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10000/142/585
(VOL. 18)

REVIEW OF ALLIED
JUN., JULY 1945

10000/142/585
(VOL. 18)

REVIEW OF ALLIED MILITARY COURT CASES, CORRESPONDENCE
JUN., JULY 1945

AS/11/11/11

Vol. 18

FROM : 1941

TO : 2099

CONFIDENTIAL

SUBJECT : REVIEW OF JILAD KILBEN COMPTON GAMES - CONFIDENTIAL

175 W

142 585

10000

THIS FOR DE

FROM : 1341

TO : 2099

SUBJECT : REVIEW OF ALLIED MILITARY CODE CASES - COMPLETION

175 W

10000 142 585

THIS FOLDER
CONTAINS PAPERS

FROM July 145

CATALOGUE

CONFIDENTIAL

173

of Town M. 2001
Acres 19
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1941	1983	2030	2132	2130
1942	1984	2031	2133	2131
1943	1985	2032	2134	2132
1944	1986	2033	2135	2133
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1971	2013	2060	2162	2160
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1973	2015	2062	2164	2162
1974	2016	2063	2165	2163
1975	2017	2064	2166	2164
1976	2018	2065	2167	2165
1977	2019	2066	2168	2166
1978	2020	2067	2169	2167
1979	2021	2068	2170	2168
1980	2022	2069	2171	2169
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2131	2173	2220	2322	2320
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2160	2202	2249	2351	2349
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2162	2204	2251	2353	2351
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2164	2206	2253	2355	2353
2165	2207	2254	2356	2354
2166	2208	2255	2357	2355
2167	2209	2256	2358	2356
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From No. 2001
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1982	2074	2125	
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	2078	2129	
	2079	2130	
	2080	2131	
	2081	2132	

FROM : No. 1941

TO : No. 2099

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2099

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

31 July 1945

SUBJECT: Case of NARCHESANO Gennaro fu Carmine

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

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

For the Local Commissioner:

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

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AUG 1945.

17

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

2098

30 July 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, H.Q., A.C.
(Attn: Chief Judicial Officer).

SUBJECT: Review.

File N°: RXII/LE/VER/A/04.

1. Herewith Petition for Review and Record of Proceedings in the case of MINALI Giuseppe, tried by Superior Court at Verona on 25th June 1945.
2. The case was tried by a most competent and experienced judge. In my opinion the Record shows that it was well and carefully tried. On the findings of the judge I do not see how the sentence could be considered excessive.
3. I recommend that the decision be affirmed.

H. L. Linn

Colonel,
Regional Legal Officer,
Venezie Region.

file

172

27

4083/11

2096

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

30 July 1945

SUBJECT : Marchi Enzo - Case No. 000122.

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

1. Enclosed herewith record of trial in the above case for Review.
2. Marchi with a number of other prisoners escaped from prison a short time after being sentenced and to date has not been recaptured.
3. No petition for Review has been received by this HQ's to date.

For the Regional Commissioner :

H.M. Dickie
H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

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vb

CLO
DCLO
Chief Counsel
CPS
Italian Section
CL RKS

4083/1 ✓

2095

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

30 July 1945

SUBJECT : Fazzini Osvaldo - Case No. 000115

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

1. Enclosed herewith Record of trial in the above Superior Court case for Review.
2. It does not appear from the Record to be clear that the accused did assist a prisoner of war to escape.
3. No petition for review has been received to date.

For the Regional Commissioner :

H.M. Dickie
H.M. DICKIE

W/CDR. RAF

Regional Legal Officer

LEGAL SUB-COMMISSION

CLO

S. O.

Legal Counsel

S. O.

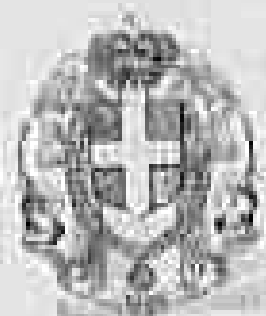
LEGAL DIVISION

C. R. S.

JUL 31 1945

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27 LUG 1945

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

*La Commissione Alleata
Sottocommissione Legale*

ROMA

*Ufficio
Adm. N.*

VI

139590/93235

*Risposta f. N. 4. 0. / 4083 / D.
14-7-45*

Oggetto: detenuto Gaetano Vito.

Con riferimento alla nota sopra indicata, si comunica che, con ministeriale pari numero e data, è stata invitata la direzione della casa penale di Avellino, ove il detenuto in oggetto trovandosi attualmente ristretto, a voler smettere in matricola la riduzione di condanna concessa al Gaetano, informandone di ciò l'interessato.

S. P. W.

Per il Ministro

[Signature]

30 JUL 1945

[Handwritten mark]

2092

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

29 June 1945

SUBJECT: Case of DE SIMONE Felicio et al.

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

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

For the Local Commissioner:

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

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file

4083

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3026

7 August 1945

SUBJECT: DE SIMONE Felicio, BIMBO Pietro, PALUMBO
Alfredo, SCRIVANO Alfredo, CAPOBIANCO
Pasquale.

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

1. Several requests have been received for
information concerning a result of review of the
above matter.

2. Our records indicate that form 8 was
forwarded to your HQ. on 29 June 1945.

3. If said case has been reviewed, may we
please be advised of the decision on review.

For the Commissioner:

Returned 9 Aug. 45

OGL/pv

LEAD	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
CL	
8	
AUG 1945	

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, 4663
Major, J.A.G.D.,
Senior Legal Officer.

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HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Application for review of sentence
To: C.L.A. Legal Sub Commission A.C. ✓ = ROME
From: S.L.O. Ancona Commune
Ref: Anc/11/7
Date: 23 July 1945

LEGAL OFFICE

Ancona

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

SAMPAOLESI Giuseppe
MOSCA Giuseppe
RICCI Romolo
PETRUCCI Alessandro
CIBELLI Salvatore
TONUCCI Salvatore

DI/Anc/1074
DI/Anc/1060
DI/Anc/1036
D4/Sen/205

Pesaro (File not here)
Pesaro (File not here)

B.E. DREYFUS Major
Senior Legal Officer
Ancona Commune

26 JUL 1945

26 JUL 1945

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(2090)

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

JL/rm.
26 July 1945.

AC/4083/L/L.

SUBJECT : Case of RUSSOMANICO Ugo
LALL'ISOLA Umberto
ZICCHINO Gennaro
CAFFALO Umberto

TO : Procura del Regno di Firenze.

1. Reference your letter No. 105-39/45 D.C. of 7 July 45.
2. The convictions and sentences were affirmed on review on 5 Jan. 45. It is believed that the accused have been notified of the results.

A.P.W.

A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

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DEL REGNO
 PROCURA ~~DI STATO~~ di FIRENZE

Firenze, 7 Luglio 1945

N. 105-39/45 26

Alleg. N. Risposta a Nota del

N.

OGGETTO: Russomando Ugo ed altri.

ALL'UFFICIO LEGALE *Russomando* A.M.G.

PRESSO *Parlatore Tenorio*

FIRENZE

La Corte Alleata ha inviato a questa Procura gli atti del processo contro Russomando Ugo, Zecchino Gennaro, Dell'Ilosa Umberto, Capaldo Umberto i quali risultano condannati il 24 novembre 1944 in Prato dalla Corte Superiore Alleata ad anni 4 di prigione ciascuno per violazione del proclama n.1 art.5 para.46.

Resulterebbe che i condannati hanno ricorso per revisione.

Pregasi informare questo Ufficio dell'esito del ricorso per archiviare o meno gli atti ricevuti.

IL PROCURATORE DEL REGNO

Blodofin

A. P. W.
 26 JUL 45
 15

ful



Ministero di Grazia e Giustizia

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

Min. COMMISSIONE ALLEATA

Sottocommissione Legale

ROMA

Ufficio I° A.F.

Prot. N° 131.346/1482/45

Reparto del 25.6.945

Dir. Leg. KC/4003/1/L

OGGETTO: Domande per revisione di condanna di
COZZI Natale.

e per notizia:

ALL'UFFICIO DI COLLEGAMENTO
GABINETTO

Si assicura che in pari data quanto
forma oggetto del foglio cui si risponde, vie-
ne comunicato, per l'esecuzione, al Procura-
tore Generale presso la Corte d'Appello di
Firenze.

Si fa riserva di ulteriori comunica-
zioni.

grazie del MINISTRO

[Signature]

26 JUL 1945

A.G.W.

27 JUL 45

Avv. cav. uff. GIUSEPPE SERRA
 PATROCINANTE IN CASSAZIONE
 Piazza Borsa, 22 - Tel. 24-444
 NAPOLI (1) (1) (1) (1) (1)

Naples July 5th 1945

2086

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

file 4083/1

TO the
 A.C. Legal Subcommittee

R O M A

Via Veneto=Palazzo ex Ministero=Corporazioni.

Sub:CAFIERO RAFFAELE FU GIUSEPPE

With reference to the letter of June 9th 1945 L-2130 of the Legal Office, Naples, whose copy is here attached, I take the liberty to draw your attention on the circumstance that the sum of L.87.200 refunded to my above client is only one part of the amount of money which was confiscated to him. The whole amount due to Cafiero is L.157.130, so that the balance of L.69.930 is to be refunded.

As it results from the summons, whose copy is here attached, Cafiero paid L.190 for each Dollar. As he purchased 827 Dollars, he paid for the transaction L.157.130.

The said amount of L.157.130 was always claimed by me, on account of my client, not only in Court after the dismissal, but also with my applications of June 2nd 1944, August 23d 1944, Sept. 7th 1944, November 6th 1944, Jan. 26th 1945, Jan. 30th 1945 (Affidavit) and June 1st 1945.

Very truly yours:

D. L. Joseph Long

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L.2130

9 June 1945

SUBJECT: CAFIERO Raffaele fu Giuseppe.

TO: Avv. Giuseppe Serra, Piazza Borsa 22,
Napoli.

1) CAFIERO's claim for repayment has been considered and it has been decided that he shall be paid the 82,700 lire.

2) The Allied Financial Agency has been authorized to make the payment.

For the Commissioner:

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

CCB/pv

GOVERNO MILITARE ALLEATO

C I T A Z I O N E

Data Napoli 19 Giugno 1944

Name CAFIERO RAFFAELE FU PASQUALE
Nome

Adress Via A.Porzio n.5 Piano di Sorrento
indirizzo

Voi siete a mezzo di ciò citato e richiesto di presentarvi personalmente davanti un
Tribunale Superior Court I addi 20 Giugno 1944 alle ore 9/30 sotto le

Indirizzo della Corte	Data	Orario
Address of Court	Date	Hour

seguenti accuse Violation Proc.3 art.2 sec.3 and Proc.10 art.1 sec.1 on the 11th marz.
 1944 the defendant together with the second accused man, or alone, bought 1477 dollars
 with bleu seal from two member of the Allied Forces payng for theirs 1.190 each.
 Offesa: Violation Proc.3. art.2. sec.3 e Violazione Proc.10 art/1 sec.1 Let.A Il giorno
 11 marzo 1944 l'accusato assieme al secondo accusato, e solo, acquistava 1477 dollari col
 timbro blu da due membri delle Forze Alleate, pagandoli 1.190 ognuno.

Per ordine

1st LT. Eric Beldman

Firma dell'individuo autorizzato.

Prosecutor Superior Court n.I

20/6/44 ore 9.30

162

HEADQUARTERS MILITARY COMMISSION
 APO 394
 LEGAL SUB-COMMISSION

AC/rm
 26 July 1945

AC/4883/1/L

SUBJECT : CASIERO Refuse-Is.

TO : Attorney Giuseppe SEMA
 Piazza Borsa 22

ITALY

1. Reference your letter of 5 July 1945 the refund of the of the \$372 at the rate of L. 100 per dollar was effected by the Finance and Officer in Naples on the instructions of this Sub-Commission who carefully reviewed all the circumstances and the legal aspect of the case.

2. The matter is now closed.

A. C. W.

A. C. WRIGHT,
 Major,
 Judicial Branch,
 for Chief Legal Advisor.

Copy to : Legal Officer
 APO 394 Zone.

161



Ministero di Grazia e Giustizia

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

Ufficio I° A.P.
Tel. N° 131.253/1179/45

ALL'ON. COMMISSIONE ALCANTARA
Sottocommissione Legale
ROMA

e per conoscenza:

ALL'UFFICIO COLLEGAMENTO
CABINETTO S.E.L.E.

Risposta 1. 25/5/945 n. AC/4083/
I/L

Oggetto: - Causa di ALDI GIULIO e CAMPO TEODORO -

Facendo seguito alla nota pari numero in data 16/6 u.s., si comunica che il Procuratore Generale del Regno presso la Corte d'Appello di Perugia, con foglio del 25/6/945, ha assicurato questo Ministero circa l'esatto adempimento di quanto venne richiesto da cotesta On.le. Sottocommissione con il foglio sopra distinto, avente per oggetto i detenuti Aldi Giulio e Campo Teodoro.-

Il Direttore DEL MINISTERO

STAMPATO IN ITALIA

1895

20 JUL 1945

75

1895

9-10-45

2081

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 July 1945

SUBJECT: Case of URRARO Luigi di Giuseppe
TO : Chief Legal Officer, Legal Sub-Commission,
A.C., Rome.

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

For the Local Commissioner:

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
CLP	
29 JUL 1945	

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

160

27

HEADQUARTERS
ANG - NAPLES CORNUNE
LEGAL DIVISION
APO 394

(2083)

26 July 1945

SUBJECT: Case of LIQUORI Gennaro fu Giuseppe

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

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

For the Local Commissioner:

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CIO
Italian Section
29 JUL 1945

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

159

2082

HEADQUARTERS
ANG - NAPLES COMBINE
LEGAL DIVISION
APO 394

26 July 1945

SUBJECT: Case of PETTORINO Rolando di 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:

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
10 JUL 1945	

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

158

x7

(2080)

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 July 1945

SUBJECT: Case of Marzullo Mario fu 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:

LEG. SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Consul	
CL. AG.	
25 JUL 1945	

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

157

HEADQUARTERS
ANG - PAPLES COMMUNE
LEGAL DIVISION
APO 394

2079

26 JULY 1945

SUBJECT: Case of Aluzzi Pasquale 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:

LEGAL SUB COMMISSION
CLO
DCLO
Chief Counsel
CJO
RECEIVED
29 JUL 1945

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

156

x1

2078

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 July 1945

SUBJECT: Case of LAVARONE Salvatore and BERNARDINI Franco

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.

155

LEGAL SUB-COMMISSION	
GLO	
DCLO	
Chief Counsel	
CJO	←
Section	
PL 123	
29 JUL 1945	

27

2077

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

26 July 1945

SUBJECT: Case of Giurolo Luigi di Gaetano,

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

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

For the Local Commissioner:

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

154

LEGAL SUB COMMISSION	
CLO	
DOLO	
Chief Counsel	
CJO	
Major, JAGD	
CL RKS	
28 Jul 1945	



31

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

2076

26 July 1945

SUBJECT: Case of Iaccarino Giosuè

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.

