, facendo rilevare a quel Comando che tale distribuzione era illegale, prima della decisione del Giudice, e chiesi il rimborso del costo delle lenticchie, in L. 187,000 comprate da me a L. 110 e Kg. (Allegato N. 2), ma il Comando di Resina, malgrado le sollecitazioni, non mi rispose.

Allora, io mi rivolsi alla Commissione Alleata per la Provincia di Napoli e questa, con lettera 31 Ottobre 1944 NZ/24 mi confermo' che le lenticchie erano state confiscate e distribuite alla popolazione, ma non provvide a rimborsarmi il costo.

Ora io mi permetto rilevare che, se le lenticchie furono confiscate, lo furono temporaneamente, in attesa della decisione del Magistrato finale; e poiche' questo ha deciso che il trasporto era lecito e non era reato, e che le lenticchie mi debbono essere restituite, cosi' il Comando di Resina li egualmente le distribuì, prima della detta decisione del Magistrato. Pertanto, io che ho numerosa famiglia, confido che SS. VV. mi faranno rimborsare delle 187,000 per non far morire di fame i miei figli, non avendo io altri mezzi per commerciare e non essendo giusto ne' umano di beneficiare una popolazione a danno di un povero disgregato lavoratore. In attesa delle Vostre benevoli decisioni, ossequio distint.

Firmato :

Carmine COSENTINO
presso CIONE, Cimerosa 37.
Napoli:

Allegati - 3 documenti

C O P Y

S.O.A.V.E.

Napoli 05 gennaio 1944

Societa' Olearia Agricola
Vinicola Esportazione

N-A-P-O-L-I

Vico 30. Piliero N. 1

Signor Carmine COSENTINO

N A P O L I

Ho ricevuta la somma di L. 20,000 in conto prezzo delle lentic-
chie che vi restano vendute al prezzo di L. 110 al Kg Franco Scelfati
Distinti saluti

P.S.O.A.V.E.

Sentoro Giuseppe

C-O-P-Y

ALLEGATO No. 1

R. PROCURA Napoli - I Sezione Indagini Annonarie
N. 654/1 P.M.

PROCEDIMENTO PENALE

CONTRO

QUINZI Alessandro, COSENTINO Carmine ed altri, denunziati con bole CCR
di Resina del 16/1/944 N. 17

COPIA

Il P.M. letti gli atti:

Poiche' la merce acquistata del COSENTINO per immetterla al commercio e
consumo di questa provincia e' libera da ogni vincolo, come risulta
dell'ordinanza N. 13 del Commissariato Generale dell'Alimentazione e della
Nota della Sez. Alimentazione di Napoli N. 4841 del 4.3.944

P.T.M.

Letto l'art. 74 C.P.P.

Ordina archiviarsi la denuncia ed ORDINA LA RESTITUZIONE DELLA MERCE
SEQUESTATA AL COSENTINO

Napoli 17 marzo 1944

Il Procuratore del Re - Firmato MARTINELLI
Per copia conforme

Napoli, 18.3.1944 Il Segretario - Firmato VENEZI

AL COMANDANTE STAZIONE RR.CC.

P O R T I C I

Per l'esecuzione

Napoli 18.3.1944

Il Procuratore del Re

Firmato - Roberto MARTINELLI

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C O P Y

HEADQUARTERS
PROVINCE OF NAPLES
ALLIED COMMISSION

PREFETTURA NAPLES

File N.Z.

31 October 1944

Subject : Alleged Illegal Confiscation of Italian Food by Military Personnel.

To : Carmine COSENTINO - Piazza Dogana 5, Napoli.

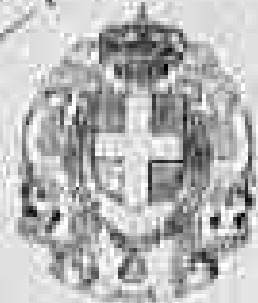
The 17 sacks of lentils deposited with the Allied Military Government at Resina in January 1944 were confiscated and distributed to the people at Resina by order of Allied Military Government.

Francis SCAIFE
Capt. C.L.
Public Safety Officer

TRADUZIONE

I 17 sacchi di lenticchie depositate presso il Governo Militare Alleato a Resina nel gennaio 1944 sono state confiscate e distribuite alla popolazione di Resina, per ordine del Governo Militare Alleato.

fm 4083/1



1895

Mod 40

Roma 16 giugno 1945/++++

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

On. COMMISSIONE ALLEATA

Sottocommissione Legale

ROMA

Ufficio I° A.P.

Prot. N° 131.253/1179/45

Deposited 1945.5.29.5.945

In L. 40/4083/1/L.

OGGETTO: Causa di Aldi Guido e di Campo Teodoro.

e per conosc.

All'UFFICIO DI COLLEGAMENTO

GABINETTO

Si assicura che in pari data il contenuto della nota di codesta On. Sottocommissione cui si risponde, viene comunicato a S.E. il Procuratore Generale presso la Corte di Appello di Perugia per i provvedimenti di competenza. Si riservano ulteriori comunicazioni.

LEG. SUB-COMMISSION

pel MINISTRO
(A. Spallanzani)

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

19 JUN 1945

138

file

4083/1 ✓

1896

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE - FINANCE DIVISION
APO 394 - U.S. ARMY

F/340/110.2/107

19 June 1945.

SUBJECT : Claim by Cafiero Raffaele fu Giuseppe.

TO : Hq. A.C.; APO 394, U.S. Army,
For att'n: Legal Sub-Commission.1. Reference your memorandum No. AC/4083/1/L; dated
5 June 1945.2. Payment of lire 82.700 on behalf of Cafiero
Raffaele has been effected and duplicate copy of receipt is
forwarded herewith, in accordance with para 7, a/m letter.

For the Commissioner:

L.R. Battensby
L.R. BATTENSBY,
Lt. Col. GL.
Senior Finance Officer.

HCP/vdv

137

Encl. 2.Copy to: 1. Hq. A.C., APO 394, U.S. ARMY,
For att'n: Joint Director, Finance S/C.2. Hqs. AMG., Naples Commune,
For att'n: Senior Legal Officer.

LEGAL SUB COMMISSION	
DCIO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
20 JUN 1945	

File

Att

mmk

Received from AMG, Naples Commune, Finance Division, the
amount of lire 82.700 (Eightytwo thousand seven hundred)
as reimbursement of funds sequestered from me in 1944.
Naples 18 June 1945.

Raffaele fu Giuseppe
Carriero Raffaele fu Giuseppe

Witnesses: *Raffaele* *Luigi*

di Pietro
Vincenzo

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1843

/r.
25 June 1945.

AC/4083/1/L.

SUBJECT : Claim by BARONE Clemente in Antonio.
TO : US Claims Service Regional Office VI
APO 512 - US Army.

1. Reference my letter of 23 June, the offices concerned were at Rome, not Naples, as stated in my letter, para 2.
2. Major CORDA, referred to by Captain CRIVELLO and Col. FRANCIS, who succeeded Col. POLLOCK, are both employed at HQ AMG Milan City at the present time.
3. No reply has been received from Major HENDRICKSON, who has ceased to be employed with AMG, to whom I also wrote.

For the Chief Commissioner:

g. h. b.
W.E. BEHRENS,
Colonel,
Chief Legal Advisor.

135

15

4083/1

(1892)

Ref. No.: R-2017-PD.

4th Ind.

U. S. CLAIMS SERVICE, REGIONAL OFFICE VI, APO 512, U.S. Army, 21 April 1945.

TO: Headquarters Allied Commission, Legal Sub-Commission, Prosecutor, AMG,
Courts, Rome, APO 394, U. S. Army.

1. In view of the fact that 2 Officers concerned were assigned to Prosecutor's Office functioning in Rome, it is requested that this communication be forwarded to Officers having knowledge of this incident for compliance with basic communication.

William R. Oplandi
WILLIAM R. OPLANDI,
Major, J. A. G. D.,
Claims Officer in Charge.

(Baroni client)

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
→ CIP
15
23 APR 1945

file

137

See 1st Lt. J. G. Thomas now attached AMG 5th Army
Capt. Filicetti now in 300 Gen Hospital, Naples

+7

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

4083/1
Lig/Leg/19

WGE/sf
5 June 1945
1891

SUBJECT : Barone Clemente fu Antonio, Claim by.
TO : Headquarters, Allied Commission - APO 394.
(Attn: Legal Sub-Commission)

1. Reference your AC/4083/1/L letter 1 June 1945.

2. I recall this case very clearly. The accused pleaded guilty and explained the circumstances. As to the articles he said they were very valuable and apart from actual value had an enhanced value for they were not replaceable. The story went that an officer asked him the price which was told the officer, the amount I have forgotten, the officer offered a sum much less than that stated which was not accepted. The officer then called in the police who confiscated the articles and laid the charge.

3. I recall that when asked for an order of restitution stating I could not make such an order as the articles were not before the Court not having been turned in by the police. None of the police concerned were present at Court.

4. I further recall that I personally drew the situation to the attention of whether initially with Major Henderickson or Captain Gilreath I cannot recall, but at any rate we all including Lieutenant Morris knew of the situation and agreed that it was an injustice. At any rate the equipment was obtained from the police by Prosecutors office as has been stated by Lieutenant Morris and I recall seeing it in the office at the time. I understood it had been returned in fact to the owner for such was the whole intention.

5. I recall emphasizing that the articles were not confiscated and may have endorsed such on record for benefit of receiving authorities.

6. The above based on my recollection has been confirmed by 133 John Hammerbauer who was the interpreter on the case and now in this office.

7. What procedure was followed by Lieutenant Morris or others I have no knowledge. It is clear in my mind that the accused knew of our efforts and that we had recovered the articles. It therefore seems peculiar that they should have deferred claiming until 31 March. I would, having regard to all the circumstances, assume that they had in fact recovered the articles.

For the Regional Commissioner:

W.G. ELDER,
Lt. Col., Can. Prov. C.,
Regional Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

23 June 1945.

SUBJECT : BARONE Clemente fu Antonio. 13

TO : Captain Rosario GAZIANO, 13 Corps (Legal Division).

1. Your letter of the 16th has reached me today having crossed mine to you of the 20th, as to which please take no further action. I wondered whether my original letter had failed to reach you as I discovered you had left Venetia Region.

2. I am forwarding a copy of your letter which is most helpful, with that of Lt. MORRIS to the claims Regional Office and suggesting that they take the matter up with Public Safety at Naples.

By command of Rear Admiral STONE:

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

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HEADQUARTERS UNITED STATES ARMY
APO 394
TAG-1, SUB-COMMISSION

1884
/mt.
25 June 1945.

file
10/4063/1/2.

SUBJECT : Claim by BENITO Clemente fu Antonio.
TO : U.S. Claims Service, Regional Office VI
APO 312 - U.S. Army.

1. With reference to your letter of the 21st April, I enclose herewith:

- 1) Your file;
- 2) 2 copies of letter of 24 May 45 from Lt. KENNEDY;
- 3) 2 " " " " 9 Jun 45 " Col. ELLER;
- 4) 2 " " " " 16 Jun 45 " Capt. GARDINO.

2. I suggest that further enquiries should be made from the Public Safety Division, AMG, Naples.

3. I regret the delay in replying to your letter, but the Officers mentioned above have all been in northern Italy and communications have been slow.

For the Chief Commissioner:

Smu

131

Originals of above
Copies in our 4083/1
file
Incls. 1/4 J. Latella
23 June 45.

W. E. BARNES,
Colonel,
Chief Legal Advisor.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS
LEGAL DIVISION.

File No:- 130/Ler/

Subject:- Barone, Clemente in Antonio.

To:- Chief Legal Advisor,
R.Q., Allied Commission,
APO 394
(Attention: Lt. Col. G.M. Melasford)

15 June 1945.

1. In reply to your letter on a/m subject, ref. No. AO/4083/1/L of 1st June 1945, the following information is furnished with regard to the articles. I became familiar with the Barone Clemente case when Major R.C. Hendrickson, Regional Legal Officer, told me in his office to take the Leica camera various lens and finders from Lt. T.A. Morris of Central Prosecutors Office. Lt. Morris left the photographic material which had not been confiscated by the Summary Court in the Legal Division headquarters; the camera, the lens, and finders were placed in a large manila envelope and placed in the Legal Division safe, which was locked. I remember giving Lt. Morris a receipt that he had turned in the camera lens and finders in Barone case. Two or three letters were written to Mr. Clemente Barone from the Legal Division concerning his appeal to Colonel Pollock and how he was to collect his camera. Several weeks went by. Then Major Hendrickson told me to contact Lt. Col. Pollock, R.F.S.O., Region 4, and to request that the Public Safety Division keep the Barone camera and equipment and return to the owner. I had two separate conversations with Col. Pollock concerning the Barone camera case. Col. Pollock stated that as head of the Public Safety Division he would see to it that the camera and lens were returned to the owner if the Legal Division turned the equipment to Public Safety. I reported this to Major Hendrickson. Major Hendrickson gave me instructions that the large manila envelope containing the camera and equipment to be returned to Barone Clemente be turned over to the Public Safety Division from the safe in the R.L.O.'s office I took the large manila envelope containing the camera, lens and finders to the Public Safety Office downstairs and I received a receipt from Col. Pollock for the photographic equipment of the Barone case. That is the last I saw of the Barone camera, lens and finders. I returned upstairs to the Legal Office and reported to Major Hendrickson that I had turned over to the Public Safety Division the camera and showed him the receipt for it. Major Hendrickson instructed me to take the receipt to the Central Prosecutor's office to be filed with the Barone case. I took the receipt to the Palazzo di

1888

170831

1. In reply to your letter on a/m subject, Ref. No. AC/4003/1/L of 1st June 1945, the following information is furnished with regard to the articles. I became familiar with the Barone Clemente case when Major R.C. Hendrickson, Regional Legal Officer, told me in his office to take the Leica camera various lens and finders from Lt. L.A. Morris of Central Prosecutors Office. Lt. Morris left the photographic material which had not been confiscated by the Summary Court in the Legal Division headquarters; the camera, the lens, and finders were placed in a large manila envelope and placed in the Legal Division safe, which was locked. I remember giving Lt. Morris a receipt that he had turned in the camera lens and finders in Barone case. Two or three letters were written to Mr. Clemente Barone from the Legal Division concerning his appeal to Colonel Pollock and how he was to collect his camera. Several weeks went by. Then Major Hendrickson told me to contact Lt. Col. Pollock, R.P.C.O., Region 4, and to request that the Public Safety Division keep the Barone camera and equipment and return to the owner. I had two separate conversations with Col. Pollock concerning the Barone camera case. Col. Pollock stated that as head of the Public Safety Division he would see to it that the camera and lens were returned to the owner if the Legal Division turned the equipment to Public Safety. I reported this to Major Hendrickson. Major Hendrickson gave me instructions that the large manila envelope containing the camera and equipment to be returned to Barone Clemente be turned over to the Public Safety Division from the safe in the R.L.C.'s office I took the large manila envelope containing the camera, lens and finders to the Public Safety Office downstairs and I received a receipt from Col. Pollock for the photographic equipment of the Barone case. That is the last I saw of the Barone camera, lens and finders. I returned upstairs to the Legal Office and reported to Major Hendrickson that I had turned over to the Public Safety Division the camera and showed him the receipt for it. Major Hendrickson instructed me to take the receipt to the Central Prosecutor's office to be filed with the Barone case. I took the receipt to the Palazzo di Giustizia, Rome, where the Central Prosecutor's office was. I gave the receipt from Col. Pollock, Public Safety Division, to Lt. Morris with instructions to place it with the Barone Clemente case file. I mentioned to Lt. Morris that the Public Safety Division would return the property to the owner. The Summary Court cases for the city of Rome were kept in the Central Prosecutors Office in the Palace of Justice. The Superior and General Court cases and the Summary Court records from the provinces were kept in the files at Region 4 Headquarters.

...../2

- 2 -

All these records were turned in to Legal Sub-Commission, A.C., about April 1945.

2. I have the impression that subsequently either Colonel Pollock or Major Coxhead of the Public Safety Division stated that the camera and lens had been returned to the owner. Until I received your letter of 1 June narrating the claim of Barone Clemente I had felt certain that the camera and lens had been returned to him.

3. I do not have any files of the case record, receipts, or letters written at Region 4 Headquarters, concerning the Barone camera. If I can be of any further assistance in this matter, I shall be pleased to do so.

Rosario A. Haynes

ROSARIO A. GAZIANO.
Captain; Inf.
Legal Officer.

2 Incls.

Incl. 1. Copy of letter of Major Orlandi, 31 March 45.
Incl. 2. Copy of letter of Lt. Morris, 24 May 45.

LEG. SUB-COMMISSION	
CIO	
DCIO	
Chief Counsel	
CJO	
Staff Section	
CL 642	
32 JUN 1945	

129

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/483/1/L.

1887

/ms.
20 June 1945.

SUBJECT : Claim by BARON Clemente fu Antonio.

TO : Captain A. GRAZIANO,
HQ VIREZIA Region.

1. Can you please let me have a reply to my letter,
reference as above of the 1st inst?

2. Lieut. ALFRED states that on receipt from the Military
Police of the camera etc. belonging to BARON he handed the same to
you as Deputy legal officer, and that you gave him a receipt for
the same. Can you state how you disposed of the camera and other articles,
and can you give any other information concerning this matter?

By command of Rear Admiral STONE:

Stone
W.E. BERRIDGE,
Colonel,
Chief Legal Advisor.

128

BF
3 July

13

file 4083/1

(1886)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/2/L.

/rm.
25 June 1945.

SUBJECT : Submission of Records for Review.

To : Provincial Commissioner (attn. Senior Legal
Officer), ANCONA Commune.

1. Reference your AC/11/12/3/01 of 18th inst enclosing about 80 Records of Summary Court Cases tried from the beginning of "ay onwards, would you please submit records as soon as the 30 days allowed for filing an application for review has expired or earlier if an application is filed? This will avoid such a large number of cases coming forward for review at the same time, which imposes considerable strain on the limited clerical staff available for making the necessary notes of the cases for indexing and filing.

2. Before submitting the cases for review, will you see that a note is made on the record, in cases where fines have been imposed, stating whether or not the fine has been paid?

By command of Rear Admiral STONE:

*W.M.*W.M. BEHRENS,
Colonel,
Chief Legal Advisor.

Copy to : 4083/1/L.

127

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMZONE
LEGAL DIVISION
APO 394

L-3028-A

20 June 1945

SUBJECT: AMALORE Luigi.

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

1. Reference is made to your letter AG/4083/1/L,
15 June 1945, relative to the above subject.

2. I respectfully point out that in all cases
over which I preside as Superior Court Judge, and in
which cases a plea of guilty has been made by the
defendant or defendants, I am very careful to point
out the following: a. the meaning of each charge;
b. the seriousness of the charge; and c. the fact that
the court may impose a sentence of 10 years for the
crime. Each defendant is then asked directly or through
his defense counsel, if he is represented, whether he
understands the full import of the court's remarks.
When I am convinced that the defendant does understand
the nature of the charge, I ask whether he still
desires to plead guilty. The above case was no excep-
tion. The procedure just described was followed
with reference to each defendant before me. Ample
opportunity was given to each defendant to say any-
thing they desired in their defence.

126

3. It should be noted that two of the appeal-
ing defendants, namely VITTORIA Gennaro and VITTORIA
Raffaele, were represented by counsel and it appears
strange that he should appeal the findings of the
court after pleading guilty for his clients.
Particularly it is surprising that he appeals, among
other things, that his clients are not guilty of

- 2 -

conspiracy, when it is a matter of fact that the charge of conspiracy was withdrawn at the request of the Prosecutor.

4. With reference to CARMIGNANI I learned, only several days after the trial, that he had been an informer. I asked the MCO, who so gave me the information, to submit a letter to that effect, which letter I later received and attached to the record. I was pleased to learn that the conviction of CARMIGNANI quashed.

5. TRINOLATERRA Gaetano and MARANO Ciro have paid their fines, the others have not and warrants have been issued for their arrest.

6. All papers including form 8 are herewith returned.

For the Commissioner:

GCE/pv

Paul C. Bannister / *1st Lt. A.C.*
UNIVERSITY MICROFILMS
WESTLAW,
Asst Senior Legal Officer.

125

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1835

/r.m.

15 June 1945.

AC /4083/1/L.

SUBJECT : AMALORE Luigi.

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

1. The record in the above case is returned for Lt. BARNICO's comments as trial judge on the various allegations raised in the application for revision of sentence.

2. From the record it is not clear that the accused had an opportunity to say any thing in their defence, but this may not be a correct interpretation of the note to the effect that Counsel had nothing to add to the facts as recounted by the Court from the Police Report.

3. Was it clear to the accused that they were charged with participation in the events "senso furto", and that they were not merely admitting innocent instrumentality as alleged in the petitions? Lt. BARNICO should please deal with these and other points raised in the applications.

4. The conviction of CARLIGNANI the informer is quashed. The Form 11 in his case is dated 9 June, but all statements in support of it are dated 12 - 15 May. Did not the 2 NCOs take any active steps, beyond their statements, to bring the facts to the attention of the Judge or BMO, at an earlier date than 8 June.

5. The record bears no note whether or not the fines have been paid.

6. If VITTIRO Raffaele is in custody, is he in prison or a reformatory?

By command of Rear Admiral STONE:

W.E. BERNERS,
Colonel,
Chief Legal Advisor.

12

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4053/1/1.

/mt.
22 June 1945.

SUBJECT : AMADORO Luigi and others.

TO : 1st Lieut. C. O. BAINO
Rq AMB, RAPIDS Commune.

1. I have received your letter of the 20th inst, with regard to the above-mentioned case, which disposes of the allegations made on the Forms II, as I expected, but there being no remarks by you as trial judge on the applications enquiry had to be made. That space on Form II, is designed for a short note by the judge to deal with the allegations raised in the application, and the judges comments thereon are most helpful to the reviewing officer.

2. It was probably just as well that at the date of the trial you did not know the role carried out by CARMICHAEL, as it would have been very embarrassing for you to have to try to distinguish his position from that of the others, whereas his release now can be put down to the ingenuity of his application which found favour with the reviewing officer. It is unfortunate that he has been detained so long, but it will divert suspicion by the others from him; the record should have been sent forward with a request for the conviction to be quashed as soon as the true facts were known.

By command of Rear Admiral STONE:

W. E. B. BIRRELL

W. E. BIRRELL,
Colonel,
Chief Legal Advisor.

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 June 1945

SUBJECT: Case of D'AMBRA Mario di Mauro

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
ANG - NAPLES COMBINE
LEGAL DIVISION
APO 394

26 June 1945

SUBJECT: Case of SPAGNUOLO Antonio fu Giustiniano

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.

12.

27 JUN 1945

+3/

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1876

26 June 1945

SUBJECT: Case of PARRACINO Domenico and MARCOLO 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.

120

27 JUN 1945

4083/11

(1875)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMZONE
LEGAL DIVISION
APO 394

L-5040

25 June 1945

SUBJECT: Port Summary Court cases.

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

1. Enclosed herewith are cases tried by
the Port Summary court during the period 1 June
thru 5 June 1945.

For the Commissioner:

file

CCB/pv

LEGAL SUB COMMISSION

CLO

D. J. O.

CL. J. O. S. S. I.

CLO

26 JUL 1945

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, by b6b
Major, J.A.G.D.,
Senior Legal Officer.

119

7/

1874

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

25 June 1945

SUBJECT: Case of DE LUCA Alberto 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.

118

HEADQUARTERS
VENEZIE REGION
 ALLIED MILITARY GOVERNMENT
 APO 394

40821 ✓

1873

To : Chief Legal Adviser, Legal S/C HQ., A.C. Date 21 June 1945

Subject : Case of Pittis Antonio.

File No: R XII/LE/UDI/A/05.

Record in the above case is forwarded to you for the instructions of the Chief Commissioner in accordance with Rule 20(a) of the Rules of Procedure for Allied Military Courts.

H. L. Linnar
 Colonel,
 Regional Legal Officer,
 Venezia Region.

LEGAL SUBCOMMISSION	
CLO	
Chief Counsel	
CJO	
Italian Section	
CLING	
BY JUDGE	

117

13

1872

HEADQUARTERS
ANG - PAPLES COMLUNE
LEGAL DIVISION
APO 394

22 June 1945

SUBJECT: Case of GIOIPI Valerio 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.

118

HEADQUARTERS
ANG -- PAPLES COMTUNE
LEGAL DIVISION
APO 394

23 June 1945

SUBJECT: Case of DE ROSA Eugenio 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.

115

X2

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1867

Subject: A.M.G. Courts Cases

To: C.I.A. Legal Sub Commission Alcom = ROME

LEGAL OFFICE

From: L.O. Ancona

Ancona

Ref: Anc/11/12

Date: 13 June 1945

Ref. YOUR AC/4083/1/L dated 8 & 9 June 1945

1. I inform you that the fines in the below listed cases have been paid :

D2/JL/1070	- AGATTA Amelia	=	L. 50.000,=	(Fine paid on 16/5/45 = Rec. 197)
D1/Anc/903	- VITALI Luigi	=	L. 10.000,=	(" " " 15/5/45 = " 236)
D1/Anc/802	- MENGONI Emilio	=	L. 1.340.000,=	NOT PAID
D1/Anc/743	- ALESSANDRELLI E.	=	L. 100.000,=	(Fine paid on 20/4/45 = " 800)

Records returned separately in cases of Tacaliti, Scandali, Mengoni, Alessandrelli, Canale.

For the Provincial Commissioner

F.H. Leaning R.A.
F.H. LEANING, Lt. R.A.
L.O. Ancona

*Two Records for endorsement
9 August 1945 please.
Pencis*

114

1867

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

23 June 1945

SUBJECT: Case of DE MICHELE Giovanni 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.

113

file
get.

x7

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1866)

AC/4083/1/L.

J./m.
23 June 1945.

SUBJECT : Summary Court cases.

TO : Provincial Commissioner (attn. Senior Legal
Officer), AMCGA Command.

1. Reference your AMC/11/12/3/D 2 of 15 June 45.
2. The convictions and sentences are affirmed in the
cases enclosed with your letter.

By command of Rear Admiral STONE:

Burr

W. J. BURRIS,
Colonel,
Chief Legal Advisor.

112

111

13

4083/11
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1865

Subject: A.M.G. Court Cases

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

From: L.O. Ancona

Ref: Anc/11/12

Date: 15 June 1945

LEGAL OFFICE

Ancona

PASSAMONTI Mariano

1. Enclosed is a copy of a letter received from 'A' Group 60 Section S.I.B.
2. Will you please advise me as to the position in this case ?

For the Provincial Commissioner

F.H. Leaning Lt. R.A.

F.H. LEANING, Lt. R.A.

L.O. Ancona

HEADQUARTERS

20 JUN 1945

A.

C.

file

111

Ref: No
SIB60/A-Gp/MS/45/26

H.Q., 'A' Group, 60 Section,
Special Investigation Branch,
c/o A.P.M.'s Office, 61 Area,
Central Mediterranean Forces.

SUBJECT :-

PASSAMONTI Mariano

TO:-
Major A.W.L. FRANKLIN,
Legal Officer A.M.G., Ancona.

1. At the Procura, FERMO, today, a lawyer named TOCCHETTI Raffaele, of CORSO CAVOUR 45, FERMO, spoke to me regarding the above named. TOCCHETTI defended PASSAMONTI before an A.M.G. Court at ASCOLI PICENO on 19 April, 1945. PASSAMONTI was charged with being in possession of an Italian rifle and he was sentenced to twelve months imprisonment. A few days before A.M.G. left ASCOLI PICENO recently, a note was handed to the Procuratore, by ~~a note was handed to the Procuratore~~ a person who said he was the ASCOLI Legal Officer's interpreter, stating that a four months remission of sentence had been authorized. The note, however, was not signed or stamped and the Procuratore would not act upon it.