153

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	
29 JUL 1945	

27

4083/1
HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

2075

REF: RIX/IE/608/59

WHL/EP.
26 July 1945.

SUBJECT: BALDUCCI Ferdinando, General Military Court, Ravenna.

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

1. Forwarded herewith record of trial in above case for review at your Hq.

2. No petition for review has yet been received, but in view of the early closing of this Region, it is deemed advisable to forward the record at this time.

For the Regional Commissioner :

WHL/EP
WILLIAM H. LEVIT
Lt. Col., J.A.C.D.
Regional Legal Officer.

Encls. as above.

file

REG. DIV.	
CIO	
DCIO	
Chief Counsel	
CIO	
Italian Liaison	
CLERKS	
27 JUL 1945	

152

29

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/668/56 JHL/glg.
26 July 1945.
SUBJECT : Carlo DAVOLI, General Military Court, Modena .
TO : Headquarters, Allied Commission, APO 394 (for Chief
Legal Advisor).

1. Forwarded herewith record of trial in above case for review at your Hq.

2. No petition for review has yet been received, but in view of the early closing of this Region, it is deemed advisable to forward the record at this time.

For the Regional Commissioner.

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

Encls: as above

ALLIED COMMISSION	
CLO	
OCLO	
Chief Counsel	
CIO	
Hallan - Section	
CLERKS	

151

X7

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Superior Court Records

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

From: S.L.O. Ancona Commune

Ref: Anc/11/12/1

Date: 21 July 1945

LEGAL OFFICE

Ancona

1. Enclosed herewith is Superior Court Record#
following cases:

District

D1 Ancona

No of case

1042 - RITA Bruno

B.E. Dreyfus

B.E. DREYFUS Major
Senior Legal Officer
Ancona Commune

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

2072

25 July 1945

SUBJECT: Case of PERRELLA Salvatore 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.

149

26 JUL 1945

x2

Legal S/C 2071

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: A.M.G. Courts Cases
To: C.L.A. Legal Sub Commission A.C. = ROME
From: S.L.O. Ancona Commune
Re: Anc/11/12/3/D 1
Date: 19 July 1945

4083/1
✓

LEGAL OFFICE

Ancona

1. Enclosed herewith are records of cases decided by me on 17 July 1945.

2. The only case which calls for comment is case No 1060 in which the accused was charged with stealing 7x100 lbs bags of sugar which were found in an Italian minesweeper. The accused at first pleaded guilty, but on examining him on oath my predecessor changed the plea to not guilty and adjourned the case for evidence. On the adjourned hearing a witness gave evidence that he heard the accused (who was a member of the crew of the barge from which the sugar was removed) arranging with certain other persons to remove the sugar, that he saw the sugar removed and that although the accused did not physically assist in removing the sugar, he was on the barge at the time. The accused had admitted that he was a member of the crew, but denied that he actually removed the sugar. I came to the conclusion that accused was a party to the conspiracy to remove the sugar and was present at the removal.

I therefore convicted him and sentenced him to three months imprisonment.

My order, which I made at the hearing, is on the file.

15 Incl.
(Charge sheets)

LEGAL SUB-COMMISSION
CLO
15 Incl.
Counsel
Station Section
CLERKS
12 JUL 1945

x1

B.E. Dreyfus
B.E. DREYFUS
Major
Senior Legal Officer
Ancona Commune

4083/1
 VENEZIA PROVINCE
 VENEZIA REGION
 ALLIED MILITARY GOVERNMENT
 A P O 394

17 July 1945

TO : HQs - A.G. (attn. Legal Sub-Commission)
 FROM : Capt. W.T. Boone - Legal Officer.
 SUBJECT: Case of Zenobi Mazzareno et al.

REF AG/4083/1/1- 9 July 45

1. The charges in the above case were properly before a Superior Court. An order had previously been made granting authority to me to refer any case directly to a Superior Court. This case was referred direct during a Summary Court session and the attorneys for the accused and the accused themselves advised in court of such reference and of the date of trial. By oversight the record did not so state.

2. This case, as I recall it, was tried on a date early in May and not on 6 June 45 as the above letter states.

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian	
CLERK	
19 JUL 1945	

W.T. BOONE, Capt. GIP,
 Legal Officer.

File with case
 records
 14

2069

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

/lrb.
5 May 1945.

SUBJECT : Case against SAETTA Giuseppe (Case 8524).

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

The record in the above case states that the
evidence is contained in another case that of AZZURRO
Pasquale. Will you please forward the same.

By command of Rear Admiral STONE:

W. E. Behrens

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

148

X/

file

2068

HEADQUARTERS ALLIED COMMISSION
APO 394
GENERAL SUBCOMMISSION

AC/4083/1/L.

ACW/rm.
23 July 1945.

SUBJECT : Case of FOSSATI Bruno.

TO : Commissioner (attn. Legal Officer),
Administrative Zone.

1. Above named detained in prison at S. Gimignano on sentences of 12 months and 3 months concurrent imposed by the Court at Florence on 15 March 45.

2. On reconsideration the sentences are reduced to 6 months and 3 months concurrent and will accordingly expire on 14 Sept. 45 when above named is to be released if not detained for other lawful cause.

3. Will you ensure that above decision is carried into effect and may this H.C. be advised that this has been done.

By command of Rear Admiral STONE:

J. P. D.

A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

145

+2

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

Jb/

AC/4083/1/L

24 July 1945

SUBJECT : Summary Court Records

TO : Commissioner (attn: Legal Officer),
A.M.G., ANCONA Zone

1. Reference your letter Ans/11/12/9/DI of 21 July 1945.
2. It is observed that the following records were not enclosed as stated :

	<u>Name</u>	<u>Your case no.</u>
a)	GIACCHI Giulio	1028
b)	DI PICCOLI Giuseppe	1032
c)	ANDREANI Arturo	1035

It is also noted that the following records were not included on the list forwarded :

	<u>Name</u>	<u>Your case no.</u>
	BARTOLZI Fernando	1016
	OSTROMI Mario et al	1017

By Command of Rear Admiral Stone.

A. C. Wright
A. C. WRIGHT,
Major,
Judicial Branch.
for Chief Legal Advisor.

144

2060

bill

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/lrb.
5 May 1945.

AG/4083/1/L.

SUBJECT : Case of COSSI Andrea.

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

1. The record of COSSI Andrea has been reviewed and the file is being retained here to be added to your records when they arrive.

2. The conviction in the above case has been quashed.

3. Please communicate the above decision to the accused as soon as possible.

By command of Rear Admiral STONE:

W. E.

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

143

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

2065

23 July 1945

SUBJECT: Case of MASTRIANI Eugenio and PERANZA 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.

142

24 JUL 1945

67

4083/1 ✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

(2064)

Ref.: LEG/5007

23 July 1945

SUBJECT : Cassinera Angelo - Case No. 000094
Rovati Bruno - Case No. 000093

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

1. Enclosed herewith for Review are the Records of trial of the above cases.

For the Regional Commissioner :

H.E. Dickie
H.E. DICKIE
W/CDR. RAF
Regional Legal Officer

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
24 JUL	

141

VO

4083/1

2063

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

W HL/glg.

23 July 1945.

REF : RIX/LE/658/8
SUBJECT : MONTANARI Giuseppe, et al (Superior Court, Reggio Emilia).
TO : Headquarters, Allied Commission, APO 394 (for Chief Legal Advisor).

1. Forwarded herewith record of trial in the above cases for review by your Headquarters.

For the Regional Commissioner.

William H. Levitt
WILLIAM H. LEVITT.

Lt. Col., J.A.G.D.
Regional Legal Officer.

Encls: as above

JO COMMISSION	
CLC	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
24 JUL 1945	

140

4043/1
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

Legal S/L

2062

Subject: Summary Court Records
 To: C.L.A. Legal Sub Commission A.C. = ROME
 From: S.L.O. Ancona Commune
 Ref: Anc/11/12/3/D 1
 Date: 21 July 1945

LEGAL OFFICE

Ancona

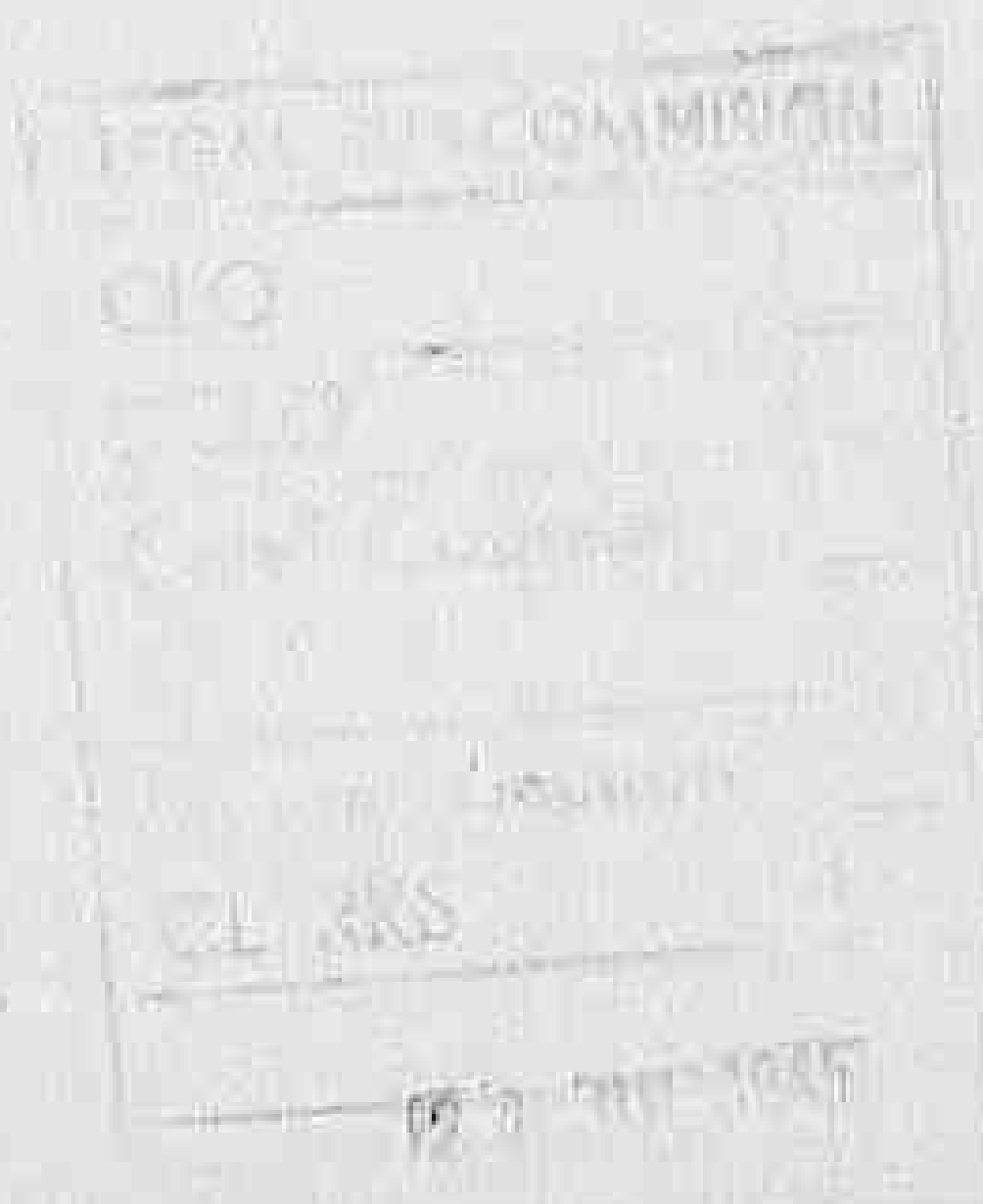
1. The following Summary Court Records are forwarded herewith:

District
 DI Ancona

No of cases(s)

✓960- Campanella Pericleo ✓
 ✓962- Mannozi Mario ✓
 ✓981- Barbotti Mario ✓
 ✓" - Belliconi Settimio ✓
 ✓984- Scaccini Lucio ✓
 ✓" - Scaccini Elvia ✓
 ✓" - Lombardi Lando ✓
 ✓992- Cantani Arturo ✓
 ✓993- Coen Enrico ✓
 ✓1003- Tommassini Ferruccio ✓
 ✓" - Travagli Fernando ✓
 ✓1004- Lanternari Ennio ✓
 ✓1005- Russo Mario ✓
 ✓" - Ardimento Enrico ✓
 ✓1006- Martarelli Pacifico ✓
 ✓" - Grassi Giuseppe ✓
 ✓1007- Lazzaro Adolfo ✓
 ✓1008- Castellani Anna ✓
 ✓1009- Vannucci Angelo ✓
 ✓1010- Balducci Sisino ✓
 ✓1011- Camborata Mario ✓
 ✓1012- Bottegoni Vincenzo ✓
 ✓1013- Stramigioni Mario ✓
 ✓1014- Branelli Giulio ✓
 ✓1015- Tommassetti Mario ✓
 ✓1018- Paolini Mafalda ✓
 ✓1019- Libranome Mario ✓
 ✓" - Libranome Gino ✓
 ✓" - Biondi Bionoto ✓
 ✓" - Guarnello Rinaldo ✓
 ✓1021- Fiorini Emilio ✓
 ✓1022- Anzietti Salvatore ✓
 ✓1023- Di Giorgio Giovanni ✓
 ✓1024- Marziali Domenico ✓
 ✓1025- Biselli Amos ✓
 ✓1026- Meloni Antonio ✓
 ✓1027- Morigi Silvano ✓

133



13

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Summary Court Records

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

LEGAL OFFICE

From: S.L.O. Ancona Commune

Re: Anc/11/12/3/D 1

Ancona

Date: 21 July 1945

1. The following Summary Court Records are forwarded herewith:

District
DI Ancona

No of cases(s)

✓1031- Corazzi Ivo ✓
 ✓1032- Di Piccoli Giuseppe
 ✓1035- Anselmi Arturo
 ✓1028- Giache Giulio
 ✓1038- Crivelloni Achille x ✓
 ✓1033- Vitali Vincenzo x ✓
 ✓1034- Laura Giuseppe x
 ✓1036- Ricci Romolo x ✓
 ✓1037- Lombardi Virgilio x
 ✓1039- Morena Elio x
 ✓1041- Mosca Remo x
 ✓1043- Soci Fernando x
 ✓1044- Athanasios Karambis x
 ✓1045- Zannini Piero x
 ✓1046- Jona Gipo x
 ✓1047- Stimilli Sigliffredo x x
 ✓1048- Lucangeli Vincenzo x
 ✓1049- Bonfiglioli Mazzarano x
 " - Sentinelli Severino
 " - Antonietti Alfredo
 ✓1051- Camarelli Nicolino x
 ✓1052- Bernardoni Guerrino x
 " - Prosperi Giuseppe
 ✓1053- Jobbi Lamberto x
 " - Pignocchi Marcello
 " - Silvestrelli Roberto
 " - Clagnoli Luigi
 " - Signorino Roberto
 " - Barigelletti Vitaliano
 ✓1054- Chiavetti Ivo x
 " - Chiavetti Alvisio
 " - Pambianco Enrico
 " - Pambianco Arsenio
 " - Tommassoni Giovanni
 " - Pambianco Armando
 ✓1055- Pieroni Lamberto x
 " - Maglieri Vincenzo
 ✓1055- Penna Bruno x
 ✓1056- Patrizi Oderico x
 ✓1057- Rosi Carlo x
 " - Rossi Renato