2. I informed TOCCHETTI that I would report the matter to you, for what action you may consider necessary.

14 June. 1945

D.A. THORN. Lieut.
60 Section, S.I.B.

Copy to :- File.

DAT/GBG.

111

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1864

Subject: Summary Court Records

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

LEGAL OFFICE

From: L.O. Ancona

Re: Anc/11/12/3/ DL

ANCONA

Date: 18 June 1945

1. The following Summary Court Records are forwarded
herewith:

District
D 1/ ANCONA

No of cases(s)

795 - Borini Ferdinando -
" Grilli Pasquale -
824 - Mengarelli Ciriaco -
849 - Magnoni Oddo -
868 - Russiani Alessandro -
870 - Pecchi Lucia -
872 - Boari Guerrina -
873 - Di Giacomo Edoardo -
874 - Pierani Mario -
875 - Marcucci Ubaldo -
876 - Antonelli Guido -
877 - Gennaretti Vilfio -
878 - Bontempi Artenizio -
879 - Cesanelli Alfredo -
880 - Gratfiori Fortunato -
881 - Romiti Giulio -
882 - Cavoletti Maria -
" - Spaccia Clara -
" - Moroni Velia -
" - Reginelli Maria -
" - Giovagnoli Elvira -
" - Spaccia Ciro -
884 - Grotoli Raffaella -
885 - Guido Rinaldo -
886 - Aguzzi Dina -
887 - Fiordelmondo Eugenio -
888 - Pierozzo Giuseppe -
889 - Cotardo Rocco -
890 - Cpri Ezio -
892 - Galluzzi Angelo -
893 - Brasca Guerrino -
894 - Fiumelli Carlo -
" - Bartolini Velio -
" - Caimmi Bruno -
" - Fioretti Armando -
" - Campana Gustavo -
" - Guadagnini Nazzareno -
894 - Cittadini Cesare -
896 - Gagiotti Antonio -
898 - Balocchi Gelsereca -

100

LEGAL SUBCOMMISSION	
CLO	
DELO	
CSM Counsel	
CIN	
PROSECUTION	
CL REC	
20 JUN 1945	

HEAD QUARTERS ALLIED MILITARY GOVERNMENT ANCONA PROVINCE

SUBJECT: Summary Court Records

TO: C.L.A. Legal Sub Commission Alcom= Rome

LEGAL OFFICE

FROM: L.O. Ancona

REF: Anc/11/12/3/D1

A N C O N A

DATE: 18 June 1945

<u>District</u>	<u>No of Cases (s)</u>
Del Ancona	899- Mariotti Guido — 901- Morresi Romolo — 902- Garbati Anzio — 904- Claudio Antonio — 907- Gravelli Giuseppe — 908- Belardinelli Marcello — 910- Manganelli Carlo — 911- Lesti Luigi — 912- Ranieri Giuseppe — " - Nicolini Mirco — 913- Forestieri Livio — " - Carulli Nicola — 914- Lotta Rolando — 915- La Fata Vincenzo — 916- Todeschi Alma — 919- Paoli Germano — " - Giogertti Giovanni — 920- Strubbini Umberto — 921- Mugnoz Antonio — 922- Paolinelli Alfredo — " - Ripesi Ernesto — " - Paldini Nazzeno — 923- Rosati Dante — " - Giorgi Nino — " - Cerrato Ciro — 925- Lovero Emiliano — " - Polenta Remo — 926- Marconi Augusto — 927- Pennisi Raffaele — 928- Montini Gino — 934- Sahzi Domenico — 935- De Carlo Domenico — 936- Bramucci Isidoro — " - Muscolini Gino — 937- Maronelli Nanzio — 938- Turchi Mazzino — 939- Mercuri Carlo — 940- Fabretti Alessandro — 942- Baldoni Giovanni —

108

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Summary Court Records

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

LEGAL OFFICE

From: L.O. Ancona

Re: Anc/11/12/3/D1

A N C O N A

Date: 18 June 1945

<u>District</u>	<u>No of cases</u>
D 1 Ancona	943- Angeletti Elviro —
	945- Pietrini Umberto —
	946- Mirone Luigi —
	" - Fiorentini Aurelio —
	947- Conti Amilcare 949 —
	949- Monaco Mariano —
	950- Perotta Aldo —
	" - Cotani Marino —
	" - Cotani Giuseppina —
	952- Sopranzio Mario —
	883- Pasqualini Giovanni —
	883- Battistoni Rutilio —
	883- Giacchetti Aroldo —

F.H. Leaning

F.H. LEANING Lt. R.A.
Legal Officer

107

4083/1
✓

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

(1863)

Subject: Superior Court Records
To: C.L.A. Legal Sub Commission Alcom = Rome
From: L.O. Ancona
Ref: Ano/11/12/1
Date: 18 June 1945

LEGAL OFFICE

ANCONA

1. Enclosed herewith are Superior Court Records
following cases:

District	No of cases
D 1 Ancona	930 - Gerini Nello
	930 - Chiodi Mario

file



F.H. Leaning Lt. R.A.
F.H. LEANING Lt. R.A.
Legal Officer

LEGAL SUBCOMMISSION
CLO
DELO
Chief Counsel
CJO
Records Section
CL RKS
20 JUN 1945

108

75

4083/1
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

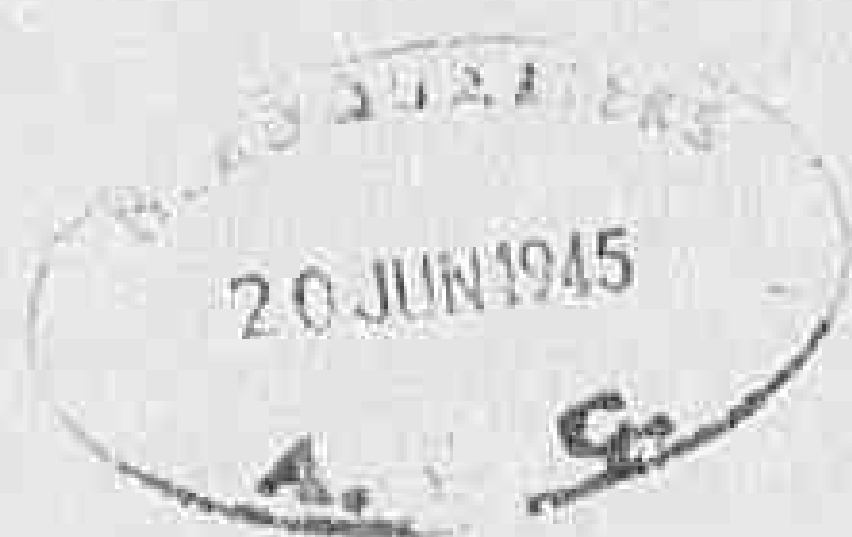
Subject: Summary Court Records
 To: C.L.A. Legal Sub Commission Alcom = Rome
 From: L.O. Ancona
 Ref: Ano/11/12/3/D 4
 Date: 18 June 1945

LEGAL OFFICE

ANCONA

1. The following ~~case~~ Summary Court Records are forwarded herewith:

District	No of cases (s)
D 4 Senigallia	267- Piersanti Asdunta ✓
	268- Biagini Ernesto
	270- Padloni Mario
	275- Rovinelli Attilio
	276- Rovinelli Luigi
	277- Gioacchini Augusta
	278- Giovannetti Chiara
	280- Durazzi Ferdinando
	281- Roselli Valeriana
	282- Urbinati Ersilia



F.H. Leaning Lt. RA.

F.H. LEANING Lt. R.A.
 Legal Officer

file

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
History Section	
CL RKS	
20 Jun 1945	

105

C. M.

75

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

(1861)

Subject: Summary Court Case Records

For: C.I.A. Legal Sum/Commission Alcom = Rome

LEGAL OFFICE

From: L.O. Ancona

Ref: Anc/11/12/3/D 2

ANCONA

Date: 18 June 1945

1. The following Summary Court Records are forwarded
herewith:

DistrictNo of case (s)

D 2 Jesi

~~1083~~==Accoroni==Pasquale

- ✓1053- Zagaglia Antonio ✓
- ✓1059- Romagnoli Lido ✓
- ✓1060- Bruschi Spartaco ✓
- ✓1062- Pertempi Amovernio ✓
- ✓1066- Fiorini Giovanni ✓
- ✓1067- Gabbianelli Emili ✓
- ✓1071- Contini Attilio ✓
- ✓1072- Olivi Alfredo ✓
- ✓1076- Mosca Alfredo ✓
- ✓1077- Bugari Giuseppe ✓
- ✓1078- Brunelli Carlo ✓
- ✓1079- Rocchetti Cesare ✓
- ✓1080- Latini Emidio ✓
- ✓1081- Zampetti Giuseppe ✓
- ✓1082- Triga Nazzereno ✓
- ✓1083- Accoroni Pasquale ✓



F.H. Leaning Lt. R.A.

F.H. LEANING Lt. R.A.
Legal Officer

104

CEO	
DELO	
Chief Counsel	
CIO	
Director Section	
CL RES	
20 JUN 1945	



✓

(1860)

HEADQUARTERS
ALG - NAPLES COMLINE
LEGAL DIVISION
APO 398

19 June 1945

SUBJECT: Case of PETRARCA 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.

103

13/

1853

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

18 June 1945

SUBJECT: Case of ROMANO Pasquale 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.

102

1852

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

18 June 1945

SUBJECT: Case of Valentino 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.

101

4083/1

1857

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/glg.

14 June 1945.

REF : RIX/LE/655/120

SUBJECT : Review of Cases CIRIOLO Luigi and SCUTARI Luigi (Superior Court Ravenna).

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

1. In view of the finding of guilty under charge 3 in the above cases, I am forwarding herewith the record of trial for review at your Hq.

2. The delay in forwarding this record is regretted, but the record was only just received at this Hq. No petitions for review have been received.

For the Regional Commissioner.

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

Encls : as above

LEGAL SUB-COMMISSION	
CLO	
DOLO	
Chief Counsel	
CJO	
Region Section	
CL RKS	
13 JUN 1945	

100

4083/11
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Decision on review

To: C.L.A. Legal Sub Commission Alcom = ROME ✓

From: L.O. Ancona

Ref: Anc/11/7

Date: 13 June 1945

LEGAL OFFICE

Ancona

GALEAZZI GUIDO

1. Reference your memo, subject as above, dated 9 June 1945. It is noted that conviction and sentence are affirmed.

2. The fine of 100.000,= lire was ordered to be paid by 14 MAY 1945, the time for payment being later extended to 30 May '45. The fine was not paid by this date.

3. The accused is now in a position to produce the money and wishes to pay the fine. Have I your authority to accept payment of the fine, or must the alternative prison sentence of 1 year stand?

For the Provincial Commissioner

F.H. LEANING, Lt. R.A. . . .

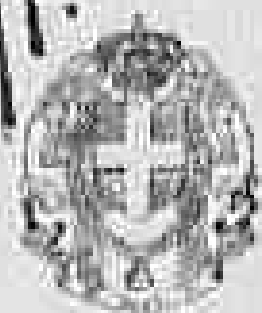
L.O. Ancona

File
see with 4083/11
16 JUN 1945

HEADQUARTERS
15 JUN 1945
A. E.

fm

4083/1



(1855)

Mod. 4

Roma 15 giugno 1945 /++++

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO e per

Ufficio 1° A.P.

Prot. N. 131.254/1178/45

LA COMMISSIONE ALLEATA
Sottocommissione Legale
CONOSC. ROMA
All'UFFICIO DI COLLEGAMEN-
TO - Gabinetto

Risposta del 30.5.945

Dir. Leg. AC/4083/1/L.

OGGETTO Causa di PALIERI Filippo.

Si assicura che in pari data, quanto for-
ma oggetto del foglio cui si risponde, viene co-
municato a S.E. il Procuratore Generale del Re-
gno presso la Corte di Appello di Bari, per i
provvedimenti di competenza.

Si fa riserva di ulteriori comunicazioni

SUB COMMISSION	
DOLO	/
Chief Counsel	/
CLD	/
Italian	/
CL RKS	/
18 JUN 1945	

pel MINISTRO
(A. Spallanzani)

U.W.

18 JUN 45

98

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1854

AG/4083/-/L.

/rm.
18 June 1945.

SUBJECT : CECCO Francesco.

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

Your RVIII/19/3008 of 13 June 45, re the above man, was the first intimation received here that the matter had been passed to the Italian Courts whilst investigations were being made here as to the validity of the claim to diplomatic immunity. By all means let the Italian Court carry on and make what they can out of the case.

By command of Rear Admiral STONE:

J.P.W.

W.E. BISHOP,
Colonel,
Chief Legal Advisor.

97

HEADQUARTERS
TOSCANA REGION
✓ ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3008

Date: 13 June 1945.

SUBJECT CIOCE Francesco.

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

1. Reference letter AC/4083/L/1, Hqs, A.C., Subject: Cioce, Francesco, dated 5 June 1945, below is a summary of the case and it's situation at present.

2. This man was arrested while driving thru Siena Province towards Rome. He had no travel permit, he had a pistol without a permit and he had a lot of cloth in the car which he claimed did not belong to him. He claimed to be a member of the Argentina Embassy in Rome and was released on 20,000 Lire bail. The gun and the cloth were retained as evidence.

3. When the case came for trial before Major Dreyfus, PLO Siena, the accused's lawyer showed up with a medical report that he was sick. The next time the case came up a relative of Cioce came up from Rome claiming immunity for him in view of the fact that he was an Argentina Embassy employee and the case was again postponed. Neither of these times did Major Dreyfus, sitting as a Summary Court, order the bail money forfeited. Next, there was correspondence to determine what if any privilege the accused did have.

4. Major Dreyfus was transferred from Siena. The Public Safety Officer, of Siena, Major Saunders, who had the file on the case decided the best thing to do, considering also the fact that he could not have Cioce arrested in Free Italy, was to turn the case over to the Italian Courts.

5. Accordingly on May 9, 1945, all the papers in the case translated into Italian together with a covering letter explaining the circumstances, and the pistol and the cloth were turned over to the Procuratore del Regno of Siena and his signed receipt therefor was filed by Major Saunders in file PR/2 Siena Public Safety which is now in box No. 2, bundle No. 28, Subject: Returns, Reports, etc. of the Siena files which have been forwarded to Archives Branch, A.C. Headquarters.

6. The Procuratore del Regno of Siena has forwarded the case to the Procuratore del Regno of Montepulciano (the Commune in Siena Province where Cioce was arrested) and the latter is going to work on the case.

7. It is felt that this can be properly and effectively disposed of by the Italian Courts and that it would be a mistake to disrupt the proceedings at this stage.

For the Regional Commissioner:

LEGAL SUB-COMMISSION

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2. This man was arrested while driving thru Siena Province towards Rome. He had no travel permit, he had a pistol without a permit and he had a lot of cloth in the car which he claimed did not belong to him. He claimed to be a member of the Argentina Embassy in Rome and was released on 20,000 Lire bail. The gun and the cloth were retained as evidence.

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For the Regional Commissioner:

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CLB/15


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

4083/1

1852

Office of
Principal Sea Transport Officer,
Mediterranean.
A.F.H.Q., C.M.F.

13th June 1945.

Ref. 3052/31.

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

Further to my 2557/31 of 1st May
and your AC/4083/1/L of 11th May, it is
requested I may be informed if you are yet
in a position to forward the information
required.

L. D'Agostini

COMMODORE.

file

D'Agostini
Director

17 JUN 1945

Corvick

D'Agostini

TS

file

1851

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1.

/rm.
18 June 1945.

SUBJECT : Case of D'AGOSTINI Ezio
BERRATTINI Luigi
CARIOLA Giovanni
TOFANI Guido

TO : Office of Principal Sea Transport Officer Mediterranean
AFM, CMF

1. Reference your memo 3052/31 of 13 June 45 the file in the above case has now been received at this H.Q.

2. The only sums of money seized from accused were :

From D'AGOSTINI	200,000 lire
" CARIOLA	3,000 lire

3. The confiscation order in the case of CARIOLA was confirmed by Chief Judicial Officer.

4. The confiscation order in the case of D'AGOSTINI was quashed by Chief Judicial Officer as "ultra vires".

5. It is remarked therefore that it does not seem practicable to present a claim. 92

For the Chief Commissioner:

J.P.W.

W.E. BAKER,
Colonel,
Chief Legal Advisor.

15

file

HEADQUARTERS AL IND COMMISSION
APO 994
LOCAL SUB-COMMISSION

AC/4083/1/L.

(1850)

/re.
16 June 1945.

SUBJECT : OMCE A Pietro Angelo fa Antimo.

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

1. Reference the attached informal petition, it has not been possible to trace any record in this office. Can you give me any information with regard to the facts of the case and whether the fine has been paid, and if not what the default sentence was.

2. Please return the petition with your reply.

By command of Rear Admiral STONE:

pmw

S. E. REBERNE,
Colonel,
Chief Legal Advisor.

C O P Y

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT

WCE/sf
10 June 1945.

Lit/Leg/04

SUBJECT : Review of Cases.

To : Headquarters, Allied Commission - APO 394.
(attn: CLA, Legal Sub-Commission)

1. A question arises under Consolidated Instructions Art. 32 (3) as to the authority of RLO's to review cases in army areas. This Region is understood to be still in an army area. At least it is not yet under Regional control in the strict sense. If this is so it would appear that any case (no matter what sentence is pronounced) in which the accused submits a Petition for Review must be reviewed by the Commissioner or by a Judicial Officer appointed by him for that purpose i.e. presumably the Chief Judicial Officer.

2. If this note is to be interpreted strictly it will cut down the RLO's power of review almost to nothing and impose extra work on the CJO. Is it possible to delegate to the RLO power to review cases under Art 32 (3) (a) (3) provided they are not otherwise within the category of cases reviewable by the Chief Commissioner or his nominee in terms of Art. 32?

3. Pending your reply all cases in which Petitions for Review are received will be forwarded to you for review.

For the Regional Commissioner:

W.G. ELDER,
Lt. Col., Cdn. Prov. C.,
Regional Legal Officer.

file + 283/1

HEADQUARTERS ALLIED COMMISSION
APO 304
LEGAL SUB-COMMISSION

10/4003/1/L.

/RM.
16 June 1945.

SUBJECT : BOCCIONI, Pietro and two.

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

1. The enclosures to your Anc/11/7 of 21 May 45 are returned
herewith.

2. I can find no trace of this case amongst the records of
Sabrin-Marche Region forwarded here when that Region closed down. Could
you get some enquiries made from the CCNR at La Roche as to when the
case was tried, and whether there were any other defendants, as the case
might only be indexed under the name of another defendant. If the
arrest was made by the CCNR they would probably have a copy of their
processo verbale which would give information about the case if it could
be forwarded.

By command of Rear Admiral STONE:

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

88

91

83

f3

4083/1
✓
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Legal (1847)

Subject: Informal Petitions

To: C.I.A. Sub-Commission-Alcom-Rome

LEGAL OFFICE

From: L.O. Ancona

Ref: Anc/11/7

B.O. Ancona

Date: 21/5/45

- 1) Herewith application for restitution of a small truck apparently confiscated by P.L.O. Pesaro.
- 2) I know nothing of this case: all records were sent to R.L.O. before I took over as P.L.O. and should now be with you.
- 3) The truck is at the moment in use by the Carabinieri, Pesaro.

AWL Franklin Major
Acting P.L.O. Ancona

FROM SUB

CLO

DCLO

Chief Co

CIO

Re: An

Q. RNS

30

3-2-45

Enclosure
returned
4083/1-4 of
16 June
HS

HEADQUARTERS
25 MAY 1945
A. C.

file

free

HEADQUARTERS ALLIED COMMISSION
 NO 394
 LEGAL SUB-COMMISSION

10/4085/1/L.

Am.
 15 June 1945.

SUBJECT : SACCO Giovanni - CALO Ruggiero.

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

1. Can you supply any information about the above 2 cases from any records in your possession, the Prosecutors Office, or the Court Summary Court.

2. The only details I can give you are

	<u>SACCO</u>	<u>CALO</u>
Date of Conviction	about Nov. 44	about Feb. 44
Sentence	10 months	10 months
Place of detention	Poggioreale	Poggioreale

3. No records for either case can be found here.

By command of Rear Admiral TONAR

Rm
 W.E. RICHARDS,
 Colonel,
 Chief Legal Advisor.

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HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

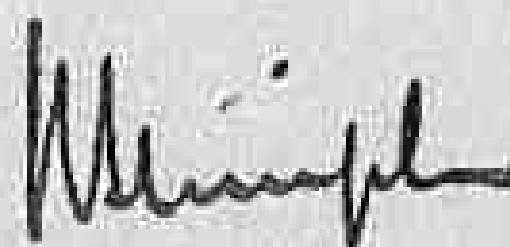
6083/1
File Ref: RVIII/19/3008

Date: 14 June 1945.

SUBJECT CASE OF PATRIARCHI, Renato, et al.
TO : Legal Sub-Commission, Headquarters, A.C.

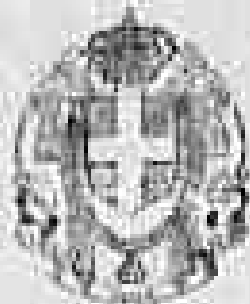
1. Reference is made to your second indorsement of our letter dated 9 June 1945, reference RVIII/19/3008.
2. Receipt is acknowledged of the above mentioned case.

For the Regional Commissioner:



F. J. STIMPSON,
Lieutenant,
Legal Officer. *for A.C.*

fm



4083/10

1841

Mod. 77

Roma, 13 giugno 1945. 1++++

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOLA COMMISSIONE ALLEATA
Sottocommissione Legale
ROMA

Ufficio I° A.P.

Aut. N° 131.151/781/45

Dispositivo del 7.4.945

Dir. For. KC/4083/1/1

OGGETTO MICHELINA RITA, PARILIO MICHELE, DI LO-
RENZO Claudio.

e per conoscenza:

ALL'UFFICIO DI COLLEGAMENTO
GABINETTO

In relazione alla nota sopra distinta,
si informa codesta On. Sottocommissione che i
condannati in oggetto furono scarcerati, per
fine pena il 7 marzo c.a., avendo la Commissione
Alleata di Benevento, il 3 maggio 1944, in sede
di revisione, eliminata la multa loro inflitta
dalla Corte Alleata di Piedimonte d'Alife.

Sgt. L.

Have we the Record
so that it can be confirmed
accordingly?

File

June 1945

pel MINISTRO
(A. Spallanzani)

87

file in
4083/1

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

/ra.
14 June 1945.

AC/4089/3/L.

SUBJECT : Review of cases.

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

1. Reference your LAC/LEG/OL of 10th inst. (2 letters).
I enclose a copy of this Sub-Commission letter of 26 Aug. 44
AC/4089/3/L, para 3 of which answers your query.

2. The case of CARBONE Giovanni Battista and PARODI Tommaso
is also returned as being within your review jurisdiction in view of
the above mentioned letter.

By command of Rear Admiral STONE:

mm
W.E. BIRPENS,
Colonel,
Chief Legal Advisor.

Copy to : AC/4089/3/L.

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HEADQUARTERS ALLIED COMMISSION
APV 394
LEGAL SUB-COMMISSION

/rm.
14 June 1945.

AS/4082/1/L.

SUBJECT : PROCCACCIA Michele.

TO : A.G. Liaison Officer (RAFI)
c/o H.Q. 34 Area
C.R.F.

1. Reference your LZ/6150/17 of 9 June, I enclose

- (i) Copy of the charge on which the above and others were originally put up for trial.
- (ii) Original statement by the above
- (iii) Original statement by other defendants, the convictions of some of whom were quashed on review. These will enable the Procureure del Regno to get the facts of the offence to be charged against PROCCACCIA. Though many of these statements do not implicate PROCCACCIA they are all sent in case the Procureure should wish to cross-check one statement against another for any reason. Could you please ask that these statements be returned to this Sub-Commission in due course?

2. The accused was sentenced in his absence, as he absconded after the start of the trial. *The* conviction and sentence were quashed on review, as although such a course might be permissible under Italian procedure, it is not allowed by Allied procedure under which the trial was conducted.

3. It appears that the accused SANTORO, DE ADESSIS, VERONICO and SPADAVINCI planned to steal Allied goods. It was decided that SPADAVINCI's assistance was necessary to get a lorry loaded and enable it to leave 46 H.Q.D. Bari, and he was approached through MAGLIETTI. The theft of the sugar from a railway wagon took place on the 31 Oct 44 and it was subsequently sold to the persons mentioned in the second charge. The persons mentioned in the first charge, were employees of the Allied Forces and alleged to be responsible for the actual theft.

4. The Procureure del Regno should be asked to examine the facts as disclosed by the statements of the parties concerned and

83

- 2 -

draft his own charges, as Art 648 of the Codice Penale may not
be the most appropriate section under which to charge PROC. COIA.

W.B.

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

68

file

HEADQUARTERS ALLIED COMMISSION
ATO 394
LEGAL SUB-COMMISSION

(1844)

AC/4083/1/L.

/rm.
16 June 1945.

SUBJECT : Sabotage.

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

1. The papers enclosed with your L-4091 of 11 June are returned herewith. This Sub-Commission's letter AC/4040/L of 8 June probably crossed your letter in the courier service and should have been received by you by now.

2. The individuals concerned should therefore not be tried in AMG Courts, but should be handed over to the Italian Authorities for trial, or interned if the Italians do not wish to proceed against them and the RSC so advise.

By command of Rear Admiral STONE:

rmw

W.E. BRIDGES,
Colonel,
Chief Legal Advisor.

83

SECRET

1843

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-4091

11 June 1945

SUBJECT: Sabotage.

TO : HQ, Allied Commission (Att: Legal Sub-Commission).

1. The enclosed report has been submitted to this office for consideration.
2. Your advice is accordingly requested as to whether this matter should be tried by an AMG Court or by the Italian Military Tribunale.
3. Should you require any documents and exhibits for a clearer understanding of this case G-3 (I) 3 District will provide you with same at your request.

For the Commissioner:

COB/ga

Encl.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Rel: Section

G-3

13 JUN 1945

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

Locatelli: *Dis...*
Carotenuto: *Sofato*
8?

SECRET

file

1842

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/AGS/1/L

/rm.
16 June 1945.

SUBJECT : Case of GALEAZZI Guido.

TO : Provincial Commissioner (attn. Senior Legal
Officer), ANZAC Command.

1. Reference your letter AGC/11/7 of 13 June 45 you are authorized to accept payment of the fine.
2. When payment has been received please advise Prison Authorities that the alternative term is cancelled and that imprisonment to be served is therefore only 18 months.

By command of Rear Admiral STONE:

J. F. W.

W. S. BARRIS,
Colonel,
Chief Legal Advisor.

15

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1840)

AC/4083/1/L.

J./rm.
15 June 1945.