Not received
 See letter
 4083/1/2 of
 24 Aug 45
 T/48. Sella

138

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Summary Court Records

To: C.L.A. Legal Sub Commission

LEGAL OFFICE

From: S.L.O. Ancona Commune

Ref: Anc/11/12/3/D1

Ancona

Date: 21 July 1945

1. The following Summary Court Records are forwarded herewith:

District	No of cases(s)
D1 Ancona	✓1058- Campanari Giovanni -x
	✓1059- Mazza Giambattista -x
	✓1061- Vareli Aldo -x
	✓1064- De Giacomi Ventura x
	✓1064- De Giacomi Edoardo x
	✓1065- Bastinelli Alfredo -x
	✓1067- Piersantelli Ernesto x
	✓1068- Branchiesi Duilio -x
	✓1069- Angelucci Adelmo -x
	✓1070- Mossotti Errante -x
	✓1071- Marinelli Antonio -x
	" - Temmi Gino
	✓1072- Paci Domenico -x
	" - Di Scipio Nicola
	" - Antonini Franco
	✓1073- Liberato Americo -x
	" - Di Benedetto Camillo
	" - Di Cesare Giacomo
	✓1074- Sampaolesi Giuseppe -x
	✓1078- Bracci Francesco -x
	✓1079- Baldinelli Giulio -x
	✓1080- Coacci Cesare -x
	✓1080- Luminari Furio x
	✓1080- Mazzante Antonio x
	✓1081- Fava Mazzareno x
	✓1082- Montini Gino x
	✓1083- Marano Pilone x

138

B.E. Dreyfus

B.E. DREYFUS Major
Senior Legal Officer
Ancona Commune

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

2061

L-8104

20 July 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 14 June thru
22 June 1945.

For the Commissioner:

CCB/pv

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

135

22

2060

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
BRESCIA PROVINCE

Breno, 16 July 1945

CAO Br/28

SUBJECT: Case of Fabbri, Pietro di Domenico

TO : Legal Sub-Commission
Hq. A.C.

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

2. The account referred to was maintained in the Bank of Naples, Rome, and at the time of closing of the account the balance of funds was turned over to the Finance Officer, Lazio-Umbria Region, together with a list of the names of persons on whose account they had been taken.

3. Your paragraph 4 is approximately correct, but specific details of the entire handling and disposition of the funds in question may be obtained from Mr. Roy Melone, my former Sr. Adm. Asst., now employed by Mr. Henry Tasca, U.S. Treasury Representative in the U.S. Embassy, Rome.

Harold B. Lipsius
HAROLD B. LIPSIOUS
1st Lt., CMP
Civil Affairs Officer
134

3AL SUBCOMMISSION
LO
CLO
Chief Counsel
CLO
Italy

19 JUL 1945

GAO Br/28

Breno, 16 July 1945

SUBJECT : Case of Rabbri, Pietro di Domenico

TO : Legal Sub-Commission
Hq. A.C.

1. Reference your letter AG/4083/1/L

2. The account referred to was maintained in the Bank of Naples, Rome, and at the time of closing of the account the balance of funds was turned over to the Finance Officer, Lazio-Umbria Region, together with a list of the names of persons on whose account they had been taken.

3. Your paragraph 4 is approximately correct, but specific details of the entire handling and disposition of the funds in question may be obtained from Mr. Roy Melone, my former Sr. Adm. Asst., now employed by Mr. Henry Tesco, U.S. Treasury Representative in the U.S. Embassy, Rome.

Harold B. Litsius

HAROLD B. LITSIUS
1st Lt., CMP
Civil Affairs Officer

134

LEGAL SUB-COMMISSION
LO
DCLO
Chief Counsel
CLO
Section
19 JUL 1945

file

2059

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ACW/rjp

AC/4083/1/L

22 July 1945

SUBJECT: Case of FABBRI Pietro di Domenico

TO : Mr. Roy Melone, c/o Mr. Henry Tasca
U.S. Treasury Representative, U.S. Embassy, Rome

1. Enclosed is copy of a letter dated 9 July 45 from this HQ to 1st Lt. Lipsius explaining the position of the above case, and copy of his reply of 16 July 45.

2. You will observe that it has become necessary to pay over to above named a sum of 3808 lire proceeds of goods (garden produce) which were NOT confiscated by the Court.

3. In order to effect payment it is desired to know where the money may be lying and any assistance you can give will be much appreciated.

A. C. W.

A. C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor

Incl: 2 letters

13

file

17

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2055

AG/4083/1/L.

JL/rm.
20 July 1945.

SUBJECT : DE PAIO Cecilia, fu Gaetano.

TO : Allied Commission
Liaison Officer, BARI.

1. Reference your letter LR/53/58 of 16 July 45, submitting the petition on behalf of DE PAIO Cecilia fu Gaetano.

2. The case has been reviewed and on reconsideration the conviction has been affirmed but the sentence of 14 days has been suspended conditioned on good behavior of the accused during continuance of Allied Military Government.

3. The accused was tried on 25 Jan. 45 before an Allied Summary Court, sitting at Bari. The charge was Violation of Art. 712 of Italian Penal Code. Her civilian address, as stated on the record, is via Travisanzi # 48 - Bari -. The Petition states that at the present she is confined at the "Ospedale Civile di Molfetta".

4. According to the petition, it is believed that an order for her return to prison, after dismissal from the hospital, is yet outstanding.

5. Unless the prison authorities have other lawful reason for her rearrest, will you please issue the necessary instructions cancelling any order or warrant, that may be outstanding for the satisfaction of above sentence.

6. Please confirm on the enclosed duplicate that the above decision has been given effect.

132

By command of Rear Admiral STONE:

JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

-2-

To : Legal Sub-Commission, HQ, A.C., C.M.F.

Reference para. 5. Done. Woman released at 1645 hrs.
on 24th July, 1945.

S. W. Miller
S. W. MILLER, Colonel,
Liaison Officer, A.C., BARI.

file

2055

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

JL/rm.
21 July 1945.

SUBJECT : Denuncio by SULAS Riccardo fu
Giovanni e di PINNA Vittoria.

TO : Tribunale Civile e Penale di Roma.

1. Returned herewith are papers sent to this office,
presumably in error.

2. It is suggested that the enclosed be sent to
Rome Allied Area Command attention Provost Marshal.

A.P.W.

A.C. WRIGHT,
Major,
for Chief Legal Advisor.

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FI

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2057
JKH/rjp

AG/4083/1/L

21 July 45

SUBJECT: Case of LA MARCA Renato di Luigi

TO : Commissioner (att. Legal Officer)
AMG Naples Zone

1. The above case is returned for clarification.
2. Nowhere on the charge sheet is set out the Proclamation or order which the accused is alleged to have violated. The particulars simply allege "Neglect of duty 0230 hours, Area M. 3". The accused was found guilty and a fine of 500 lire was imposed, to be paid 25 May 1945; term in default of payment 5 days.
3. Article 46 Hague Convention No. IV, 18 October 1907 respecting the Laws and Customs of War on Land, reads as follows:
"Family honor and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected."
Private property cannot be confiscated!
4. According to Article 46, supra, private property must be respected and cannot be confiscated. This rule affords protection against the loss of property thru outright confiscation, but not against losses incurred thru requisitions, contributions, seizures, fines taxes and appropriation. Numerous and important as these permitted measure may be, they are far from exhausting the conceivable confiscations. It constitutes, however, the basic principle of the treatment of private property under the Hague Regulations.
5. The modern practice appears in the dictum of the United States Supreme Court that "the conduct of the American Military Governor in Porto Rico, in making an order judicial in its nature, depriving any person of his property without due process of law, was not only without executive sanction, but also contrary to limitations arising from general rules of International law. Hyde, page 368, quoting the case of Ochoa - V. Hernandez; 230 U.S. 139, 164, 165; Oppenheim, page 326, citing the same case

45

-2-

6. In the case under examination, by an order judicial in its nature, under the compulsion of spending five days in jail, the accused is required to forfeit 500 lire of his private property to Allied Military Government. Under what process of law is the judgment predicated? What proclamation has been infringed: what order issued under a u t h o r i t y of Allied Military Government or the Allied Forces has been violated? In that connection, attention is directed to a letter dated 1 February 1945, AG/4149/L, a copy of which is enclosed.

7. The Record is returned herewith. May it please be returned with the requested information.

By command of Rear Admiral STONE

Incl: Case of LA MARGA
1 Letter

JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor

129

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2056

AG/4083/1/L.

JL/rm.
20 July 1946.

SUBJECT : DE PALO Cecilia, fu Gaetano.
TO : Allied Commission
Liaison Officer, BARI.

1. Reference your letter LB/63/55 of 16 July 45, submitting the petition on behalf of DE PALO Cecilia fu Gaetano.

2. The case has been reviewed and on reconsideration the conviction has been affirmed but the sentence of 14 days has been suspended conditioned on good behavior of the accused during continuance of Allied Military Government.

3. The accused was tried on 23 Jan. 45 before an Allied Summary Court, sitting at Bari. The charge was Violation of Art. 712 of Italian Penal Code. Her civilian address, as stated on the record, is via Travissani # 48 - Bari -. The Petition states that at the present she is confined at the "Ospedale Civile di Molfetta".

4. According to the petition, it is believed that an order for her return to prison, after dismissal from the hospital, is yet outstanding.

5. Unless the prison authorities have other lawful reason for her rearrest, will you please issue the necessary instructions cancelling any order or warrant, that may be outstanding for the satisfaction of above sentence.

6. Please confirm on the enclosed duplicate that the above decision has been given effect.

By command of Rear Admiral STONE:

T23
123

JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

X/

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

(2054)

L-5040

20 July 1945

SUBJECT: Case of LAVIANO Vincenzo fu Pasquale.

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

1. There is transmitted herewith Form 8 in the
case of the above subject for review.

2. This file was inadvertently placed with
reviewed cases.

For the Commissioner:

CCE/pv.

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

21 JUL 1945

608311

2053

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

19 July 1945

SUBJECT : Bogoni Elvino - Case No. 00123

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

1. Enclosed herewith record of trial and petition for Review in the above case.

2. It is considered that there is ample evidence to support the conviction but that the sentence of three years imprisonment is too severe under the circumstances of the case. It is therefore recommended that 18 months of the sentence be suspended.

For the Regional Commissioner :

H.M. Dickie
H.M. DICKIE
W/CDF. RAF
Regional Legal Officer

vb

CLO

DCLO

Chief Counsel

DPO

Section

LINKS

20 JUL 1945

4083/1

(2052)

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

19 July 1945.

TO : Chief Legal Adviser, Legal Sub-Commission,
HQ., AC.

SUBJECT : Petitions for Review.

File No : RXII/Le/Udi/A/04.

Herewith for review documents in the cases of
Fonda Luigi, Olivotto Antonio and Marionhio Stefano, tried
together by a Superior Military Court at Cervignano, Provin-
ce of Udine, on 15 June 1945.

H. L. Wimmer

Colonel,
Regional Legal Officer,
Venezie Region.

126

CLIO	
DOLO	
Chief Counsel	
DOLO	
Section - Section	
CL RKS	

27

✓

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

2051

19 July 1945

SUBJECT: Case of Parità Annibale fu Alberto

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

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

For the Local Commissioner:

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

125

27

✓

2050

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

19 July 1945

SUBJECT: Case of Libertini Luigi di Luigi

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

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

For the Local Commissioner:

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

124

20 JUL 1945

4083/ ✓

(2049)

HEADQUARTERS
ANG -- NAPLES COMMUNE
LEGAL DIVISION
APO 394

19 July 1945

SUBJECT: Case of Di Leva Giovanni and Tempio 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.

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20 JUL 1945

1

HEADQUARTERS ALLIED COMMISSION
AFS 394
LEGAL SUB-COMMISSION

JAN/rm.
17 July 1945.

AC/4933/1/L.

SUBJECT : Case of SPAZZOLI Jader, SILVESTRONI Benzo,
ZATTI Gino, TALIONI Giovanni,
RIVOLTA Attilio.

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

1. In the above case, the accused SPAZZOLI Jader et al were charged with the offenses:

- (a) Violation of Proclamation 1, Article IV, Section 5 (unlawful possession of fire arms)
- (b) Violation of Proclamation 1, Article V, Section 45 (an act to the prejudice of good order of the occupied territory)

2. The conviction and sentence for violation of Proclamation 1, Article V, Section 5 have been affirmed.

3. The gist of the offense charged under Proclamation 1, Article V, Section 45 is contained in the allegation that the accused were found travelling in a motor car with others armed with automatic pistols. It is readily apparent that the automatic pistols are the identical weapons described in the first offense.

4. Attention is drawn to the provisions of Article 12, paragraph 8, B, Consolidated Instructions, which provides:

"where however, the facts constitute two or more offenses of the same general nature (e.g. stealing and being in unlawful possession) the more serious offense only should be charged. If the prosecution is doubtful whether it can prove its case in regard to the more serious offense, then the less serious offense should be charged in the alternative"

5. The charge of unlawful possession of fire arms is the more serious. Under Proclamation 1, Article IV, Section 5, this offense is punishable by death, or imprisonment, or fine, or both imprisonment and fine as the court shall direct; whereas, under Proclamation 1, Article V, Section 45, an offense is punishable by imprisonment, or fine.

- 2 -

or both as the Court shall direct.

6. The charge under Proclamation 1, Section V, Article 45 may be challenged on the ground that it cannot be resorted to in any case where the act is denounced by another article of the Proclamations. In Courts Martial law where an article similar to section 45 may be found, it is well established that "the disorders and neglects include all acts or omissions to the prejudice of good order and military discipline not made punishable by any of the preceding articles"

7. Without passing on the premises set forth in paragraph 6, supra, the conviction under Proclamation 1, Section V, Article 45 is affirmed but the sentence of three years is reduced to two years in each case, and will be concurrent with the sentence under Proclamation 1, Section IV, Article 5. It is believed that such action is in keeping with the directions set out in Article 12, paragraph 8, b, Consolidated Instructions for Allied Military Courts, and discussed in paragraphs 4 and 5, supra.

By Command of Rear Admiral STONE:

JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

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(2047)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.
17 July 1945.

AG/4083/1/L.

SUBJECT : SOCCIONOVO Pietro and Ivo.

TO : Commissioner (attn. Legal Officer),
AMC ANCONA Zone.

1. Reference you letter Anc/11/7 of 14 July 45.
2. As stated in para 1 of this Hq letter 4083/1/L of 16 June 45 the enclosures to your letter Anc/11/7 of 21 May 45 were returned and accordingly this office does not have any papers on the case.