SUBJECT : Case of ASTRONOMO Antonio di Giuseppe,
Corso Vittorio Emanuele No. 38

NAIAND DI NAPOLI

TO : ASTRONOMO Antonio di Giuseppe,
Corso Vittorio Emanuele No. 38

NAIAND DI NAPOLI

1. With reference to your request submitted by your attorney the following is stated.
2. ASTRONOMO Antonio di Giuseppe was charged with violation of:
 - (a) Proc. 2-1-2
On or about the 25th of August the defendant did have in his possession a counterfeit Allied Military Currency note knowing the same to be false, to wit: one counterfeit 1,000 lire Allied Military Currency note.
 - (b) Proc. 2-2-5
On or about the 25th of August the defendant wrongfully had in possession firearms - to wit: one pistol with 7 bullets.
3. The above named was tried by an Allied Superior Military Court at Naples 8 Sept. 44.
4. He was found not guilty of the 1st charge/ found guilty of the charge and sentenced to imprisonment for 6 months. but

A. P. W.

A. E. BENTENS,
Colonel,
Chief Legal Advisor.

5

4083/11

— STUDIO LEGALE —

AVV. VINCENZO RUSSO

NAPOLI - TELEFONO 31250

GALLERIA UMBERTO I° N° 83

Napoli, 11.5.45

Onorevole Ufficio Legale Corte Alleata

NAPOLI

Nell'interesse di Astronomo Antonio di Giuseppe domiciliato in Marano Corso Vittorio Emanuele n.39 prov. di Napoli; Si fa istanza a V.S. perchè gli vengano rilasciati due estratti di sentenza pronunziata in danno di esso Astronomo in data 27 Settembre 1944 dalla sesta Corte Alleata di Napoli con la quale sentenza l'Astronomo veniva assolto per non aver commesso il fatto dal reato di spandita di monete false.

Con osservanza

Astronomo Antonio di Giuseppe
avv. Vincenzo Russo

3732

Wle

73

file

HEADQUARTERS ITALIAN COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1839)

AC/4083/1/L.

/rm.
14 June 1945.

SUBJECT : BERNABEI Egisto fu Adamo.

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

1. The enclosed Petition received at this H. is not understood. The above named was arrested at Grosseto on 5 Oct. 44 for an incident which took place 18 months before (26 Apr. 43) or only 6 months if he means 26 Apr. 44 and he does not appear to have been charged.

2. Would your Excellency kindly give instructions to have sent to this sub Commission any original documents held in the prison in reference to this case which may throw light on question when, why and on whose orders the above named person is detained.

rmw.

W.E. BERRENS
Colonel
Chief Legal Advisor.

Copy to Pub. Safety 2/c

Public Safety please note: In re above letter;

Can you please obtain from the officer last in charge of Public Safety in Grosseto any information available on this case.

Enclosed is a copy of Bernabei's petition.

*42-574**file**4119/5/2**78*

C.D. X

Grosseto, 5 Giugno 1949

AL COMANDO MILITARE ALLIATO

ROMA

Il sottoscritto BERNABEI Agisto fu Adamo, domiciliato a Grosseto, e detenuto nelle locali Carceri Giudiziarie dal 5 ottobre 1944, a disposizione di questo On.le Comando, si permette esporre quanto segue:

Il giorno 26 Aprile 1949, nell'incursione aerea su Grosseto, nei pressi delle Case Popolari, un figlio undicenne dello scrivente riportò grave ferita prodotta da scheggia di spessone, ferita per cui occorsero 4 mesi di cure ospedaliere e tuttora il bambino non è perfettamente ristabilito.

All'atto del ferimento, il sottoscritto, che era insieme al figlio vide avvicinarsi un paracadutista alleato, alla vista del quale eccitato per il grave stato in cui versava il figlio, gli si appressò e lo percosse con UN SOLO SCHIAFFO. Quindi raccolse il proprio figlio e lo trasportò all'ospedale. Il sottoscritto si allontanò subito dopo e non ricevette quindi altre molestie o violenze al paracadutista in oggetto, né ebbe possibilità di assistervi.

In conseguenza di ciò, data la lieve entità del fallo commesso, in considerazione anche dello stato di eccitazione in cui il sottoscritto si trovava, data la numerosa famiglia (composta della moglie e di sei figli), la sua età ormai matura (49 anni), e che mai ebbe a riportare condanna o a subire detenzione, lo scrivente si onora pregare questo On.le Comando affinché si compiacca disporre la scarcerazione e restituirlo alla propria famiglia che necessita del suo lavoro e della sua assistenza.

Piducioso per un favorevole accoglimento agli esposti ringraziamenti e ossequia

(firmato) BERNABEI Agisto.

77

TURCHI IVO

MASSALIERI

Avvocato

also concerned,

6083
ALLIED COMMISSION
LIAISON OFFICE
BARI

1836
Tel. 14152

June 9, 1945

Subject: PROCACCIA Michele

Ref.: LE/6150/17

To: C.L.O. Legal Sub-Commission
H.Q. Allied Commission, C.M.F.

1. Ref. file in your possession regarding the
"Sugar Case" which was tried in Bari by an Allied
Military Superior Court on Dec. 14th, 1944.

2. PROCACCIA Michele has now been arrested
and the Procuratore del Regno of Bari has asked
either for the complete file or for a copy of the
charge sheet against the above named in order that
he can be brought to trial.

was in which send one or the other.

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

file

1 JUN 1945

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1834

JL/rm.

14 June 1945.

16/4093/1/1.

SUBJECT : RETE (or KITE) Franz di Franz.

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

1. The above alleges that he has been imprisoned since 15 August 44, and after having been transferred from many prisons, is now lodged in "carcer giudiziario civile - S. Maria Capua Vetere -".
2. Will you please make inquiries at the above prison (either direct or through Public Safety Office) and learn from the "ufficio di matricola", as to the charges against this man.
3. Please learn whether he is being held for disposition of Allied Authorities (noting by whose request his imprisonment was ordered) or for disposition of the Italian Authorities.
4. Any other information which you can obtain, aiding in the disposition of this case, will be appreciated.

By command of Rear Admiral STONE:

J. P. B.

R. E. BRIDGES,
Colonel,
Chief Legal Advisor.(Ret. on Desk 2 J. P. B. Catelli
174

7374

4083/1
✓

1833

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-4014

11 June 1945

SUBJECT: Case of MARONE Carlo.

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

1. Reference is made to your letter AG/4083/1/L,
29 May 1945, relative to the above subject.

2. Returned herewith is receipt signed by
MARONE Carlo.

For the Commissioner:

CCB/pv

Frank L. Vecchiola
FRANK L. VECCHIOLA, *by CCB*
Major, J.A.G.D.,
Senior Legal Officer.

file

13 JUN 1945

76

45

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/rm.
29 May 1945.

SUBJECT : Case of BARONE 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. BARONI is confined in the Carceri Giudiziarie di Napoli.

By command of Rear Admiral STONE:



T.E. BRUBENS,
Colonel,
Deputy Chief Legal Advisor.

OSORTTO : 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

Podestà

Sanseverino Rota

Duce dispone proscioglimento condizionale
confinato BARONO Carlo di Domenico punto Prego 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, li 10.9.40

IL SEGRETARIO CAPO

(Firma illegibile)



2° Documento:

R. Questura di Napoli

16 Agosto 1944

Il Sig. MARONE Carlo da Domenico in data odierna in Via I° Salvatore Ferrara a Bagnoli è stato depredata da ignoti soldati Alleati di due portafogli uno contenente carta d'identità n. 0310120 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, 11/6 1945.

Original files
with case # 3740
in archive
1/48
14 June 45

1832

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

13 June 1945

SUBJECT: Case of GALLO Salvatore

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	
JO	
Plan - Section	
RKS	
14 JUN 1945	

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

70

1831

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

13 June 1945

SUBJECT: Case of VASSALLO Salvatore and MARAUCCI Raffaele

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

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

For the Local Commissioner:

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CIO
Italian Section
CL RKS
14 JUN 1945

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

69

1830

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

13 June 1945

SUBJECT: Case of VODINI Armando 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:

COMMISSION	
C	
D	
CH	
CIO	
IC	
CL	
14 JUN 1945	

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

68

4083/11
✓

1829

HEADQUARTERS
AIG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

12 June 1945

SUBJECT: Case of AMADORE Luigi et al.

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

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

For the Local Commissioner:

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

67

file

45

4083/11

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

(1828)

12 June 1945

SUBJECT: Case of PENNA Giuseppe 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.

None

For the Local Commissioner:

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

66

4083/1

(1828)

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/04

WGE/sf
10 June 1945

SUBJECT : Cases for Review - CARBONE Gio. Battista)
PARODI Tomaso)
Genova
Superior 1

TO : Headquarters, Allied Commission - APO 394.
(Attn: Legal Sub-Commission)

1. Herewith Record and Petition for Review in above case which appears to be reviewable by you in terms of Consolidated Instructions Art. 32 (3)(a)(3).

For the Regional Commissioner:

W.G. Elder
W.G. ELDER,
Lt. Col., Cdn. Prov. C.,
Regional Legal Officer.

Encl: Record & Petition.

HEADQUARTERS	
CLO	
DELO	
Chief Counsel	
→ CLO	<i>gmr</i>
Ref: Section	
10 JUN 1945	

65

4083/1
23
HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3008

Date: 11 June 1945.

SUBJECT UGO Rizzo fu Carmelo.TO : Chief Legal Advisor. *Hq. A.C.*

1. Reference your AC/4083/1/L dated 7 June 1945.
2. Petition returned herewith.
3. This case with its companion LIPPI Pietro was forwarded to you for review on the 4th.

For the Regional Commissioner:

HEADQUARTERS

12 JUN 1945

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CI 305

13 JUN 1945

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

64

62

HEADQUARTERS ALLIED COMMISSION
APO 394
LSC - SUB-COMMISSION

1826

AC/1083/11

JL/rm.

June 1945.

SUBJECT : Case of NUCCIO Antonino fu Filippo
and NUCCIO Serafino fu Filippo

TO : NUCCIO Antonino fu Filippo
Corso Celatafimi, 399

PALERMO

1. Reference your letter of 5 June 45.
2. Our records show that NUCCIO Antonino fu Filippo and NUCCIO Serafino fu Filippo were accused of
 - (a) Wrongful possession of Allied Property
 - (b) Aiding and abetting in purchase of Allied Property.
3. The above were tried on 30 March 44 before an Allied Superior Military Court.
4. NUCCIO Antonino fu Filippo was acquitted and NUCCIO Serafino fu Filippo was sentenced to 2 years imprisonment. The latter was ordered released on 11 August 44, the balance of his sentence being suspended.

J. P. W.

W. F. BERRIS,
Colonel,
Chief Legal Advisor.

63

Palermo 5 giugno 1945

On. Le Commissione Alleata
Sottocommissione Legale
Roma

Il sottoscritto Nuccio Antonino fu Filippo
domiciliato a Palermo Corso Calatafimi 399

Il 30 marzo 1944 fu giudicato dal Tribunale
militare alleato di Palermo ed assolto per non
aver commesso il fatto, prega contesto
On. Le Sottocommissione voglia rilasciare
copia sentenza per uso legale

Ringraziando.

Antonino Nuccio

file

Try action;

62

Recd Legem
11 JUN 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/ra.
12 June 1945.

10/4003/WL.

SUBJECT : Case of FRASI Anna Maria di Cavini Agostino
Via Manzoni Clemente, 64

ROMA

To : S.A., the Minister of Pardon and Justice.

1. The above states that she is about to be tried for an offence for which she alleges to have been tried and acquitted in an AMI Court.

2. The records of this office show that the above was charged with the following offense:

Proc. 1 art V Sec. 42
That the accused in Rome on or about 10 July 1944 was selling meat at a place other than the general market or a market specified as provided in Regional order n. 2, contrary to said prohibition.

3. FRASI Anna Maria was tried on 25 July 44 before an Allied Summary Military Court and found not guilty of the above charge.

4. FRASI Anna Maria states that she is to appear before the Rome Tribunal sec. 12.

5. Will your Excellency please issue the necessary instructions that the above facts may be communicated as soon as possible to the 12th Section of the Rome Tribunal in connection with any possible proceedings against this woman.

Rmu

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

Copy to : FRASI Anna Maria,
Via Manzoni Clemente 64
Rome.

61

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1824

/ra.
1. June 1945.

AC/4082/1/L.

SUBJECT : LUIGIPRANDI Bros of Prinsetto.

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

1. The above was sentenced by the Superior Allied Military Court at Perugia on 25 April 45 to two sentences of 1 and 2 years each, total term to be served, - 3 years.

2. On review the sentences are reduced to 2 years imprisonment. Will Your Excellency kindly give directions for the reduction to be notified to the prisoner and to the Direzione of the prison where he is confined?

JmH

W.A. BERRANS,
Colonel,
Ch of Legal Advisor.

60

File

1823

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4035/1/1.

/18b.
11 June 1945.

SUBJECT : MARSIGNONI Raffaele, MATTEOLI Danilo and Others.

TO : 1 Regional Commissioner, (Attia: Regional Legal Officer), Toscana Region.

1. Reference the above cases tried by 1st Lt. S. E. Nevans at Pisa, with others concerned in the theft and subsequent sale and purchase of Air Force parachutes, he quite rightly decided that stiff sentences were necessary to put a stop to this, but in each case he recommends that the sentences should be reduced on review on the ground that they have had the desired deterrent effect.

2. 1st Lt. Nevans seems to be proceeding on a wrong basis. If a deterrent sentence is required, the judge should fix what he considers to be the proper sentence in view of all the circumstances, and he is normally the person best able to decide this, his aim should be to impose a sentence which will be upheld on review, rather than impose an unduly severe sentence with the intention of asking it to be reduced later. If the latter course is followed and the sentence is reduced on review, that fact will very soon get known around the particular community, with the result that the deterrent effect of the sentence may be weakened, if not destroyed, and the prestige of the judge undermined.

3. Would you pass these comments to 1st Lt. Nevans, in the hope that they may assist him in future.

By command of Rear Admiral STONE:

W. E. Bennett

W. E. BENNETT,
Colonel,
Chief Legal Adviser.

1 Encl:
Record of case.

15

58
54

1822

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4035/1/L.

11 June 1946. /lrb.

SUBJECT : FRONZI Armando of Senigallia.

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

1. On 12 April 1945 Major Cotes-Predy sitting at Senigallia ordered that 3,000 lire bail deposited by the above should be forfeited, which was done. On an application for revision of sentence it is ordered that the bail be refunded to the applicant.

2. To assist in tracing FRONZI, whose address is not given on the record, I enclose the signature of his advocate to the application; though the signature is illegible it may be known in your office.

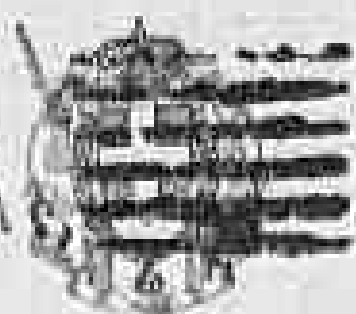
By command of Rear Admiral STONE:

Gmlo.

W. E. BARRONS,
Colonel,
Chief Legal Adviser.

1 Encl:
Signature of
FRONZI's advocate.

58



Roma - 9 GIU 1945

Mod. 80540

1821

Ministero di Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENADirezione delle
carceri giudiziarie di
MacerataUfficio VI
Del. N. 136464/59045

Rappresentante N. 1

OGGETTO: detenuto Antonini Carlo

c.p.c. alla Commissione Alleanza - Sottocommissione
LegaleLa Commissione Alleanza Sottocommissione Legale,
comunica quanto appresso:

"La persona di cui in oggetto, fu ritenuta colpevole dalla Corte Militare Alleanza di Macerata il 14 aprile 1945 e condannata a 5 anni di reclusione. Nel riesame del processo la sua condanna è stata ridotta a 5 anni di carcere.

Sono nell'impossibilità di dire dove egli è ora detenuto, ma probabilmente trovasi nella provincia di Macerata.

Voglio V.E. accertarsi dell'ubicazione del carcere ed informare il detenuto dell'avvenuta riduzione della pena. P/to T.Col.G.M. Wedsford."

Si prega di provvedere in conformità, assicurando.

D'ordine del Ministro

W. Barai 57

file

HEADQUARTERS ALLIED COMMISSION
APO 894
LEGAL SUB-COMMISSION

1820

AC/4083/L/L.

/L.L.
11 June 1945.

SUBJECT : Completion of Records.

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

In the 6 cases attached, tried by Capt. L. L. Miller at Lucca, for forgery of ration cards or possession of forged ration cards, 3 of the defendants pleaded "not guilty". The records in those cases are not at all satisfactory; the evidence consists of a few lines stating "The evidence disclosed that" without showing who gave evidence or what the evidence was. Would you draw Capt. Miller's attention to Consolidated Instructions Article 30, para's 5 and 6.

By command of Rear Admiral STONE:

pmw

A. E. BERNERS,
Colonel,
Chief Legal Adviser.

55

11

Encl:
Records of 6 cases.

4083/1

1819

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMBUNE
LEGAL DIVISION
APO 394

L-3029

9 June 1945

SUBJECT: Case of BIRGNO Gennaro et al.

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

1. Transmitted herewith is application for
restitution of boat confiscated by Court order.

2. Form 8 is enclosed.

For the Commissioner:

CCB/pv

FRANK L. VECCHIOLLA,
Major, J.A.G.D.,
Senior Legal Officer.

53

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

1818

8 June 1945

SUBJECT: Case of SCORDATO 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.

54

10 JUN 1945

X5

4083/1
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Application for review of sentence

To: C.L.A. Legal Sub Commission Alcom = ROME

From: L.O. Ancona

Ref: Anc/11/7

Date: 6 June 1945

LEGAL OFFICE

Ancona

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

GIOVAGNOLI Eugenio - DI/Anc/900 = Papers herewith enclosed

SCHIAVONI Alcibiade - DI/Anc/895 = " " "

A.W.L. Franklin
A.W.L. FRANKLIN, Major
acting L.O. Ancona

11 JUN 1945

HEADQUARTERS
ANG - NAPLES COMTUNE
LEGAL DIVISION
APO 394

8 June 1945

SUBJECT: Case of CAIDO 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.

10 JUN 1945

52

HEADQUARTERS
AMG - LAPIES COMMUNE
LEGAL DIVISION
APO 394

(1815)

8 June 1945

SUBJECT: Case of MEZZATESTA Vito

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.

51

10 JUN 1945

XJ

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1814

8 June 1945

SUBJECT: Case of Francesco VITRO

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.

50

10 JUN 1945

XD

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1813

8 June 1945

SUBJECT: Case of FERRARA 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.

49

10 JUN 1945

15

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1812

8 June 1945

SUBJECT: Case of SOMMA Mario

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. Vecchiola
F.L. VECCHIOLA,
Major, JAGD,
Senior Legal Officer.

48

10 JUN 1945

XJ

HEADQUARTERS
AMG - NAPLES COMTUNE
LEGAL DIVISION
APO 394

1811

8 June 1945

SUBJECT: Case of FERRARA Luigi et al.

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

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

For the Local Commissioner:

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

47

10 JUN 1945

15

HEADQUARTERS
ANG - NAPLES COMTUNE
LEGAL DIVISION
APO 394

~~180~~
1810

8 June 1945

SUBJECT: Case of LONGOBARDI 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.

46

10 JUN 1945

XI

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1809

8 June 1945

SUBJECT: Case of BONAVITA Mario 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.

45

10 JUN 1945

YD

1808

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

8 June 1945

SUBJECT: Case of RUOCO ATTILIO 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.

46

30 JUN 1945

X ✓

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

10/1003/1/L.

JL/ra.
9 June 1945.

SUBJECT : RAUL A Salvatore di Giacomo.

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

1. The above alleges that the Italian authorities are about to arrest him for an offense committed against the Allied Forces, for which he claims to have been tried and acquitted.

2. The records in this Sub-Commission show that one RAUL A Salvatore di Giacomo, Via di Porta Maggiore No. 79, was tried on 17 June 44, before an Allied Summary Court in Rome for violation of Proclamation 1 Art VI Sec II (namely, that the accused did on or about 15 June 1944 at Rome attempt to steal property of a member of the Allied Forces to wit one Billfold) and acquitted of said charge.

3. Will Your Excellency please issue the necessary instructions that the above facts may be communicated as soon as possible to "Commissione Provinciale del confino - presso la Regia Prefettura di Roma" in connection with the proceeding pending against the above.

4. A copy of the summons served on him is enclosed.

Smu.

S.E. SHAWES,
Colonel,
Chief Legal Advisor.

Copy to : RAUL A Salvatore
in person.

43
42

15

C O P I AR. PREFETTURA DI ROMA

La Commissione Provinciale per l'assegnazione al confino di polizia e per l'ammonizione costituita ai sensi dell'art. 166 della Legge di P.S. 18/6/1931, n. 773, modificato dal D.L. 19/12/1944, n. 419, letta la domanda della R. Questura di Roma a carico di:

P A I L L A Salvatore di Giacomo e di Artesi Maria,
nato a Galtagirone il 18.10.1912, domiciliato a Roma in Via
Porta Maggiore n. 79

per l'applicazione nei di lui confronti del provvedimento di assegnazione al confino come di polizia perche' elemento socialmente pericoloso

per delitti contro il patrimonio

I N T I M A

a **PAILLA** Salvatore di Giacomo
di comparire dinanzi la detta Commissione il giorno 30.5.1945
alle ore 16 invitandolo a presentare le sue difese orali.

Si avverte che non comparendo senza giustificato motivo sara' fatto accompagnare dalla Forza Pubblica.

Dalla Prefettura di Roma, li' 4.6.1945

LA COMMISSIONE

IL PRESIDENTE C. DE TRANQUILITA'
IL PROCURATORE DEL RE SAETTA
IL GIUDICE DI TRIBUNALE SALVEMENTI
IL QUERENTE SAETTA
IL COMANDANTE CC. DEL. DELLA PROVINCIA SAETTA
IL CITTADINO DESIGNATO DAL SINDACO SAETTA

IL SEGREARIO DELLA COMMISSIONE
f.ma illegibile

L'anno millenovecentoquarantacinque il giorno 21 del mese
di maggio

Io sottoscritto Ufficiale di Polizia Giudiziaria ho notificato a
PAILLA Salvatore di Giacomo abitante in Via di Porta Maggiore n. 79 il
presente atto di comparizione della Commissione Provinciale per le
Ammonizioni, presso il Palazzo della R. Prefettura di Roma, cono-
gandolo in nome della moglie **VARSALLONA** Concetta di Nicola.

FIRMA: **VARSALLONA** Concetta

f.ma illegibile del V. Brig di P.S.

file

(1805)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/lrb.
9 June 1948.

SUBJECT : Case of FLAMINIO Luigi di Francesco.

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

1. Lt. Col. Claire recommends suspension of 4 out of the 12 months sentence imposed on the above man, on the grounds of the bad economic condition of his family.

2. On the other hand, at the trial there was evidence as to his relatively good circumstances and he himself stated he had made much money working with the Americans. A 50,000 lire fine was also imposed originally, which had to be quashed in review as being in excess of the Summary Court jurisdiction.

3. For trying to force an exit through the port fencing with a lorry load of British socks the sentence of one year is, if anything, light, and much heavier sentences have been imposed in the Superior Court for thefts of a similar type.

4. A term of imprisonment in any country very often causes economic hardship on the dependants of the prisoner, and if this were to be treated as a ground for leniency a very large number of persons serving sentences of imprisonment could claim release for this reason. The crime was serious and deliberate and because of the effect on others, if granted, this application is denied. // Lt. Claire feels strongly that the sentence should be reduced, but considers it

5. The application is returned herewith.

By command of Rear Admiral STONE:

Pmr.

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

1 Encl:
Petition

TS

file

(1804)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

SUBJECT : GIANNINI Eduardo.

/lrh.
9 June 1945.TO : Provincial Commissioner, (Attn: Senior Legal
Officer), Ancona Commune.

1. On the 2nd May 1945 Capt. W. T. Boone, sitting as Superior Court Judge at Jassi, convicted the above man under Proo I, Art V, Sec 42 of riding in a War Department vehicle without a written authority, and imposed a heavy fine.

2. Prima facie the conviction is bad, as the record of trial contains no reference to any order to civilians forbidding them to travel in War Department vehicles without a permit. A civilian acting contrary to the spirit of an order issued to military personnel only is not liable to conviction in an Allied Military Government Court for so doing. In order to make a civilian liable to punishment it must be proved that an order to the like effect has either been given personally to the defendant or published to all civilians.

Has any such order been published in Ancona Province, - if so, will you please forward a copy to my command of Rear Admiral SPONE:

W. E. BERRNS,

Colonel,
Chief Legal Adviser.Copy to
Capt. W. T. Boone,
HQ Venezia Region
(through Regional Legal Officer).

*file**1803*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4033/1/L.

/lrh.
9 June 1945.

SUBJECT : GIANNINI Elgino di Brasto.

TO : Provincial Commissioner, (Attn: Senior Legal Officer),
Ancona Command.

1. I enclose a copy of a letter today received from the Sindaco of Ancona. The record of the trial by Captain Moore definitely states "No children". However, will you check the position and if the facts are as stated by the Sindaco and there really is no one to look after the children you are authorized to suspend the balance of the sentence.

2. Will you report in due course any action taken so that it can be noted on the record here.

By command of Rear Admiral STONE:

W. E. DUNNE

W. E. DUNNE,
Colonel,
Chief Legal Adviser.

1 Encl:
Letter from Sindaco
di Ancona.

*45**more note in record.*

file

HEADQUARTERS ALLIED COMMISSION
AND 394
LEGAL SUB-COMMISSION

(1802)

AC/4033/1/C.

JL/m.
9 June 1945.

SUBJECT : LITUPANDI Bros.

TO : Regional legal officer (attn. Capt. L.V. F. A.)
Lombardia Region.

1. Further this HQ letter 4033/1 of 1 June 45.
2. The record in the above has now been received.
3. Will you please return the copy of form 11 with your comments.

By command of Rear Admiral 3104 :

J. P. W.

R. A. HENNING,
Colonel,
Chief Legal Advisor.

31

38

x5/

1801

file
HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
9 June 1945.

SUBJECT : GATTA Amelia and LO PREIATO Flora.

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

1. The above woman of Via Mentana 5, Falconara, was convicted on 2 May 1945 at Gesi of possession of a Beretta pistol and ammunition and sentenced to one year (suspended) and a fine of 50,000 lire payable on 10 May 1945, and in default of payment to one year in prison.

2. The record of trial bears no note as to whether the fine was paid. Can you inform me whether it was paid or not?

3. Her daughter LO PREIATO Flora, of the same address, was sentenced to one year in prison, (6 months suspended), at the same time. The balance of her sentence is suspended on review, on account of her young children and the physical inability of GATTA to look after them. Will you please arrange for her release as soon as possible.

By command of Rear Admiral STONE:

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

38

4/083/1

~~1800~~
1800

This receipt sent to Toscana Region

Received the following		Case of Buchignoni Luigi
8906	Form 4 and arrest report	" " Meriggi Ugo
8907....	form 4, arrest report & form 11.	" " Rotelli Bruno
8908....	" " " " " "	" " Pagni Otello
8909	" " " " " "	" " Bercati Elio
8910	" " " " " "	Case of Della Bidia Roberto
8911	Form 2 (revised) <u>Only</u> No other paper.	Case of Lencioni Nella.
8912	Form 4 (revised) No other papers	

38

9 June 45

[Handwritten signature]

[Handwritten signature]

4083/1✓

ALLIED COMMISSION
LIAISON OFFICE
BARI(1709)
Tel.: 14152

June 6, 1945

Subject: Bellomo Giuseppe.

Ref.: 6150/15

To: C.L.O. Legal Sub-Commission
H.Q. Allied Commission, C.M.F.

1. Thank you for your letter No. AC/4083/1/L dated 22/5/45 relating to Bellomo Giuseppe.

2. I have explained the case to the Procuratore Generale del Regno of Bari and in view of para 4 of your letter under reference the re-arrest of Bellomo Giuseppe has now been ordered by him.

PROSECUTOR SUBCOMMISSION
CIO
DELO
Chief Counsel
CIO
Italian Liaison Officer
CL RKS
8 JUN 1945

15✓

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

file

32

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

file
AC/4053/1/L.