By command of Rear Admiral STONE:

A. C. W.

A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

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4083/1
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

2046

Subject: SOCCIONOVO Pietro etc.
To: C.I.A. Legal Sub/Commission H.Q. A.C. = ROME
From: S.I.O. Ancona Commune
Ref: Anc/11/7
Date: 14 July 1945

LEGAL OFFICE

Ancona

Ref. your AC/4083/1/L dated 16 June 1945.

1. Please return the application in revision in the a/m case, which should be of assistance in tracing the case, as it presumably gives the date of conviction and the sentence inflicted.

16 JUL 1945

B.E. Dreyfus

B.E. DREYFUS

Major

Senior Legal Officer

Ancona Commune

file

119

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2045)

JKN/rm.
17 July 1945.

10/4082/1/L

SUBJECT : SARCHIONE Caroline.

TO : Procura. Unificata

F I R E N Z E

1. Reference you letter Prot. No. 3192/45/06 of 30 June 45 and addressed to Allied Commission.

2. Under Article 15 Italian CSM this offense is triable under Italian law. Presumably, the arrest report was transmitted to you for purpose of trial, as the summons was returnable to the Office of Procurement del Reame and not Allied Military Government tribunal. It also will be noted that the charge is not placed under Allied Military Government proclamations.

3. The trial of this case should proceed under Italian law, as intended by the arresting authorities.

JOHN E. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

Enclosure : In re Caroline SARCHIONE
all arrest report.
Cpl T. BRYAN - statement
" " - translation
In re Caroline SARCHIONE
charge sheet.

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17

Art 10 CPWIG.

I send herewith the
attached report in re
SARCHIONE Carolina,
with a request that
you communicate to me,
if any instructions exist
whereby DCL 162 of
20 July 1944 has
been abrogated, of
which Art 1 states
that ~~with~~ with the
cessation of AM 6
here in France

of 19 June 45, they are
no longer in force. All
orders & decrees emanated
by AM 6.

If the said Decree
is always in force, I
request you to inform
the Allied Police
that said decrees are
no longer in force.

I would appreciate
hearing your opinion
in interest of justice.

R. PRETURA UNIFICATA
FIRENZE

Prot. 3198/45/Op. Allegati

Risposta al foglio N. del

Pubb. Safety 30. Maggio 1945
Firenze, liAl Comando della
Polizia Municipale Alcatraz
Piazza S. Maria Firenze

Restituisco l'elenco e rapporto
a carico di Carlione Carolina con
preghiera di comunicarmi se su ista
no disposizioni in virtù delle quali
sia stato abbogato il d. d. l. 20. L. 1944
n. 162 il cui art. 1 dispone che con la
cessazione della Amministrazione militare
Alcatraz - per la Firenze dal 19 Maggio 1945 -
non hanno più ~~in~~ vigore ~~nessi~~ tutti i pro

clausura e le ordinanze emanate
in precedenza dalle competenti.

Autonità dell'A.M.G. =

Se tale D.L. è sempre in vigore lo
pres. la S.T. di volerne riformare i
dispositivi di polizia Alleata dipendenti
perché non curino, eventualmente,
l'osservanza di disposizioni non
più in vigore -

Gradito conoscere l'opinione della
S.T. nello interesse della giustizia
e del bene
esistere

2044

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rjp

AC/4083/1/L

16 July 45

SUBJECT: Case of Giuliano VincenzoTO : Commissioner (att. Legal Officer)
AMG Naples Zone

1. Reference your letter L-5040 of 13 July 45.
2. The following cases have been received under cover of the above noted letter :

SORRENTINO Giovanni
MARMOLARO Vincenzo
SINCOLE Mario
COPPOLA Antonio
CHIANESE Biagio
BISOGNIO Gennaro
FLORIO Gennaro
DE CARLO Antonio
ORSI Michele
MIRANTE Ciro
DE SIMONE Luigi
GUIDO Luigi
SPAVONE Gennaro
TIXON Salvatore
PANZUTO Carlo
PRESUTTO Mario
DELAPOSTA Antonio
SCHIATTARELLO Ciro

It is also observed that the case of Giuliano Vincenzo is not among those forwarded.

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John
JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Adviser

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2043

AC/IM.
20 July 1945.

AC/4083/1/L.

SUBJECT : RUSO Salvatore di Cannaro.

TO : Minister of Pardon and Justice.

1. Reference enclosed petition the case was re-examined recently and by letter of 28 May 45 AC/4083/23/L (copy enclosed) this Sub-Commission advised you that the sentence of 3 years was reduced to 2 years from date of arrest 10 March 44 expiring 9 March 45.

2. Will you please give necessary instructions to notify above named and to have said decision carried into effect.

A. C. W.

A. C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

Incl : 1 petition
letter (copy) 4083/23/L
of 28 May 45.

115

43

HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUB-COMMISSION

2042
JL/ML
18 July 1945.

file
MC/1081/3/L.

SUBJECT : PENNALLI Giuseppe di Saverio,
TO : The Minister of Pardon and Justice.

1. PENNALLI Giuseppe was sentenced to two years imprisonment by a Superior Allied Military Court, at San Severo, on 16 June 44.
2. On reconsideration of his case the balance of his term of imprisonment is suspended.
3. According to the wife, LA PIETRA Maria (Via Vino Bixio 19 - Sansevero -) PENNALLI Giuseppe is imprisoned in Lecce Prison.
4. Will you please issue the necessary instructions ordering his release unless detained for other lawful cause, and may it please be confirmed that the release has been effected.

J.P.W.

A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

Copy to : Sign. LA PIETRA Maria
Via Vino Bixio 19
-SAN SEVERO-

114

BF 10 Aug

12

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2041
JL/le.
19 July 1945.

AG/4083/1/L.

SUBJECT : Carmine and Francesco MATRONE.

TO : D.A.D. - 48 Claims and Hirings NAPLES.

Enclosed please find a copy of the record which
you requested in your letter GC3/48/1120/A of 14 July 45.
It is regretted that the records contain no facts regarding
the attack on the Italian or on the British.

BY Command of Rear Admiral STONE

J.P.W.
A. C. WRIGHT,
Major,
Judicial Branch
for Chief Legal Advisor.

13
Incl: copies of Record in Re.
Carmine and Francesco Matrone.

Subject: Claim.

Tel:- No. 53384.

Ref:- CC3/48/1120/A.

Chief Legal Adviser,
Legal Sub-Commission,
A.M.G.

ROME.

Angelo MATRONE

418 Via Passanti - Terzigno, Nr. Naples.

Enclosed is a copy of a letter addressed to Allied Commission Naples concerning the above. In reply it was suggested that you could supply the information all files having been sent to you. Can you be of assistance in the matter please.

Naples
14 July 45
NC/R.

Major;
D.A.D. 48 Claims and Hirings.

Enclosures:- As above.

18 JUL 1945

41934
41935

COPY

Tel:- No. 53384.

Ref:- CC3/48/1120/A.

Subject: Claim.

HQ Allied Commission,
Southern Region,
Provincia Building, NAPLES.

Angelo MATRONE

418 Via Passanti - Terzigno, Nr. Naples.

Above has lodged a claim for alleged shooting of his son (Agostino Francesco MATRONE) by British personnel in vicinity of above address at 1800 hrs on 14 Jan '44.

Two Italian civilians (Carmine MATRONE and Francesco MATRONE) were arrested in connection with the incident and are said to have been tried by "Allied Court at TORRE ANNUNZIATA" on 23 Jan '44. They are said to have been found not guilty and hence the allegation of shooting by British personnel is pressed.

To aid investigation it is desired to see the record of the hearing of the Court and it would be appreciated if a copy of this could be supplied or if access to it could be arranged. Your help in the matter would be appreciated.

Naples, 10 Apr '45.
NC/R.

Major,
D.A.D. Claims,
48 Claims and Hirings

4083/1 ✓
(2039)
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3028/A

16 July 1945

SUBJECT: Review of cases.

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

1. Reference is made to your letter AC/4083/1/L,
JI/rm, 11 July 1945, relative to the above subject.

2. The following records have been completed
and forwarded to your office on 13 July 1945 :

- 1) MARMOLARO Vincenzo and ERCOLE Mario
- 2) COPPOLA Antonio
- 3) CHIANESE Biagio
- 4) BISOGNO Gennaro
- 5) FLORIO Gennaro
- 6) DE CARLO Antonio
- 7) ORSI Michele
- 8) MIRANTE Ciro
- 9) DE SIMONE Luigi.

3. The other records will be forwarded to your
office as soon as they will be completed.

For the Commissioner:

CCB/pv

17 JUL 1945

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, by 668
Major, J.A.G.D.,
Senior Legal Officer.

11

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-5040

13 July 1945

SUBJECT: Review of cases.

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

1. Attached hereto are the following cases
wherein records have been completed:

- 1) MARMOLARO Vincenzo and ERCOLE Mario ✓
- 2) COPPOLA Antonio ✓
- 3) CHIARESE Biagio ✓
- 4) BISOGNO Gennaro ✓
- 5) FLORIO Gennaro ✓
- 6) DE CARLO Antonio ✓
- 7) ORSI Michele ✓
- 8) MIRANTE Ciro ✓
- 9) DE SIMONE Luigi ✓

For the Commissioner:

103

CCB/pv

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, by 665
Major, J.A.G.D.,
Senior Legal Officer.

13 JUL 1945

SUMMARY MILITARY COURT F.

Naples 10th July 1945

SUBJECT : Review of cases.

TO : Hq. - Allied Commission - Legal Sub-Commission.

1. In the following cases the sentences were to be "consecutive":

Marmolaro Vincenzo and Ercole Mario
Coppola Antonio
Chianese Biagio
Bisogno Gennaro
Florio Gennaro
De Carlo Antonio
Orsi Michele
Mirante Ciro
De Simone Luigi

2. In the matter of Spavone Gennaro, the record has been changed to read "Not Guilty". Although in my practice in the U.S.A. the use of "dismissed" is normal even when the evidence has been offered in support of charge.

3. In the case of Sorrentino, "merchant seamen" are classified as civilians in the same sense as American merchant seamen. American merchant seamen are tried by Army Court. The pass to Sorrentino is issued by the Port Authorities and as such is controlled by the Port as an Italian seaman. The Italian seaman works in the Port but he works on the boat in the harbor. His classification would be similar to calling a stevedore a "winchman" or the like. Such merchant seamen have been tried by this Court since its inception.

4. I do not understand the appropriatedness of the letter dealing with case of Guido Luigi. Twenty days and 500 lire was a fair sentence. I hope these cases are not preserved for the posterity or the Italians would be certainly considered to be notoriously light fingered.

5. In the case of Tixno Salvatore, I do not know what was the mind of Lt. Seeman but from the nature of the charges I would deem the accused was sentenced on Charge I alone.

6. In the case of Panzuto, etc the accused should have been sentenced to 30 days on the 1st charge and 15 days on the second.

7. In the case of Presutto Mario di Vincenzo, an "old offender" not of record, and a second offender of record was sentenced solely on illegal possession of flowr. The minor charge was ignored. The same is true in the case of Della Porta

8. In the case of Schiattarella, this boy was not sentenced "to Questura". He was turned over to the Italian Police in the Questura since the Court had no jurisdiction and because this boy had four times previously been arrested for very serious offenses. He is 11 years of age but very intelligent and leads children older than himself. At the trial he tried to stop the other children from telling the truth. He seems able to secure an unlimited supply of boat.

9. In the case of Presutto, Della Porta and Schiattarello there was only a boat. The evidence clearly indicates the stolen flowr was in the boat. The boat was used in the commission of the crime, and without it the method used would not be possible. It is an old method for an adult to give to boys an old boat and send them in the Port to see what they could pick up. Under the Royal Navy Proclamation all that is necessary for confiscation is that a boat is in restricted waters without authority. The waters here are restricted, and also in this instance the boat actually was loaded with the stolen flowr. Seven bags were in the boat. Presutto claimed the boat belonged to all of them and so, therefore the reason for "boat confiscated" on all three records.

10. I would like to point out in the "confiscated boat" cases that this is vitally necessary. The facts indicate that such confiscations have caused a considerable cessation of illegal actions and illegal entries in the restricted waters, and "bum boating" with consequent benefit of Gr. Br. and United States. Liquor "runnig" to merchant and naval craft is almost a thing of the past although "fishermen" (who never fish) still try "bum boating" in order to secure sheets, pillow cases, cigarettes, etc.

11. The redeployment program makes Naples harbor a very busy one and also "a security" harbor due to the fact many ships and troops leave here for the Pacific. The Army and Navy, I am informed, will not tolerate any present unauthorized craft or persons in restricted waters for any purpose.


GUY S. CLAIRE
Lt. Col. JAGD,

Summary Military Court F.

file

HEADQUARTERS ALLIED COMMISSION
A.O. 394
LEGAL SUB COMMISSION

2037

AC/4083/1/L.

JRS/ra.
17 July 1945.

SUBJECT : Review of cases.

TO : Commissioner (attn. Legal Officer),
AND NAPLES Zone.

1. Enclosed herewith please find the following records:

SPADOLARO Vincenzo and SPOLLA Mario
DE CARO Antonio
DELLI Michele
MILANO Cirio
DE LINDA Luigi
FERRIS Gennaro
BILGONDI Gennaro
CHIANCHI Mario

2. The above records are returned for a second time. In each, more than one sentence was assessed. The records fail to disclose whether the sentences were concurrent or consecutive, as required by Article 20, "Sentence" page 34, Consolidated Instructions. The records have not been corrected and must be returned for proper entry.

3. It is desired that this matter be dispatched without further delay.

Y command of Rear Admiral STONE:

JOHN A. WALKER, 106
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

17

2030

HEADQUARTERS ALLIED COMMISSION
L. 394
LEGAL SUB-COMMISSIONJ./rn.
18 July 1945.

AC/4083/23/L.

SUBJECT : GUARNIERO Giovanni.

TO : The Minister of Pardon and Justice.

1. Reference your letter "Ufficio IV Prot. n. 5317/45 of 9 July 45.
2. GUARNIERO Giovanni was tried at Torre Annunziata by Allied Military Court on 7 Feb. 44 and sentenced to serve 3 years imprisonment.
3. His case has been reconsidered and it has been decided to reduce his sentence to a total of two years imprisonment from the date of judgment. His sentence will expire 6 Feb. 46.
4. The petition which resulted in re-reviewing the case, is enclosed herewith.
5. Will you please issue the necessary instructions so that the above decision will be entered on the record of the prison and also, say the prisoner please be notified of the new decision. May it please be confirmed that the decision has been put in effect.

J. C. D.

J. C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

103

B.F. 10 any

4083/1
2032
file
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

L-3028

16 July 1945

SUBJECT: Reduction of sentence.

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

1. The within inclosed copy of letter from
Ministry of Grace and Justice was handed to us by
the Director of Prisons.

2. May the content of same be confirmed?

For the Commissioner:

CCB/pv

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, by 603
Major, J.A.G.D.,
Senior Legal Officer. 104

27 JUL 1945

+5

COPI

MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE PER GLI ISTITUTI DI PREVIDENZA E DI PENA

Roma 4 Luglio 1945

Uff. VI
Prot.n. 137918/5

All'Ispettorato Carceri Regione
Meridionale

N A P O L I

e per conoscenza:

Alla Commissione Alleata -
Sottocommissione Legale

R O M A

OGGETTO: Riduzione Pena.