1798
JL/ra.
8 June 1945.

SECRET : Cases of:

a) CARNEVALE	Natale
b) A. ESCANIRELLI	Emilio
c) MENZONI	Emilio
d) TACCALITI	Giovanni
SCANDALI	Guerrino

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

1. The above cases have been reviewed and the convictions affirmed. The sentences have been varied as shown on the reverse side of Form 4.

2. Will you please endorse the records as to whether the fines, have been paid by MENZONI and A. ESCANIRELLI by the respective due dates and return the records to this office for filing.

By command of Rear Admiral TONE:

Prun
C. L. BARRINS,
Colonel,
Chief Legal Advisor.

22

33

15

✓ 1083/1

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1797

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: 5 June 1945

LEGAL OFFICE

Ancona

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

Galeazzi Guido	D1/Anc/781	=	Sent to R.H.Q.	14-5-45 ✓
Narcisi Orvenio	D1/Anc/846	=	" " "	5-5-45 ✓
Vitali Luigi	D1/Anc/903	=	" " "	(papers kept)
Viti Nino	D2/JL/991	=	" " "	5-5-45 ✓

LEGAL SUB-COM

A.W.L. Franklin
A.W.L. FRANKLIN, Major
acting L.O. Ancona

file

8 JUN 1945

32

✓ 4083/1

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

1796

Subject: Summary and Superior Court Records

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

From: L.O. Ancona

Re: Anc/11/12

Date: 5 Giugno 1945

LEGAL OFFICE

Ancona

The following Summary and Superior Court Records are
forwarded herewith enclosed :

<u>District</u>	<u>No of case (s)</u>
D 1/Ancona	862 - Borsini Attilio(Superior Court)
	853 - Ricciotti Odda(Summary Court)
	858 - Massala Pietro " "
	- De Santis Giovanni " "
	1061 - Ascani Clito " "

A.W.L. Franklin
A.W.L. FRANKLIN, Major
acting L.O. Ancona

file

CLIO	
DELO	
Chief Clerk	
CLIO	
Italian	
CL RIO	
8 JUN 1945	

Guerra

32

57

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1795)

AC/4083/1/L.

JL/lrb.
6 June 1945.

SUBJECT : Case of PALLADINO Giuseppe.

TO : Palladino Giuseppe, San Stefano Del Sole,
(Prov. of Avellino).

1. In view of the allegation made by your attorney, namely that you submitted a petition of appeal and as yet have received no reply thereto, your case has been reconsidered together with a petition brought to this office on your behalf.

2. The petition contains no reason in law or in fact to warrant any modification of the sentence as imposed by the Court and the sentence of the Court is affirmed.

By command of Rear Admiral STONE:

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

3/40

*file**1794*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

/lrh.
6 June 1945.

SUBJECT : Case of NIERI Ernesto
PEZZI Ugo
FRANCHI Giovanni
DI LUPO Gagliano.

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

1. The record in the above case is returned herewith.
The convictions and sentences of FRANCHI and PEZZI are
confirmed, but the convictions of NIERI and DI LUPO are
quashed.

2. The statements obtained from the two latter do
not incriminate them on the charge of conspiracy to bribe
1st Lt. Brown, and the other evidence against them consists
of hearsay evidence by 1st Lt. Brown of what PEZZI told
him, as to which there is no corroboration.

By command of Rear Admiral STONE:

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

1 Encl:
Record of case.

*X/**26*

*file**1793*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

JL/lrb.
7 June 1946.

SUBJECT : UGO Rizzo fu Carmelo.

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

1. The enclosed informal petition states that the accused was sentenced by an Allied Military Court and sentenced to 4 years reclusionone.

2. This HQ has not received the record for review. If such does exist will you please forward the record for review, together with the enclosed petition.

By command of Rear Admiral STONE:

W. E.

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

1 Encl:
Petition

*22**24*

fm



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

2 giugno

Mod. 47

5 /++++

1792

LA COMMISSIONE ALLEATA
Sottocommissione Legale
R O M A

I° A.P.

Ufficio
Prot. N° 153.2/1111/45Registra al f. del 16.5.945
AC/4083/1/LOGGETTO PANTALEONI Primo, SIMONCINI Augusto, PE-
TRUCCI Balilla.Per conoscenza:
All'UFFICIO COLLEGAMENTO
GABINETTO

In esito alla richiesta di cui alla nota surrichiamata, si assicura codesta On. Sottocommissione, che in pari data, l'atto di notifica e la ricevuta vengono trasmessi al Procuratore del Regno di Urbino per l'esecuzione, invitandolo anche a far conoscere direttamente al Quartier Generale di codesta Commissione, giusta quanto è stato richiesto, notizie circa il pagamento della multa di lire 100.000 a suo tempo applicata al PANTALEONI.

pel MINISTRO
(A. Spallanzani)

Handwritten initials and signature: "ple" and "XZ"

JUN 1945

Handwritten signature: "W.D."

Handwritten signature and number: "28"

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrb.
6 June 1945.

SUBJECT : ROSSO Francesco di Pasquale.

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

The record in the above case is returned herewith.
Will you please have the record completed and resubmit for
review.

By command of Rear Admiral STONE:

mw.

W. E. DEERENS,
Colonel,
Chief Legal Adviser.

22

1 Encl:
Record of case.

Modulento
G.G. 402

Modello N. 25 (Carcere)

51 (Riformatorio)

MINISTERO
DI GRAZIA E GIUSTIZIADIREZIONE
DELCarcere v Giudiziario
Lucrì

N. 1188 del 3 Fasc. 1 del 1945

ALLA COMMISSIONE ALLEATA
Ufficio Collocamento

N a p o l i

Risposta alla lettera

del

Ufficio

N. 1188

Rel 30-5
L. 10/4

Allegati N. 1188

Oggetto: Detenuto Martelli Salvatore di
Giacomo e di Mago Francesca - nato a Stilo
il 23 aprile 1923.

Prego compicarsi farmi tenere un stratto di sentenza
relativo al detenuto indicato in oggetto, condannato
dalla Corte Alleata di Reggio Calabria il 22 febbraio
1944 ad anni due di carcere per partecipazione a domo
strazione illegale, per uso, liberazione condizionale.

IL DIRETTORE
(Dott. Enrico Dubbiosi)

1 JUN 1945

P.T.O.

file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

ACW/lrb.
5 June 1945.

AG/4083/1/L.

SUBJECT : GIOGE Francesco.

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

1. The above named has never surrendered to his trial and it has been ascertained that he is attending regularly at his office despite alleged illness.

2. It had vaguely been hinted on his behalf that he might be entitled to diplomatic immunity. The Argentina Embassy to the Holy See have definitely disclaimed such privilege for above named.

3. Owing to the difficulty of enforcing his appearance in Allied Courts it is suggested that the proper course of action is to forfeit the bail monies and confiscate the revolver and other property taken from him.

4. Please advise this Sub-Commission in due course.

By command of Rear Admiral STONE:

A. P. W.

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

file

1788

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

JL/rm.
5 June 45.

SUBJECT : MARTINELLI Salvatore.

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

1. Reference your letter "N. 1188 tit 3 Fasc 1
Lett M" of 24 May 44.

2. MARTINELLI Salvatore was sentenced to two
years imprisonment from date of arrest for taking part
in an unauthorized public demonstration.

J. P. W.

J. P. BEHRENS,
Colonel,
Chief Legal Advisor.

25

15

file

1787

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

JL/lrb.
5 June 1945.

SUBJECT : Extracts of Sentences Imposed.

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

1. Enclosed please find requests of the Trinitapoli
R. Pretura for copies of sentences imposed on:

- (a) FRONTINO Mauro - *for comparison*
- (b) GUIDUCIO Francesco *for review*
- (c) LA MORICA Pietro *for submission*
- (d) RUSSO Giuseppe fu Antonio
- (e) RUSSO Domenico di Giuseppe
- (f) DI STASO Michele *for submission*

2. It is understood that the said copies of sentences
are required in connection with submission of informal
petitions.

3. Will Your Excellency please issue the necessary
instructions so that the enclosed requests are returned
to the above said Pretura and please make known to the
Pretura that a copy of said sentence is an unnecessary
enclosure of an informal petition. When and if said
petitions reach this office, they will be treated in the
same manner as all other similar petitions.

A. C. W.

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

6 Encl:
Letters from
R. Pretura di Trinitapoli.

X3

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MEMORANDUM : AG/4083/1/L.

/lrb.
5 June 1945.

SUBJECT : Claim by Caffiero Raffaele fu Giuseppe.

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

1. The above claims 157130 lire from AMG.
2. He was charged in 1944 at Naples with illegal traffic in blue seal dollars under Proc III Art 2, Sec 3 and Proc X Art 1 Sec 1 for having bought blue seal dollars from an American officer and enlisted men at 100 lire to the dollar when they landed.
3. \$827 were found in his possession, and seized, the remainder of his purchase he had resold to De Santis Michele. A police report on 21 March 1944 states that \$827 was recovered from Caffiero and \$620 from De Santis - total \$1,447.
4. A receipt of Lt. Col. U. S. Gafford, WD, shows that \$1,721 blue seal dollars were handed over to him, seized from these two men, i.e. \$344 more than is stated to have been seized.
5. After many adjournments in the Naples Superior Court it appears that the 2 men were acquitted, as posting of Procs III and X in Naples could not be proved. It appears that the 2 proclamations were posted in the Northern part of Naples province, though not in the city, but there is no evidence as to when they were published there. The record of trial is blank as to any finding of the Court, but a card index kept at Naples shows both men as having been acquitted.
6. No order was made as to refunding the dollars which had been seized. The Court suggested an order for refund to Caffiero of 82,700 lire i.e. 100 lire to the dollar, but the defence advocate maintained his client was entitled to what he had paid for them, viz 157130 lire, and no decision was made, and the judge Capt. E. N. Blacklock was posted away from Naples.

- 2 -

7. Caffiero's claim for repayment has been considered and it has been decided that he shall be paid the 82,700 lire. The Finance Sub-Commission is authorizing the Finance Office at Naples to make this payment. Will you please notify Caffiero of this decision and arrange for a duplicate copy of the receipt eventually obtained from him to be forwarded for filing with the record.

8. Caffiero's address is Via A. Portici 5, Piazza di Sorrento, and that of his Avvocato, through whom the claim has been made, is Avv. Cav. Uff. Giuseppe BERRA, Piazza Borsa 22, Naples.

By command of Rear Admiral STONE:

W. E. Behrens
for.

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

23

file

(1785)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrb.
5 June 1945.

SUBJECT : Claim by Gaffero Raffaele.

TO : Major E. E. L. Timmons, Finance Sub-Commission.

As arranged yesterday, I enclose two copies of my letter to Provincial Commissioner, Naples Commune. Would you kindly authorize the Finance Office at Naples to make the payment of 82,700 lire.

By command of Rear Admiral STONE:

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

1 Encl:
Copy of letter
to P.O. Naples (dup)

24

HEADQUARTERS AMERICAN COMMISSION
APO 994
LEGAL SUB-COMMISSION

1784

AC/4883/1/L.

JL/rm.
2 June 1945.

SUBJECT : Case of Dr. PENNACCHI Angelo.

TO : Regional Legal Officer (for Capt. R.V. FALK)
Lombardy Region and Regional Legal Officer
(for Capt. R.A. GRIZZARD), Venezia Region.

1. Dr. PENNACCHI called in this office and laid claim for tyres, battery, and wheels removed from his car which was taken from him and later restored. He was referred to the claims office.

2. Copies of the letters which he had on his person were made. It is to be expected that this sub-commission will be called upon to give any information it can so that a proper disposition might eventually be made on this possible claim.

3. The letters are sent to you for your perusal. Please return them with your comments and any information which you may possess in the matter.

By command of Rear Admiral STONE:

W.E. Berrens

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

Incls : 3 letters.

43

C O P Y

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION
APO 394

Ref/a/03

26 February 1945.

SUBJECT : Restoration of Motor Vehicle of
Dr. Angelo PENNACCHI - Perugia.

TO : Provincial Commissioner, Perugia Province.

1. On 29 October 1944 the Regional Commissioner issued an order restoring to Angelo PENNACCHI, doctor in Perugia, his automobile which had been confiscated by the Summary Court.

2. The Regional Commissioner has received the enclosed letter from Dr. PENNACCHI Angelo, 15 February 1945, which shows that the doctor's machine was disassembled of many parts before being returned to him. The letter is referred to you for necessary action to comply with the order of restitution.

3. A written report will be made to this Headquarters as to what action has been taken by you.

By order of Colonnello PORZETTI:

A.L. GORMAN CARTER
Lt. Colonnello,
Executive Officer.

Incl. 1 : Letter of Dr. Angelo PENNACCHI
15 February 1945.

*Written in pencil:

5 tyres and tubes
1 battery
2 wheels.

13

C O P YHEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION
PERUGIA PROVINCE

(letter written in pen and ink)

FILE No :

PERUGIA 9th April 1945

SUBJECT : Tyres.

TO : Officer i/c Transportation
HQ. AMG/ACC. Rome.

Sir:

The bearer Mr. PENNACCHI Angelo, has applied for 3 tyres and 12 Volt Battery, I have shown him the only 3 tyres of Civilian pattern that I have also, a 12 Volt Battery, and he is not willing to accept them.

If it is possible, for him to have the tyres I am at a loss as to where he can get them.

R. RANFALL

(Rank illegible)

Irb. Trans. Off.

"Written in pencil"

In iere una domanda

Motor transportation officer
Reg. V

(Capt. Richardson)

COPY

BACK SLIP

A. M. C.
MUSKIE PROVINCE

Date

The attached document N.
and: or necessary action.

is transmitted for information

	To for	Initials	Date
	action by		
Legal	✓		

REMARKS:

Capt. Falk - This was left with me by the Dr.
Please see me to-day if possible.

Sgn. Illegible

13

1783

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

L-3020

2 June 1945

SUBJECT: ROMANO Salvatore di Antonio.

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

1. Reference is made to your letter
AC/4083/1/L, JI/rm, 26 May 1945, relative to the
above subject.

2. Transmitted herewith is Form 8 together
with application for review.

For the Commissioner:

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

CCB/pv

18

5 JUN 1945

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2 June 1945

SUBJECT: Case of BUSIELLO Vincenzo fu Ciro

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

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

For the Local Commissioner:

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

15

15 JUN 1945

HEADQUARTERS
ANG - RAPLES COMMUNE
LEGAL DIVISION
APO 394

2 June 1945

SUBJECT: Case of Pignetta Gaetano and PARISI 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.

14

5 JUN 1945

(1780)

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2 June 1945

SUBJECT: Case of RUSSO Francesco 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.

13

5 JUN 1945

(1779)

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

2 June 1945

SUBJECT: Case of Gargiulo Mario di Mariano

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.

12

15 JUL 1945

XI

4083/1
HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Hq. AC (for DCLA)

Legal 5/6

1778

WHL/glg

1 June 1945

REF : RIX/LE/668/449

SUBJECT : LAZZARI Guido, General Military Court.

TO : Provincial Commissioner, Forlì (for PLO).

1. The file in the above case was this date received from Legal Officer, Ancona with request that this case be tried in Forlì Province. This procedure was authorized by D.C.L.A.

2. On 16 May 1945 you advised Legal Officer, Ancona that accused had escaped from jail at S. Arcangelo.

3. If he has been returned to custody, please at once make arrangements to bring the case on for trial.

4. If he is still at large, please hold the file until such time as he is returned to custody, at which time the case should be brought on for trial if witnesses are still available.

5. Please keep this Hq. advised of progress made.

By order of Colonel BOWMAN.

WILLIAM H. LEVIT.

Lt. Col. J.A.G.D.

Regional Legal Officer.

Encls : as above

Copy to :

Hq., AC - DCLA (Ref. your AC/4083/1/L, 16 May 1945). ✓

L.O. Ancona (Ref. your ANC/11/12, 21 May 1945).

file

3 JUN 1945

45

1778

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2 June 1945

SUBJECT: Case of ARRETE Giulio di Giacinto

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

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

For the Local Commissioner:

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

145

5 JUN 1945

15

BEST COPY POSSIBLE

0000000000

MEMORANDUM

SUBJECT

: Case of CARULO Brothers, Giuseppe and Antonio.

Possession of Arms - Tried at Naples 26 Feb. 45. Sentence 7 yrs and 1,000,000 lire fine each, and in default of payment 3 yrs additional.

TO

:

1. After receipt of the elaborate informal petition d/21 Apr. 45 based on the allegations of perjury committed by Vice-Pris. SABATINO CCRH, I have gone through the record of trial and the petition very carefully and have formed the opinion that the conviction was right though the sentence was excessive. S.L.O. Naples states that the fines had not been paid by 25 May 45 so that the sentence stands at 10 yrs for each accused.

Note: Pages of the Record and informal application will be referred to respectively as F.p. and A.p.

2. The application, as usual, contains many allegations and statements which are not borne out by the Record, see my pencil comments thereon.

3. Of the three allegations of perjury by Sabatino on A.p. 7

(i) As to (a)

If Sabatino visited the mill on 2 Dec. (and the application contains no conclusive proof that he did not do so), he probably did remove all the arms he saw; he did not go upstairs on that visit, and did not know that, as alleged, any had been moved upstairs. This allegation of perjury is probably bad.

(ii) As to (b)

Sabatino definitely stated that practically all the arms were useless, (R.p. 6x7) Lt. Bursiani stated (R.p. 15) that the arms he removed were in good order. (See also A.p. 21) Sabatino states (A.p. 30) that he did not examine every individual weapon.

It appears to be Sabatino's word against Bursiani's on this point. The latter now states (A.p. 21) that Giuseppe showed him lists of the arms when he arrived; this is quite contrary to all evidence produced at the trial, which was to the effect that the weapons in the mill were never listed.

(iii) As to (c)

1) Sabatino did say none of the arms found upstairs were part of the arms dump. (R.p. 6) It would obviously have been difficult for him to state this categorically when he probably had not examined each individual weapon (See A.p. 30) but the Court did not examine him on this point to ascertain if it was an expression of opinion on his part.

2) C.S. M. Wilcock states (A.p. 26) that Sabatino at the time stated that the arms, other than the Tommy gun and pistol, should have been left down-stairs, and admitted to him that the arms found upstairs, with those 2 exceptions, were part of the dump. (A.p. 26)

3) It seems, therefore, that Sabatino may have been too definite in his statement at the trial, but that the Tommy-gun and pistol were not part of the dump.

4. C.S. M. Wilcock states that the Tommy-gun was clean and well kept, contrary to the other weapons, (A.p. 27) and it was found in a wardrobe (R.p. 24). That the other weapons, except the pistol, were found leaning

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based on the allegations of perjury committed by Vice-Pr. SABATINO CORR, I have gone through the record of trial and the petition very carefully and have formed the opinion that the conviction was right though the sentence was excessive. G.L. Naples states that the fines had not been paid by 23 May 45 so that the sentence stands at 10 yrs for each accused.

Note: Pages of the Record and informal application will be referred to respectively as R.P. and A.P.

2. The application, as usual, contains many allegations and statements which are not borne out by the Record, see my pencil comments thereon.

3. Of the three allegations of perjury by Sabatino on A.P. 7

(1) As to (a)

If Sabatino visited the mill on 2 Dec. (and the application contains no conclusive proof that he did not do so), he probably did remove all the arms he saw; he did not go upstairs on that visit, and did not know that, as alleged, any had been moved upstairs. This allegation of perjury is probably bad.

(ii) As to (b)

Sabatino definitely stated that practically all the arms were useless, (R.P. 6x7) Lt. Bursiani stated (R.P. 15) that the arms he removed were in good order. (See also A.P. 21) Sabatino states (A.P. 50) that he did not examine every individual weapon.

It appears to be Sabatino's word against Bursiani's on this point. The latter now states (A.P. 21) that Giuseppe showed him lists of the arms when he arrived; this is quite contrary to all evidence produced at the trial, which was to the effect that the weapons in the mill were never listed.

(iii) As to (c)

1) Sabatino did say none of the arms found upstairs were part of the arms dump. (R.P. 6) It would obviously have been difficult for him to state this categorically when he probably had not examined each individual weapon (See A.P. 30) but the Court did not examine him on this point to ascertain if it was an expression of opinion on his part.

2) C.S. M. Wilcock states (A.P. 26) that Sabatino at the time stated that the arms, other than the Tommy gun and pistol, should have been left downstairs, and admitted to him that the arms found upstairs, with those 2 exceptions, were part of the dump. (A.P. 26)

3) It seems, therefore, that Sabatino may have been too definite in his statement at the trial, but that the Tommy-gun and pistol were not part of the dump

4. C.S. M. Wilcock states that the Tommy-gun was clean and well kept, contrary to the other weapons, (A.P. 27) and it was found in a wardrobe (R.P. 2x4), whilst the other weapons, except the pistol were found leaning against the walls. Eprem (R.P. 5) stated Giuseppe said the Tommy-gun was his.

5. The pistol was in a drawer of the night-table and Giuseppe evidently did not want to part with it (See Eprem, (R.P. 5) and C.S. M. (R.P. 4 & A.P. 26)

6. As to these 2 weapons there is a clear case against Giuseppe, irrespective of what Sabatino said at the trial.

7. As to the grenades and old pistol found in the office, Sgt. stated quite definitely that he found them, and Giuseppe therefore lied (R.P. 11) that he handed them over, which discredits his evidence.

2.

8. As to the other arms found upstairs, they were admittedly put there by Giuseppe, and the only question is the motive for putting them there. The pistol found upstairs was clearly not from the dump (See para: 5 above) and Falchi's evidence was that all the arms were taken up by Giuseppe and him (R.p. 18). He must be lying as to the pistol, as he was when he denied, but subsequently admitted, that the M.P. chivied him out of the mill during the search. I think the Judge was entitled to take the view that these arms were added to the Tommy gun and pistol with the intention of retention.

9. Giuseppe's evidence was unsatisfactory in other respects.

(i) He said Ferrara was present when he showed the arms to Lt. Basarto. Ferrara, though perhaps not a very good witness, denied knowledge of Tommy gun and pistol (R.p. 11 and R.p. 4)

(ii) He denied Artémo was present at the mill more than twice in Nov. (R.p. 14), but Mastantuono is definite he was there more often. (R.p. 19) and Giuseppe's statement, after he realised the large number of entries in the books in Antimo's writing, that he used to take the books to Antimo every two or 3 nights for him to enter them, (why?), is not credible, when according to both of them Antimo was at Capua or Pignatone Maggiore, Capua being about 30 km from Naples and Pignatone Maggiore 15 miles beyond the Volturno! (R.p. 2)

10. Antimo set up an alibi that failed, and alternatively relies on Giuseppe's defence! The judge was entitled to regard his evidence with extreme suspicion, and he had the benefit of seeing all the witnesses.

11. The conviction therefore appears to have been right and the prosecution of Sabatino for perjury is a red herring, and the conviction should stand irrespective of the result of the perjury proceedings.

12. It is to be noted that the Judge (Major McFadyen) took the view that 2 of the prosecution witnesses had been "got at", and he was told after the trial that even the CC ER were afraid of the Caputo's (see his remarks on form 11)

13. The original sentence was in my view excessive, and it is accordingly reduced to $2\frac{1}{2}$ years from 10 years at which it now stands, the fine not having been paid.

14. A rough summary of the main points of the evidence, which I have made in pencil, is attached to copy of Record of Trial

pmw.

G. M. WELSHED
Lt. Col.
Chief Judicial Officer

1 May 46

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ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM
LIAISON DIVISION

SUBJECT: Francesco Cioce

FILE No. 505/CI/EC(L)

TO : Legal Sub-Commission

2 June 1945 194

1. Reference is made to your letter of 20 April no. 4085/1 4083/1
2. The British Minister to the Holy See has made an inquiry in this matter and informs this office that the Argentine Ambassador is not claiming diplomatic immunity in respect of the subject but only "diplomatic protection". The Minister concludes by stating "clearly, that does not mean immunity".

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CLO

Ita

3 JUN 1945

J. M. H. H. H.
Officer in Charge
Liaison Division

4083/10
ALLIED COMMISSION
LIAISON OFFICE
BARI

Tel.: 14152

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31 May 1945

Subject : Case of De Lucia Pasqua.

Ref : LB/6107/1

To : C.L.O. Legal Sub-Commission HQ
Allied Commission

1. Further to this office letter n°6107
of 31 Mar 1945 and yours n°AC/4083/1/L dated
23 Mar 45.

2. Herewith the record in the case of De
Lucia Pasqua together with the receipt for
lire 86.000 (Eightysix thousand) which has
been paid to the representative of the

NNAFI

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

3 JUN 1945

S.W. MILLER, Colonel
Liaison Officer, AC
Bari.

all papers
return to
record

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Legal S/C

1774

REF : RIX/LE/668/437

WHL/alg
31 May 1945

SUBJECT : RICCI Domenico. Superior Court (Forlì Province).

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

1. The record of trial in the above case is forwarded herewith for review at your Headquarters.

For the Regional Commissioner.

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

Encls : as above

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

3 JUN 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrh.
1 June 1945.

SUBJECT : PICCIRILLO Gennaro and 2 Others.

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

1. The record in this case is returned and the conviction of all three accused has been quashed; will you please secure their immediate release.

2. It appears from the record that the only evidence given was the hearsay evidence L/Cpl Campbell G.M.P. that Costano had informed against the three accused and that the goods were found by L/Cpl Campbell.

3. It does not appear that Costano was called as a witness, or the other signatory to Costano's statement. Moreover, assuming for the moment that the statement of Costano and Saulino could properly be admitted as evidence, it does not implicate the accused in any way, but only refers to one man Varrachino Vincenzo, who is not one of the three accused.

By command of Rear Admiral STONE:



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

1 Incl:
Record



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4003/1/L.

1 June 1945. ^{Arb.}

SUBJECT : Defonso Clemente in Antonio, Claim by.

TO : Lt. Colonel W. G. Elder, MM, HQ Liguria Region.
Major Robert C. Hendrickson, AUS, 2800th Special
Detachment, G.M.F.
Capt. R. Graziano, HQ Venezia Region.

1. The above has made a claim against the U.S. as set out in copy of letter of Claims Officer in charge attached hereto, dated 31 March 1945. He was tried in the Rome Summary Court on 4 July and sentenced to a fine of 1,000 lire and the camera lenses etc were not forfeited.

2. The reviewing officer, Major R. C. Hendrickson, draw attention to the necessity of the Court making proper provision with regard to the disposal of property such as this, which clearly had a definite market value.

3. Lt. Col. W.G. Elder, the Judge, agreed with this note and endorsed it to Captain S. B. Gilreath at the prosecutor's office asking him to recover the camera. The Provost Marshal M.A.A.C. caused the articles to be delivered to the Prosecutor's office, where they were signed for by Lt. T. A. Morris.

4. A copy of a letter from Lt. T. A. Morris to this Sub-Commission is also attached, dated 24 May 1945.

5. The record of trial does not have attached to it the receipts referred to by Lt. Morris in para 3 and 4 of his letter.

6. Can you give any further information with regard to the disposal of these articles please?

7. Colonel J. R. Pollock has returned to England and Captain S. B. Gilreath to America.

By command of Rear Admiral STONE:

W. E. B. B. B.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

JL/lrb.
1 June 1945.

SUBJECT : LIUTRANDI Eros.

TO : Regional Legal Office, (for Capt. E. V. Falk),
Lombardia Region.

1. A copy of the application for review of sentence
in the above case is forwarded to you for your comments.

2. A search of the files of cases sent to this
office, as well as the index of cases tried in Perugia,
fails to disclose a record in this case.

3. Any assistance which you can give in the review
of this case, or the location of the record, will be
appreciated.

By command of Rear Admiral STONE:

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

Encl:
Application for Review.

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