La Commissione Alleata - Sottocommissione Legale comunica
quanto espresso:
"AC/4083/23L.
20 Giugno 1945

Cause di:

De Novellis Vincenzo
Chiarliello Antonio
Gaetano Mario
Seviero Ciro
Amatitano Claudio
Mastrangelo Umberto

Palladino Carmine
Accardo Pasquale
Procentese Luigi
Di Celmo Paolo
Menga Gaetano
Di Celmo Giustino
Grilla Giuseppe

I nominativi di cui in oggetto vennero processati dalla
Corte Superiore Alleata n.7 di Napoli in data 5 Aprile 1944 e vennero
nero tutti condannati a:

Cinque anni di carcere dei quali due sospesi e lire 12.000
di multa o in mancanza due anni di più.

Nel riesame delle loro cause tutte le condanne sono state
modificate come segue:

Le multe sono condonate

Le condanne vengono tutte ridotte a tre anni con termine il
4 Aprile 1947.F/to "Magg. A.C. WRIGHT."

Si prega di provvedere in conformità assicurando.

N A P O L I

e per conoscenza:

Alla Commissione Alleata -
Sottocommissione LegaleR O M A

OGGETTO: Riduzione Pena.

La Commissione Alleata - Sottocommissione Legale comunica
quanto espresso:
"AC/4083/23L.

20 Giugno 1945

Cause di:

De Novellis Vincenzo
Chiarliello Antonio
Gaetano Mario
Seviero Ciro
Amafitano Claudio
Mastrangelo UmbertoPalladino Carmine
Accardo Pasquale
Procentese Luigi
Di Celmo Paolo
Menga Gaetano
Di Celmo Giustino
Grilla GiuseppeI nominativi di cui in oggetto vennero processati dalla
Corte Superiore Alleata n.7 di Napoli in data 5 Aprile 1944 e ven-
nero tutti condannati a:Cinque anni di carcere dei quali due sospesi e lire 12.000
di multa o in mancanza due anni di più.Nel riesame delle loro cause tutte le condanne sono state
modificate come segue:

Le multe sono scondonate

Le condanne vengono tutte ridotte a tre anni con termine il
4 Aprile 1947.F/to "Mag. A.C. WRIGHT."

Si prega di provvedere in conformità assisurando.

D'ordine del Ministro
F/to

ILLEGGIBILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

(Dempsey et al)

J./m.
18 June 1945.

SUBJECT : Reduction of Sentence.

TO : Commissioner (attn. Legal Officer)
AMG NAPLES Zone.

1. Reference your letter L-3028 of 16 July 45 and also the copy of Warren and Justice letter Off. VI Prot n. 137918/15 of 4 July 45.
2. It is confirmed, as shown by the enclosed copy of our letter to the Minister, that the said reductions have been ordered.

By command of Rear Admiral STONE:

J.C.W.

A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

102

2030

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/rjp

19 July 45

AC/4083/1/L

SUBJECT: Case of DANTRACCOLI Caterina

TO : Regional Commissioner (att. Regional Leg 1 Officer)
Liguria Region, APO 394

1. In the above case, the accused was charged with wrongful possession of Allied Property. Possession of Allied Property is wrongful when it is without Allied sanction. It is shown by the evidence that the accused was in possession of Allied property. In defense the accused sought to show that she received the Allied property from another Italian not knowing the nature thereof.

2. Attention is drawn to the statement of the trial judge set forth on the application for review, as follows "This was a rather bad case. The defense put forward on oath was so obviously false that I contemplated proceedings for perjury."

3. It having been proved that the accused had possession of Allied Property and such possession was without Allied sanction, the conviction was warranted.

4. Even though the petition was not filed in time, it may be considered as an informal petition. See Article 33, Consolidated Instructions. Under such Article, a decision thereon is within the province of the Regional Commissioner.

Incl:

- 1 Petition
- 1 Receipt of decision on review
- 1 Record of case
- 1 Petition for review

JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor

103

57

HEADQUARTERS ALLIED COMMISSION
PO 394
LEGAL SUB-COMMISSION

2029

J./rm.
17 July 1945.

AC/1053/11.

SUBJECT : CIAMPRISMA Davide in Gregorio.

TO : Main Panel per Minori fisici, psichici
(attn. Dott. Rodolfo LINGIONE)

3. LINGONE nel CSMH

1. Reference your letter 74 of 20 June 45, addressed to public safety and forwarded to this HQ for compliance.

2. CIAMPRISMA Davide, age 31, of Palestina was charged with the violation of Proc. 1, Part II, Article IV, section 5, ie "having in his possession, on the 18th June 1944 at Palestina a firearm except in accordance with a permit of the allied military Government."

3. The accused was tried before allied Summary Military Court on 13 July 44 and was found guilty as charged. He was sentenced to serve one year imprisonment and the firearm was confiscated.

A.C.W.

A.S. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

Copy to : Public Safety C/O
(att. Capt. WRIGHT)
your AC/11057/12
of 16 July 45 refers.

10

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

2028

4083/1
V

Tel : 478709

16 July 1945

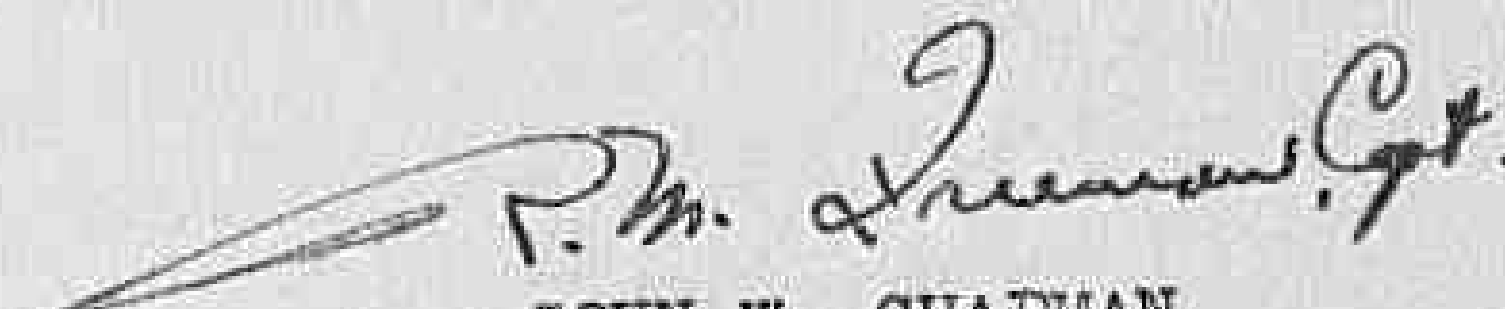
AC/14057/PS

SUBJECT : Prisoners' Record
TO : Legal Sub-Commission ✓

1. Reference: attached request from Director
Soriano prison for judicial record of:

CIANFRIGLIA Davide

If desired, this S/C will forward record to Soriano.



JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director

RMF/pl

16 JUL 1945

99

75

TRANSLATION S.D.

PENAL INSTITUTE OF SORIANO NEL CIMINO

No.7698 Tit.3 Fasc.1 Lett.74

20 June 1945

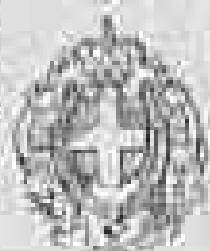
SUBJECT : Prisoner CIANFRIGLIA Davide
condemned to 1 year prison.

TO : Prisoner Officer, Public
Safety S.C.

Owing to archive reasons, we beg
you to send us the juridical position of
the a/m prisoner. On 18 July 1944 he was
condemned by Allied Tribunal to 1 year
of prison for abusive carrying of arms.

He was arrested on 16 June 1944.

Chief Alienist Physician
Acting Director
sgd illegible

Modulatio 402
GG&L

Modello N. 25 (Carceri)

51 (Riformatori)

Soriano nel Cimino 20/6/1945

MINISTERO
DI GRAZIA E GIUSTIZIATRIBUNALE PENALE PER MINORATI FISICI E PSICHICI
SORIANO NEL CIMINO*Translate*Al Prisoner Officer, Public
Safety Sub-Commission, HQ.,
Allied Commission,

Via Veneto

Via Veneto

ROMA

Risposta alla lettera

del

Ufficio

Danni

Allegati 2

Oggetto : Detenuto CIANFRIGLIA Davide fu Gre-
gorio condannato ad anni I di re-
clusione-

A corredo degli atti di questo Ufficio, si prega co-
desto On/le Comando di voler rimettere la posizione
giuridica del detenuto in oggetto, condannato dal Tri-
bunale Militare Alleato di Roma in data 18.7.1944
ad anni UNO di reclusione per porto abusivo di armi.
Il Cianfriglia venne arrestato il 16/6/1944-

IL MEDICO PRIMARIO ALLEGATO
CON FUNZIONI DI DIRETTORE
(Dott. E. S. Llesione)

91

file

2027

INTERNATIONAL ALLIED COMMISSION
APR 1945
LAW-200-20015 1-4

11/1
18 July 1945.

10/1003/23/1.

SUBJECT : MICHAEL FRANCESCO.

To : The Minister of War and Justice.

1. Reference your office's letter 10/541 of 11 July 45, forwarding the petition on behalf of the above.

2. In reconsideration the sentence of 7 years, is suspended as of 25 July 45.

3. MICHAEL FRANCESCO was tried and convicted by Naples Superior Allied Military Court on 21 January 45, and was sentenced to serve 7 years from 30 November 43. His mother, stated her address to be "Vico Campanile di Miracoli N. 22 - Napoli -".

4. Will you please issue the necessary instructions ordering the release of MICHAEL FRANCESCO, unless detained for other legal cases and please confirm that the above decision has been given effect.

A.P.W.

A.P. WICKS,
Major,
Judicial Officer,
for Chief Legal Advisor.

Copy to : Sig. Anna FRANCESCHI
Vico Campanile di Miracoli 22
NAPOLI.

2026

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/1/L.

JL/rm.
16 July 1945.

SUBJECT : Linda BARBA.

TO : Allied Commission Liaison Officer (BARI)
c/o H.Q. 54 Area
C.M.F.

1. Reference your letter LE/6150/27 of 12 July 45.

2. According to instructions received from the Finance Sub-Commission, the funds in possession of the Director of Carcere Giudiziale Centrale di Lugano, (see attached letter # 2563 of 5 June 45) should be accepted by you and then forwarded to the

Allied Commission
for Accounting Sub-Section
Finance Sub-Commission
APO 394 - US Army.

with the statement herein enclosed which was extracted from the record of the case for your convenience.

3. Returned herewith is 6709 CID Platoon AAF/TO Sub-Section, # 2 APO 520 letter of 22 June 45 and Directorate's of Carcere's letter as above quoted.

By command of Rear Admiral STONE:

95

JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

CONFIDENTIAL

Prisoner (LINDA BARBA)

1 C.I.D., P. M.,
AAF/MTO, 15 AF,
SS #2 APO 520

22 Jun 45

1. It is requested that the
attached be forwarded to AC, Legal
Officer, Bari, Italy.

ALFONSO R. CARBONE
Capt., C. M. P.
Agent in Charge

DOWN GRADED
UNCLASSIFIED

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

CONFIDENTIAL

COPIA

DIREZIONE DEL CARCERE GIUDIZIARIO CENTRALE DI LUCERA

No. 2863

Lucera 8 Giugno 1945.

AL COMANDO C.I.D.

COPIA

OGGETTO : Detenuta Maria Linda di Antonio.

La nominata in oggetto, in data 1 Giugno 1944, venne condannata dalla Corte Alleata di Foggia ad un anno di carcere e lire 2.500 di multa.

Avendo la predetta pagato a questa Direzione l'importo sopra indicato, e' stata scarcerata in data 1 corrente.

Si prega far conoscere a quale Ufficio Alleato bisogna rimettere tale somma.

Restasi in attesa di cortese riscontro.

IL DIRETTORE

(firma - illegibile)

Accused : *WAKA Inds.*

Tried by : Allied Superior Court
sitting at REGIA - Italy -

Date : June 44

Charges : Viol. of proc. 8 art. 4
Viol. of proc. 2 sec 34
Viol. of proc. order # 9.

Sentence : Charge 1- 3 months imprisonment
" 2- 12 months imprisonment
" 3- 2,500 lire fine; in default 30 days additional
imprisonment.
(sentences to run concurrently)

408311
ALLIED COMMISSION
LIAISON OFFICE
BARI

Tel.: 14152

July 12, 1945

Subject: Disposal of Money.

Ref.: LB/6150/27

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

The attached papers are forwarded for
decision please.

16 JUL 1945

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

*Remove
account and
7/12 file*

(S)

91

2024

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSIONJAN/ra.
17 July 1945.

AC/4083/1/L.

SUBJECT : Case of BANTI' Cesare of Amerigo
(your # 3282).TO : Commissioner (attn. Legal Officer)
AND LIVORNO Zone.

1. In the above case, the accused was charged with and convicted of a violation of Proclamation 1, Article V, Section 42. The specification alleges that the accused sold liquors to Allied soldiers, although previously forbidden to do so by Allied Military Police.

2. As pointed out in a letter of 1 February 1945, AC/4149/L, a copy of which is attached, orders on the civilian population or individual members thereof should be given by or on behalf of the Military Government when they are of a purely administrative nature and are directed towards the civic conduct of the people.

3. In the instant case, it is assumed that a Provincial order had been issued by Allied Military Government, and acting under such, order the Military Police had previously forbidden the accused to sell liquors to soldiers.

4. In framing charges under Section 42, it should be kept in mind that it is the violation of an order of Allied Military Government that constitutes an offense, and not the order of the Military Police. As pointed out in Appendix B, Instructions to Legal Officers of Region 8, the accused should be charged with the violation of the Provincial Order and not with Section 42.

By command of Rear Admiral STONE:

90

Incl : copy letter 4149/L of
1st February 1945.JOHN K. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

2023

HEADQUARTERS ALLIED COMMISSION
APO 3.4
LEGAL SUB-COMMISSION

ACW/rm.
17 July 1945.

AC/4083/1/L

SUBJECT : ANGLIONE Alberto, VOLTA Bruno et al.
TO : Giudice Tribunale Civile, Sezione Speciale
Parlamentare
ROMA

1. Reference your letter 794/945 of 14 July 45, returned herewith.
2. It is regretted that it is impossible to comply with your request. The only information that can be supplied has been sent to you with this HQ letter 4083/1/L of 30 May 45.

J. P. W.
A.C. WRIGHT,
Major,
Judicial Branch,
for Chief Legal Advisor.

2022

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

17 July 1945

SUBJECT: Case of Giacca Luigi fu Raimondo

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.

88

18 JUL 1945

NY

(2021)

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

16 July 1945

SUBJECT: Case of LEONARDI Giovanni di Ettore

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.

87

17 JUL 1945

1063y HEADQUARTERS
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

13 JULY 45

File : L.O. 1463
Subject : Transmission of files.
To : Hq, Allied Commission, APO 394
Attn : Chief, Legal Sub-Commission.

Inclosed herewith find 6 files Summary Court cases.
For the Zone Commissioner :

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

AW

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

2019

L-8104

14 July 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 24 May thru
31 May 1945.

For the Commissioner:

OCB/pv

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

81

4083/1
✓

2018

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

13 July 1945

SUBJECT : GARGIOLA Polinto.

TO : HQ. Allied Commission
Legal Sub-Commission.

1. Forwarded herewith for review is record of trial and exhibits thereto of the above Superior Court case. No appeal was lodged.

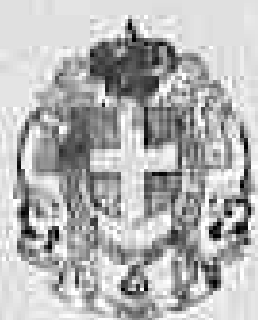
For the Regional Commissioner :

H.M. Dickie
H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

84

13 JUL 1945

vb



4083 / 1

6.7.45

2017

Mod. 40

Ministero di Grazia e Giustizia

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

ALLA COMMISSIONE ALLEATA

S. C. L. ROMA

Ufficio IV Grazie
Sect. A 4555 / 4516.5.45
AC/4083/I/LOGGETTO: FLENGHI Modesto
Istanza per grazia

Con riferimento alla nota in oggetto, si comunica che il Procuratore del Regno di Pesaro ha reso noto al nominato in oggetto il rigetto della istanza per grazia da lui avanzata. Il Flenghi, inoltre, ha fatto conoscere di non essere in grado di pagare la multa in L. 20.000 e pertanto, detta pena, verrà convertita in 3 mesi di reclusione.

D'ORDINE DEL MINISTRO

STAMPATO PRESSO IL MINISTERO

81

file

HEADQUARTERS ALLIED COMMISSION
APO 354
LEGAL SUB-COMMISSION

2016

AG/6083/4/L

JL/em.
14 July 1945.

SUBJECT : CRIBUSOLO Vito.

TO : The Minister of Pardon and Justice.

1. CRIBUSOLO Vito was tried and convicted by an Allied General Military Court, on 26 Aug. 44, sitting at Salerno. He was sentenced to serve a total of 12 years imprisonment.

2. The case has been reconsidered and the sentence reduced to four years (4) imprisonment.

3. This sub-commission has no knowledge as to the prison in which CRIBUSOLO is detained. His civilian address was given as "Via Mercurione n. 11 - MSC.1 - province of Salerno". The accused's attorney is avv. Mario RODRIGUEZ of Salerno.

4. It would be appreciated if you would issue the necessary instructions so that this decision will be entered on the prison records and also, brought to the attention of the accused. Will you please confirm that the above request has been effected.

A.P.W.

A.C. WRIGHT.
Major,
Judicial Branch,
for Chief Legal Advisor.

82

BF 30 July

t3

2015

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

I-3020

6 July 1945

SUBJECT: Counterfeit money.

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

1. Several cases involving counterfeiting of money made legal tender by the Allied Military Government, have been forwarded for review together with exhibits containing confiscated counterfeited notes. However, when the forms 8 have been returned for filing after review, said exhibits have not been included or returned.

2. In as much as the form 8 is not noted with the withdrawal of said exhibits, it is desired that this HQ be advised as to whether said exhibits are in fact retained by you. If such is the policy we should appreciate being notified of same.

For the Commissioner:

81

CCB/pv	CHIEF COMMISSION
	CIO
	DCLO
	Chief Counsel
	CJO
	Italian Section
	ST. RKS
	8 JUL 1945

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, by 60B
Major, J.A.G.D.,
Senior Legal Officer.

CCB/pv
+3

2013

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSIONJEW/ra.
13 July 1945.

4083/1/L.

Subject : Case of GIULFI Valerio et al.
and TROSTO Antonio et al.To : Commissioner, (attn. Legal Officer),
ALLIED COMMISSION.

1. Reference your letter L-3020 of 6 July 45.
2. It is confirmed, as stated in para 1 of our letter 4083/1/L of 27 June 45, subject GIULFI Valerio and others, that "the forged notes forming the exhibits in the case have been handed over to Public Safety Sub-Commission for destruction".
3. Herewith please find an authentic statement showing destruction of the "102 1000 lire notes", in the case of TROSTO Antonio et al. Hereafter, any forged currency exhibits will be destroyed and an authentic statement annexed to the case record, unless circumstances require that the particular exhibits should be treated differently.

By command of Rear Admiral STONE:


JOHN A. WEBER,
Colonel, Infantry,
Chief Judicial Officer,
for Chief Legal Advisor.

t3

HEADQUARTERS ALLIED COMMISSION
1st 394
LEGAL SUB-COMMISSION

2012

AC/1083/1/L

JL/ra.
11 July 45.

SUBJECT : Review of cases.

TO : Commissioner (attn. Legal Officer),
AMG March Zone.

1. Reference the following:

<u>This HQ letter</u>	<u>Dated</u>	<u>Forwarding case record of</u>
AC/1083/1/L	29 June 45	✓ GUIDO - Luigi ✓
"	"	✓ CHIARINI - Diego ✓
"	"	✓ COPPINI - Antonio ✓
"	"	✓ GIULIANO - Vincenzo ✓
"	30 June 45	✓ FANTIZIO - Gennaro ✓
"	"	✓ TIAN - Salvatore ✓
"	"	✓ MARIOTTO - Mario ✓
"	"	✓ LELLA FORIA - Antonio ✓
"	"	(SCHIATTARILLI - Ciro ✓)
"	2 July 45	✓ LAVONE - Gennaro ✓
"	"	✓ ALZONIO - Gennaro ✓
"	3 July 45	✓ FLORIO - Gennaro ✓
"	"	✓ MAROLANO - Vincenzo ✓
"	"	✓ ESCOLE - Mario ✓

2. May the requests in each of the above letters please be complied with and the respective case records returned for review.

By command of Rear Admiral STONE:

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

79

(2011)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/RJP

AC/4083/1/L

12 July 45

SUBJECT: The cases of Focas Giorgio; and Caritato Tipaldo

TO : Commissioner (attn. Legal officer)
AWG Naples Zone

1. The cases of FOCAS Giorgio, and CARITATO Tipaldo have been carefully reviewed, and the conviction, sentence and fine are affirmed.

2. The record contains the order "that all the evidence in this case contained in Exhibits E and F is hereby ordered confiscated". This letter is directed to such order.

3. Lawful P U N I S H M E N T S, under the proclamations, consist of death, imprisonment and fines. The extent to which a Summary, Superior, or General Court may impose such lawful punishments is determined by the boundaries of the court's jurisdiction.

4. Under the proclamations, forfeiture is an A D D I - T I O N A L P O W E R which a court possesses. Before this power may be invoked, the court must be authorized to impose lawful punishments of fines, imprisonment or death. In the instant case, it is undisputed that the evidence contained in Exhibits E and F was the property of two Greek Army officers. They were not before the court. If the Court could not impose lawful punishment against these men in the first instance it certainly could not exercise an A D D I - T I O N A L P O W E R of forfeiture.

5. Nor were these exhibits before the Court as P R O P E R T Y. The record affirmatively reveals that they were before the Court as E V I D E N C E. The Court was entitled to treat them as such, determining their probative value. Once this purpose was served, the exhibits must be returned to those entitled to take.

6. The order of forfeiture, being ultra vires, the powers of the Court, is void and is set aside.

By command of Rear Admiral STONE


W.E. BEHRENS,
Colonel,
Chief Legal Adviser

4083/1 ✓
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

2010

Subject: GALEAZZI Guido

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

From: S.D.O. Ancona Commune

LEGAL OFFICE

Ref: Anc/11/12/1

Ancona

Date: 10 July 1945

1986

Reference AO/4083/1/L - 16 June 1945.

1. Your letter was received 9 July 1945 and GALEAZZI Guido by his attorney paid the fine of 100.000,= lire on that date. This for your information.

A.R. Troxell
A.R. TROXELL
Lt. Col.
Senior Legal Officer
Ancona Commune

file

9 JUL 1945

77

4083/11 ✓

2009

HEADQUARTERS
AMG - NAPLES COMITUNE
LEGAL DIVISION
APO 394

12 July 1945

SUBJECT: Case of AFFINITO 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.

14 JUL 1945

76

4083 ✓
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

2007

L-8104

10 July 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 on 21 and 22 May 1945.

For the Commissioner:

CCB/pv

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

75

LEGAL SUB-COMMISSION	
CCB	
DATE	
BY	
REMARKS	
FILED	
INDEXED	
SEARCHED	
SERIALIZED	
FILED	

2006

HIA QUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

10 July 1945

SUBJECT: Case of Frenna Ciro 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.

74

8/1

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2005

10 July 1945

SUBJECT: Case of IORNINI Gennaro and TIZZANO 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.

73

31 JUL 1945

47

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2004

9 July 1945

SUBJECT: Case of ESPOSITO Antonio 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.

72

HEADQUARTERS
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

2003

2 July 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 27 files Summary Court cases.

For the Zone Commissioner :

Archie Johnson
ARCHER JOHNSON

1st Lt. Infantry
Z.L.O. Livorno

71

file

HEADQUARTERS ALLIED COMMISSION
AFS 394
LEGAL SUB-COMMISSION

(2003)

JKW/rm.
11 July 1945.

AG/4039/1/L.

SUBJECT : Case of NAPOLETANO Nicola di Enrico.
TO : Commissioner (attn. Legal Officer),
AFS NAPLES Zone.

1. The record in the above case is returned for completion.
2. The accused was charged with and convicted of theft of a U.S. vehicle and changing the markings thereon. There is no evidence that a vehicle was stolen. The only evidence on the changed markings on a truck is a statement by one SOLINA Lucia that two colored soldiers aided by two Italian boys, aged 14, applied white paint to a bumper, while outside the Court yard there was an Italian of normal size with some gold teeth, identified later as the accused.
3. It is requested that the missing relevant evidence be included in the record.

By command of Rear Admiral STONE:

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

WLB

BF
21 July

70

73

2002

E. PAUL YASELLI
AMERICAN LAWYER
FORMERLY DEPUTY U. S. ATTORNEY
FOR THE SOUTHERN DISTRICT OF
NEW YORK

63

RESIDENCE:
6, VIA LOVANO
TEL. 867.126

OFFICE:
45-A, VIA A. DEPRETIS
TEL. 41912

44934
CONSIGLIO DELL'ORDINE DEGLI AVVOCATI
E DEI PROCURATORI DI ROMA

PALAZZO DI GIUSTIZIA

PROT. N. 8415 Roma, 22 giugno 1945

DA ALLIED COMMISSION
ATT LEGAL SUB COMMISSION

- ROMA -

A richiesta di codesta Commissione si
comunica che il sig. B. PAUL YASELLO non
è iscritto negli Albi di Avvocato e di Pro-
curatore di Roma.

IL SEGRETARIO
(Avv. Mario Paone)

68

XJ

4083/1

2001

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
AFO 394

6 July 1945.

REF : RIX/LE/655/306

SUBJECT : Spazzoli Jader, Zatti Orano, Sivestroni Renzo, Talloni Giovanni, Rivalta Attilio, Superior Court Ravenna.

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

1. Forwarded herewith records of trial and petition of appeal in the above cases 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

Yes

67

4

2000

file

HEADQUARTERS ALLIED COMMISSION
113 394
ALLIED SUB-COMMISSION

JAN/ra.
9 July 1945.

AC/4083/1/L.

SUBJECT : Case of RAIMON Mazzarino et al.
TO : Captain A.T. BORTH, Legal Officer
VENEZIA Region.

1. There is before us for review the above case, wherein the record reveals that the accused was summoned before a Summary Court but the trial was had by a Superior Court. No proceeding is shown as to the transfer of these charges to the Superior Court. The case in question involves wrongful possession of tires and wheels, and two years imprisonment were imposed. Trial was had on 6 June 1945 at Treviso.

2. Can you inform us if the charges were properly before the Superior Court and the accused advised of such fact?

By command of Rear Admiral STONE:

W
A.E. BORTH,
Colonel,
Chief Legal Advisor.

68

17

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.

7 July 1945.

AC/4083/1/L.

SUBJECT : Case of SQUILACE Michele et al.

TO : Zone Commissioner (attn. Zone Legal Officer),
NAPLES COMBINE.

1. Reference the exhibits in the above case.
2. Upon examination of the said exhibits the following observations are made:
 - (a) For Exhibit 6 - The following are missing:
One 1000 lire bill n. 01615316 A and one
1000 lire bill n. 03001877 A.
 - (b) Exhibit 8 the following are missing:
Two 1000 lire bills n. A 03001873 A
Two 1000 lire bills n. A 03001877 A
 - (c) Exhibit unidentified as per number but said to contain
1,876,000 lire, actually contains 1,872,000.

By command of Rear Admiral STONE:

J. E. Behrens
J. E. BEHRENS,
Colonel,
Chief Legal Advisor.

file

1998

HEADQUARTERS ALBANY COMMISSION
APR 994
LEGAL SUB-COMMISSION

AC/1013/1/E.

JES/ra.
5 July 1945.

SUBJECT : Case of CARRERINO Giovanni Gi Salvatore.
TO : Zone Commissioner (Attn. Zone Legal Officer).
Navy's Command.

In the above two cases, the accused were charged with being "awol"; the evidence would indicate that the accused were members of the "Merchant Marine". In the present state of the record we are unable to determine under what theory the Court has taken and exercised jurisdiction. May we be advised thereon.

By command of Rear Admiral STONE:

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

64

plb
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(1997)
JAW/um.
9 July 1945.

AC/4003/1/L.

SUBJECT : RUSSO Francesco di Pasquale.

TO : Zone Commissioner (attn. Zone Legal Officer),
MARINE COMBINE.

1. This is in reply to your letter 6 July 45 L-3029.
2. Until the record in the above case is returned, this office cannot review the same. The record, or its duplicate, should be made available for review.

By command of Rear Admiral STONE:

JAW
J. A. BERRIDGE,
Colonel,
Chief Legal Advisor.

B.F. 23 July

4083/1

1996

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3029

6 July 1945

SUBJECT: RUSSO Francesco di Pasquale.

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

1. The above named on 25 April 1945 was convicted of theft and sentenced by the Port Summary Court, Naples, to 6 months imprisonment and a fine of L.25,000 to be paid in 6 months.

2. On 2 June 1945, Form 8 and application for review or pardon was forwarded to your HQ.

3. On 9 June 1945 your letter AC/4083/1/L, dated 6 June 1945, was received by us and copy of same together with Form 8 was dispatched to Lt. Col. Claire for completion of record as ordered.

4. The records of this Division, as well as those of Message Center, show that Form 8 and letter were so dispatched. However, Col. Claire's office has not yet received same although a thorough search was made for same.

5. The mother of the above named desires to know the outcome of the review and accordingly we request your advice in the matter.

62

For the Commissioner:

CCB/pv

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CLO 8 JUL 1945

Italian Section

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



Procura del Regno di Cassino in Sora

N. Prot. 153/45 R.G.P.M.-

Sora, 19 giugno

1945

Alleg.

Risposta a nota

OGGETTO richiesta di copia di sentenza-
RUSCITO PIO di Adolfo, da Pontecorvo-

Al COMANDO MILITARE ALLEATO

Via Lucullo 6

ROMA

Prego cotésto Comando compiacersi trasmettere a questo ufficio, con cortese urgenza, copia della sentenza emessa dalla Corte Militare Alleata, ripartita a Pontecorvo in data 11 luglio 1944, a carico di RUSCITO PIO di Adolfo e di Mirante Giovanna, nato a Pontecorvo nel 1922, marinaio, imputato di infrazione al Proclama N.1- art.3, per falsa denuncia alla Polizia F.S.S. a carico del Sindaco di Pontecorvo Dumano Ernesto e condannato per tale reato ad un anno di prigione.

Con ossequi.

IL PROCURATORE DEL REGNO
(Dott. Garbuglio Ferdinando)

+5 file

HEADQUARTERS ALLIED COMMISSION
APO 394
LIECHTENBERG COMMISSION

1994

AC/4083/1/L.

/rm.
9 July 1945.

SUBJECT : FUGGITO Pio.

TO : Procura del Regno di Cassino in Sora.

1. Above named charged with making a false declaration in connection with an official matter viz: he sent to AGC AGC a letter alleging that the Sindaco of Pontecorvo had collaborated with the Germans.

2. He was tried by the AGC Summary Court at Pontecorvo on the 11 July 44. He pleaded not guilty and was sentenced to one year's imprisonment to start from 11 July 44.

W. B. D.

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

60

file

(1993)

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4089/1/L.

JKM/rm.
10 July 1945.

SUBJECT : Cases of RISO Vincenzo,
SCHIANO Cennaro,
CAPUTO Biagio,
DEL VISO Munzio, and
IZZO Michele.

TO : Commissioner (attn. Legal Officer), AND
NAPLES Zone.

The records in the above cases are returned for completion.
It does not appear therefrom whether the sentences imposed are concurrent
or consecutive. See Article 20, "sentence" page 54. "Consolidated
Instructions".

By command of Rear Admiral STONE:

[Signature]
W. L. BEARDS,
Colonel,
Chief Legal Advisor.

[Handwritten mark]

[Handwritten mark]

408311 (HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Legal 5/c

(1992)

Subject: Case of PELLEGRINI Arnaldo

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

LEGAL OFFICE

From: Ancona Commune L.O.

Ref: Anc/11/12

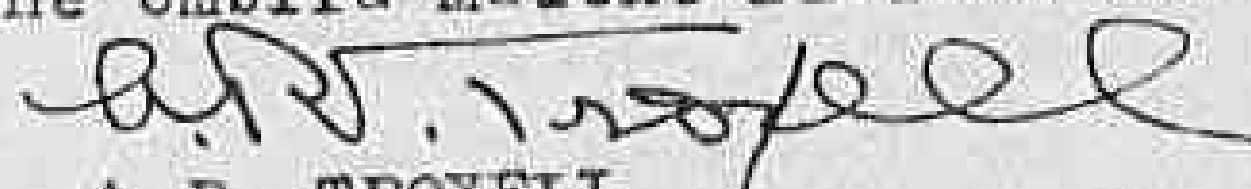
Ancona

Date: 20 June 1945

1. I have attached the file found in this office concerning the case of PELLEGRINI, Arnaldo involving the impounding of certain commercial chemicals. The record is not in this office and our only information concerning the case is found in the letter of the attorney.

2. The file is enclosed in order that the record may be located. It appears that all that is necessary is the preparation of a receipt describing the property to be signed by the ones entitled thereto.

For the Umbria Marche Liaison Officer



A.R. TROXELL

Lt. Col.

Liaison Officer (Legal)

Umbria Marche

6 Incl.

ART/LT

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL SUB-COMMISSION

ACB/rm.
9 July 1945.

AC/1083/1/L.

SUBJECT : BELLAZZINI Arnaldo.

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

1. Reference your letter ANC/11/12 of 20 June 45 and enclosed documents.

2. The difficulty is not understood.

3. If the Order of the Court directs that delivery of the fertilizers is to be made to the firm concerned but that said fertilizers are to remain "blocked" until "deblocking" is officially decreed, it follows that it is purely a matter within the competence of the local Italian authorities to whom the Province has been restored. The order of the Court merely recognizes the ownership of the fertilizers. It does not interfere with any local "blocking" or rationing or other regulations validly in force in territory restored to Italian authority.

4. The papers submitted with your above quoted letter are returned herewith.

By command of Rear Admiral STONE:

W. P. W.

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

4083/1
✓
ALLIED COMMISSION
LIAISON OFFICE
BARI

Tel.: 14152

June 22, 1945 (1990)

Subject: Request for copy of receipt.

Ref.: MB/53/27

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

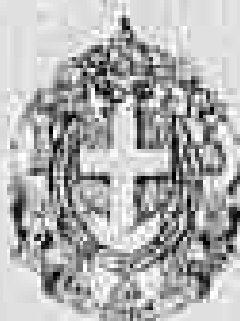
- ~~Not enclosed~~
1. The attached request has been received from the Direttore of Lucera Civil Jail.
 2. Will you please give the Direttore such help as you can as all files of the late Foggia Zone have been sent to your office through Southern Region.

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

Copy to: Direttore del Carcere Giudiziario
Lucera, ref. his No. 2867 dated
18.6.45 -

58

OVER

MODULARIO
G.G. - n. 484

Mod. 342 343 (Concetti)

(97)

Direzione del CARCERE GIUDIZIARIO CENTRALE DI LUGGERA

N° 2807 -

Luggera 11/5/1945

al Sig. Legazione CHRISTIAN BOYE
CORSO OFFICIO EUROPEO DELL'A.S.
PALAZZO COLUMBARE - CORNO VITTORIO FRANGALE

P. A. R. I

Oggetto: detenuto FELIZZI MILITO di Bogadello, di
Savigliole -

Il detenuto in oggetto, in data 25 giugno 1944, venne
condannato, dalla Corte Militare di Savigliole, ad anni due
di carcere e L. 500 mila di multa.

Però il Superiore Ministero richiede la ricevuta di
pagamento di tale multa, avendole il Felizi espressa, si
prega comunicare se lo stesso, in data 25 giugno 1944, ab-
be ad effettuare il versamento, come ha dichiarato, allo
Ufficio Finanze dell'A.S. di Poggia che rilascia quietan-
za n° 45609.

Restasi in attesa di cortese sollecito riscontro.

IL DIRETTORE

55

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

1989

AC/4003/1/L.

/rm.
6 July 1945.SUBJECT : Case of FILIPPO Filippo di Benedetto,
detained in Lucera.TO : AC Liaison Officer (RMI)
c/o HQ 34 Area
CMF

1. It is confirmed that the fine of three hundred and fifty thousand lire imposed on above named by Allied Military Court at Cerignola on 23 June 44 was duly paid on the 26 June 44.

2. The above information has already been supplied by this Sub-Commission to the Minister of Pardon and Justice by letter of 30 May 45 (copy enclosed) in reply to a petition by above named who however had omitted to say where he was detained.

By command of Rear Admiral STONE:

Copy to : Minister of Pardon and Justice.


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

HEADQUARTERS ARMY COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.

10 July 1945.

AC/4883/14

SUBJECT : PASSANENTI MARIANO.

TO : Commissioner (attn. Legal Officer),
ANG ARCHA. Zone.

1. Reference your letter Ang/11/12 of 6 July 45.
 2. Your attention is directed to your office letter Ang/11/12 of 15 June 45 and this HQ reply AC/4883/14 of 21 June 45. Enclosed please find a copy of said letter.
- By command of Rear Admiral STONE:

W. P. W.
W. P. WIRENS,
Colonel,
Chief Legal Advisor.

53

file

HEADQUARTERS ALLIED COMMISSION
LAW 394
LEGAL SUBCOMMISSION

1987

AC/1053/1/L.

J1/rm.
10 July 1945.

SUBJECT : Case of PANTALEO Vittorio di Francesco.
TO : Commissioner, AMG-NAPLES Zone.

1. Reference your letter L-5040 of 6 July 45, forwarded with the record in the above case.
2. The record of PANTALEO Vittorio has been reviewed and conviction affirmed.
3. Because of recommendations submitted by Col. F.A.C. PERNOWICK, Lt. Col. Guy WARDEN, and Major F.L. VASCHIOCCA, the trial judge, the sentence of six months imprisonment is suspended as of 15 July 45 conditioned upon defendant's good behavior during continuance of Allied Military Government.

By command of Rear Admiral STONE:

Jmw
Rear Admiral,
Colonel,
Chief Legal Advisor.

Copy to : Legal Officer
AMG Naples Zone.

73

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LORAIN SUB-COMMISSION

JL/rm.
9 July 1945.

AC/4089/1/L.

SUBJECT : Case of CALABRIZZI Guido.

TO : Commissioner (attn. Legal Officer),
AEG ANCONA Zone.

1. Reference your AEG/9/8 of 5 July 45. The documents, as requested are returned herewith.
2. The time within which the payment of fine was to have been paid is hereby extended to and including 15 July 45. If the fine is paid on or before the above date, the 1 year imprisonment in default of fine is cancelled.
3. Please inform this HQ if the fine is paid so that the record can be corrected and the accused accredited with payment.

By command of Rear Admiral STONE:

James
J.L. HERRICK,
Colonel,
Chief Legal Advisor.

BF - 23 July

HEADQUARTERS ALLIED COMMISSION
APO 394
MILITARY GOVERNMENT

10/4083/1/L

100/100.
9 July 1945.

SUBJECT : Case of FABRI, Pietro, di Domenico.

TO : 1st Lieut. Harold B. LIPSITT,
LIVORNO Region (Prov. Grosseto).

1. It is understood that you were connected with the Black Market Control Division and that you may be able to throw some light on the above case.

2. The above named was tried and convicted by Summary A.M. Court in Rome on 5 August 1944 for having on the 23rd July 44, transported vegetables without a permit and attempted to evade declaration of food stuffs in contravention of Regional Order No. 2. He was fined. No confiscation order was made.

3. The vegetables had meanwhile been sold. The proceeds (Lire 2800) represented by "raglia bancario" No. 0412598 A of 24th July 44 from the Banca d'Italia, were, on the 18th July 44 and under covering letter No. 207, transmitted by the Ufficio Stralcio-archivio of Rome to the Black Market Control Division, via Lucullo, Rome, according to what is understood to have been the standing practice.

4. The above named has claimed the money from the Ufficio Stralcio but as the Black Market Control Division has closed down, the Ufficio got into touch with a former clerk of the said Division, Signorina SINI Anna, who thinks that the said money (like other monies lying with the Division) was paid or converted into a postal current account (Conto corrente postale "Conto giudiziale") with a libretto in FABRI's name and sent to the Procuratore del Regno in Rome, last February.

5. The procuratore's office declares that no such libretto has been received.

6. It is thought that you may know the manner of disposal of such funds which might enable FABRI's money to be traced. It may be that the monies held by the Division were handed over in bulk to another branch together with a list showing all particulars. Any assistance you can give will be much appreciated.

By command of Rear Admiral STORR

J.C.W. 50
R.A. HARRIS,
Colonel,
Chief Legal Advisor.

15

file

HEADQUARTERS ALLIED COMMISSION
APO 594
MAG/L SUB-COMMISSION

1984

AC/4083/1/L.

JL/rm.
9 July 1945.

SUBJECT : Case of ESPOSITO Luigi di Giuseppe.

TO : Zone Commissioner (attn. legal officer),
NAPLES AMK.

1. Reference your letter L-5040 of 7 July 45 forwarding petition for review.

2. The petition has now been reviewed and the sentence is affirmed stands.

3. Will you please communicate the decision on review to the accused; also, please join the enclosed documents with the record of the case.

By command of Rear Admiral STONE:

MR

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

EW

43

+3

4083/1

1983

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3020

5 July 1945

SUBJECT: HETE (or KETE) Franz di Franz.

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

1. Reference is made to your letter
AC/4083/1/L, JL/rm, 2 July 1945, relative to the
above subject.

2. The above subject matter was heretofore
referred to the Public Safety Division.

3. Enclosed herewith are letters which are
self-explanatory.

For the Commissioner:

CCB/pv

LEGAL SUB-COMMISSION	
CEO	
DELO	
Chief Counsel	
CIO	
Legal Division	
CL REC	
7 JUL 1945	

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, 4663
Major, J.A.G.D.,
Senior Legal Officer.

48

C O P Y

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
APO 394
PUBLIC SAFETY DIVISION

Ref.PS/12.1

Date 2 July 45

SUBJECT : HETE Franz.
TO : Chief Legal Adviser
Legal Sub-Commission
HQ. Allied Commission
APO 394

1. Reference your AC/4083/1/L/ dated 14th June 45.
2. Attached is report received from Director of Prisons, Naples with copy translation respecting detention of a/n subject at Santa Maria Capua Vetere Prison.

For the Commissioner



/s/ F.P. LUCKMAN
Major

/t/ F.P. LUCKMAN
Major A.C.
S.C.A.P.O.L.

RHH/jag.

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

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

C O P YTRANSLATION .

DIREZIONE CARCERE GIUDIZIARIO POGGIOREALE

N A P O L I

File N. 10646
Answer to letter PS/12.1
dated 22 June 1945

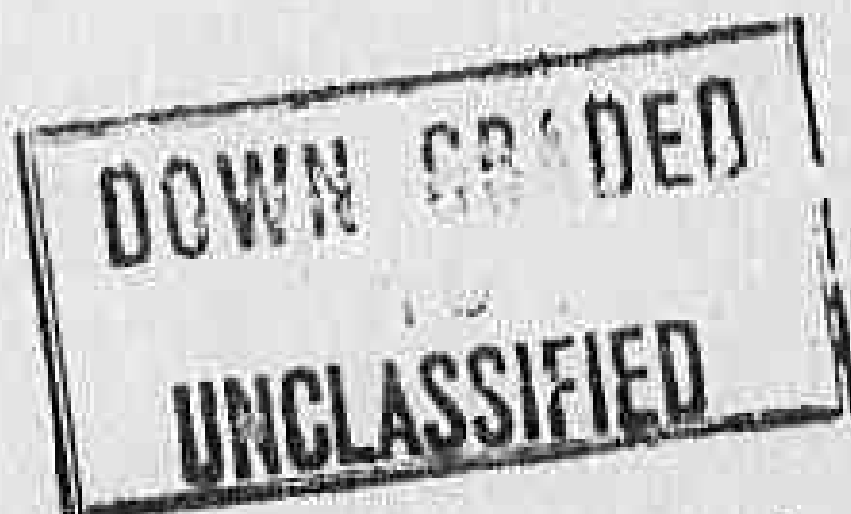
NAPLES 28 June 1945

SUBJECT : HETE (or KETE) Franz di Franz.

In reference to a/m letter I wish to communicate that from information received from S.Maria Capua Vetere Prison we have ascertained that inmate HETE Franz di Franz arrested on 15 August 1944 was transferred to the S.Maria Capua Vetere on the 25 February 1945 coming from the prison in Aquila. Before this he was detained in the prison of Rome and Teramo. He is accused of robbery in damage to a certain FORBERMAN and is at disposition of the Allied Tribunale of Rome.

We inclose the juridicial position of the inmate sent from the Office of S.Maria Capua Vetere Prison.

THE DIRECTOR
(Dott. E.Bonomi)



Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer. C O N F I D E N T I A L

48

C O P Y

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
APO 394
PUBLIC SAFETY DIVISION

Ref.PS: 12.1

Date 22 June 45

Subject : HETE (or KETE) Franz di Franz.

TO : Col. BONOMI
Director of Prisons, Naples

1. The above alleges that he has been imprisoned since 15 August 1944 and, having been transferred many times, is now in Carcere Giudiziario Civile, S. Maria Capua Vetere.

2. Will you please let this Office know as soon as possible what charges have been made against this man, whether he is being held at the disposition of the Allied or Italian Authorities, and any other information which may be available.

For the Commissioner

/s/ F.B. LUCKMAN

/T/ F/B. LUCKMAN
Major A.C.
S.C.A.P.O.

CEB/jag.
TRADUZIONE

1. Il su citato dichiara di essere detenuto fin dal 15 Agosto 1944, ed essendo stato trasferito molte volte, è adesso nel Carcere Giudiziario Civile di S. Maria Capua Vetere.

2. Vogliate informare al più presto possibile questo Ufficio delle accuse portate contro questo uomo e se è tenuto a disposizione delle Autorità Alleate o Italiane, e qualunque altro schiarimento che possa esserci utile.

C O P YHEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSIONJL/rm
14 June 45

AC/4083/I/L/

SUBJECT : HETE (or KETE) 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 "carcere 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 charge 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 on which you can obtain, aiding in the disposition of this case, will be appreciated.

By Command of Rear Admiral STONE

/w/ A.C. WRIGHT, Maj.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
APO 394
PUBLIC SAFETY DIVISION

Ref: P42.1

2 July 1945

SUBJECT:

HETE Franz.

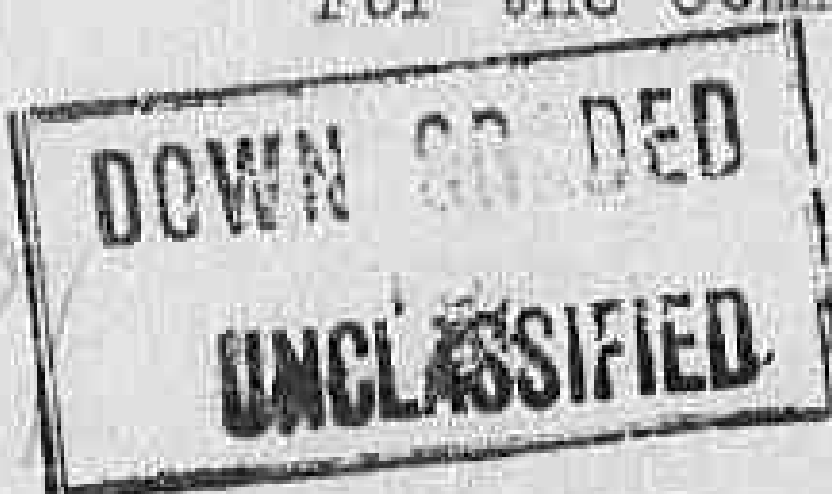
TO:

Chief Legal Adviser
Legal Sub-Commission,
HQ. Allied Commission
APO 394.

1. Reference your AG/4083/I/L dated
14th June 1945.

2. Attached is report received from
Director of Prisons, Naples with copy translation
respecting detention of a/n subject at S. Maria
Capua Vetere Prison.

For the Commissioner:



RNH/jag.

3 JUL 1945

Col. Inf.

Chief Judicial Officer,
for Chief Civil Affairs Officer.

CONFIDENTIAL

L. H. Luckman
F.P. LUCKMAN
Major, A.C.,
S.C.A.P.O.

HEADQUARTERS ALLIED COMMISSION
APO 354
LEGAL SUB-COMMISSION

AC/rq.

2 July 1945.

AC/1083/1/1.

SUBJECT Case of NAME (or NAME) Franz.

TO Zone Commissioner (attn. Zone Legal Officer),
NAMES COMBINE.

Reference your letter L-3020 of 5 July 45.

1. The Chief Legal Advisor has considered the above named's case and directed that above named be released immediately. He is apparently detained at Santa Maria Capua Vetere Prison.

2. Will you please take the necessary action and confirm that the release has been effected.

By command of Rear Admiral STONE:

J. P. W.

R. E. HARRIS,
Colonel,
Chief Legal Advisor.

DOWN 20 1980
UNCLASSIFIED

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

TRANSLATION.

DIREZIONE CARCERE GIUDIZIARIO POGGIOREALE.
N A P O L I

Naples 28 June 1945

File N. 10646
Answer to letter PS/12.1
dated 22 June 1945.

SUBJECT: HETE (or KETE) Franz di Franz.

In reference to a/m letter I wish to communicate that from information received from S. Maria Capua Vetere Prison we have ascertained that inmate HETE Franz di Franz arrested on the 15 August 1944 was transferred to the S. Maria Capua Vetere on the 25 February 1945 coming from the prison in Aquila. Before this he was detained in the prisons of Rome and Teramo. He is accused of robbery in damage to a certain FURBERMAN and is at disposition of the Allied Tribunal of Rome.

We enclose the juridical position of the inmate sent from the Office of S. Maria Capua Vetere Prison.

THE DIRECTOR
(Dott. E. Bonomi).



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

CONFIDENTIAL

TRANSLATION.DIREZIONE CARCERE GIUDIZIARIO POGGIOREALE
N A P O L I

File N. 10646
Answer to letter PS/12.1
dated 22 June 1945.

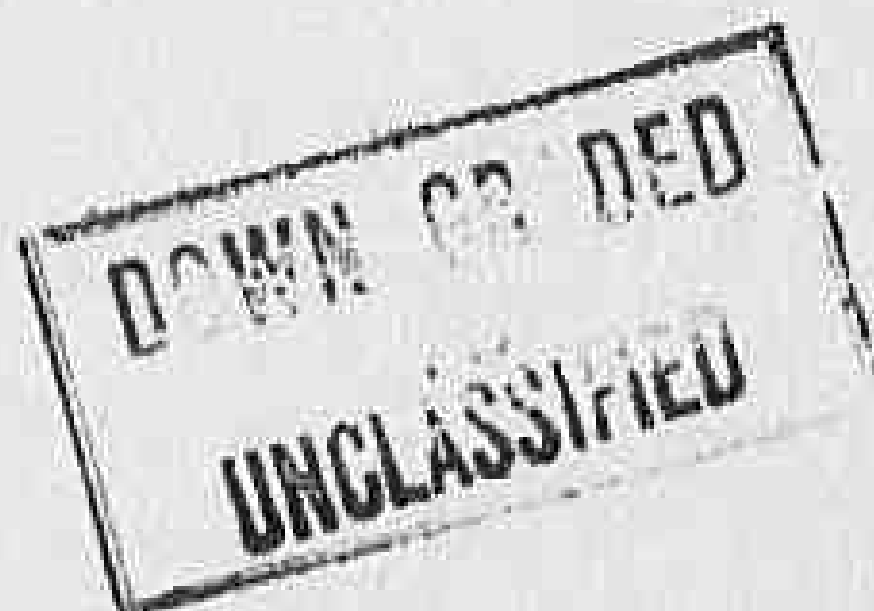
Naples, 28 June 1945

SUBJECT: HETE (or KETE) Franz di Franz.

In reference to a/m letter I wish to communicate that from information received from S. Maria Capua Vetere Prison we have ascertained that inmate HETE Franz di Franz arrested on the 15 August 1944 was transferred to the S. Maria Capua Vetere on the 25 February 1945 coming from the prison in Aquila. Before this he was detained in the prisons of Rome and Teramo. He is accused of robbery in damage to a certain FURBERMAN and is at disposition of the Allied Tribunal of Rome.

We enclose the juridical position of the inmate sent from the Office of S. Maria Capua Vetere Prison.

THE DIRECTOR
(Dott. E. Bonomi).



CONFIDENTIAL

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

DIREZIONE CARCERE GIUDIZIARIO POGGIOREALE

N A P O L I

n° *10646*
 risp. al PS/I2.I.
 del 22 giugno 1945

Napoli 28 giugno 1945

ON/LE COMANDO ALLEATO
 PUBLIC SAFETY DIVISION

N A P O L I

OGGETTO: HETE (or KETE) Franz di Franz

In esito alla nota suindicata mi pregio comunicare sulla scorta delle notizie fornite dalla Direzione del Carcere Giudiziario di S. Maria C.V., che il detenuto Hete Franz di Franz arrestato il 15 agosto 1944 fu tradotto nelle carceri di S. Maria C.V. il 25 febbraio u.s. proveniente da quelle di Aquila.

Egli precedentemente è stato ristretto nelle Carceri di Roma e di Teramo.

Risulta imputato di rapina in danno di certo Furberman ed è a disposizione del Tribunale Alleato di Roma.

Per maggiore precisione si rimette la posizione giuridica dello stesso qui inviata dalla direzione delle carceri di S. Maria C.V.

Con osservanza.

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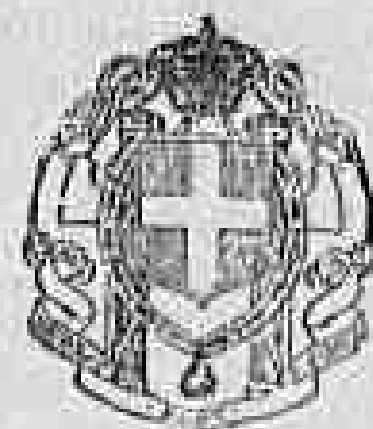
Col. Inf.
 Chief Judicial Officer,
 for Chief Civil Affairs Officer.



IL DIRETTORE
 (Dott. E. Bonomi)

CONFIDENTIAL

Modello N. 414 (Carceri)



Direzione delle Carceri Giudiziarie di S. Maria C.V.

UFFICIO DI MATRICOLA

POSIZIONE GIURIDICA

di Rete Franco figlio di Franco
d'anni 26 nato a Vrhniska (Lubiana) di profes-
sione meccanico arrestato il 15.8.1944
entrato in carcere il 25.2.1945
a disposizione del Tribunale
Militare Alleato di Roma quale imputato di guerra
in danno di certo Furberman.

Giudicabile

DOWN GRADED
UNCLASSIFIED

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

S. Maria C.V., 11-26.6.1945

V° Il Direttore

IL COMANDANTE

38

CONFIDENTIAL

Conceda
con anticipo
del 25-5-46
avanzato

Substantially 5/6

Al Tribunale

militare alleato

Roma

Io sottoscritto Franc Kete nato
il 12.7.1915. a Rohnitza ^{Pcia} (Lubiana)
appartenente col grado di Sergente mag-
giore dell'esercito regolare jugoslavo in
servizio nel primo battaglione jugoslavo
operante in Italia collegato con
Balkan Air Force. Arrestato il 15.8.1944.
a Transit Camp N° 10, Taranto e trasferito
al carcere alleato di Bari dove sono stato
interrogato parecchie volte, di lì sono
stato trasferito al carcere di Regina
Cocli Roma, imputato di rapina aggra-
vata in danno di Turban commessa a
Roma in tempo dei tedeschi e condan-
nato dalla polizia tedesca S.S. a mesi
due di carcere e mesi uno di lavoro for-
zato. Trasferito di nuovo per sfoltamento
in diversi carceri giudiziari civili, ora 37
trovomi al carcere civile di S. Maria
Capua Vetere Chiedo a questo eccellen-
tissimo tribunale che mi sia se possibi-
le, concessa la libertà provvisoria, aven-
do intenzione di arruolarmi come volon-
tario per andare a combattere in Giappone,



Tribunale Militare Alleanza



Roma

altrimenti che mi sia fatta la
causa alquanto prima essendo dete-
nuto da nove mesi e quindici giorni
senza ancora aver visto niente.

Chiedo in'oltre possibilmente di essere
trasferito in'un carcere militare al-
biato.

Aspettando alquanto prima
una sollecita risposta di
buon'esito mi firmo

Franco Forte



Direzione delle Carceri Giudiziarie di S. Maria G.V., 26 Maggio 1945
Posizione giuridica del detenuto ~~Fate Franco di Franco~~, arrestato il 15.3.
1944-imputato di rapina ed altro, a disposizione del Tribunale Militare
Alleato di Roma, oppure della Procura del Regno di Roma.

cf. 3384 di prot.

Il Comandante
(G. Chiappino)

V° si trasmette ALLA PROCURA DEL REGNO DI

ROMA

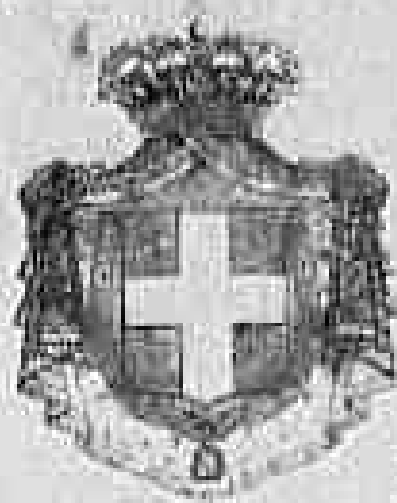
per competenza.



IL DIRETTORE
(A. Loe)

*Allegato
al
giudizio
38*

Mod. 1348 MG.



Ministero di Grazia e Giustizia
DIREZIONE GENERALE PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Roma,

4 LUG 1945

Ufficio VI
Prot.n. 137917/25

Alla Direzione della
casa penale di NOTO

e per conoscenza:

Alla Commissione Alleata - Sotto-
commissione Legale ROMA X

OGGETTO: Riduzione pena .

La Commissione Alleata - Sottocommissione Legale, comunica quan-
to appresso:

" AC/4083/1/L 23 giugno 1945
OGGETTO: Ficarra Andrea di Salvatore ed altri.

Al Ministero di Grazia e Giustizia

Le cause delle persone sotto menzionate sono state riesaminate
da questa Sottocommissione e le loro condanne ridotte come sotto sta-
bilito.

Voglia V.E. dare disposizioni a ciò che queste riduzioni venga-
no notificate alle direzioni delle carceri interessate ed ai detenuti.

<u>Nome</u>	<u>Luogo e data della condanna</u>	<u>Luogo ove ristretto</u>	<u>Condanna da scontare</u>
Ficarra Andrea di Salvatore	Palermo	Casa penale di Noto	5 anni dal 11 dic. 43
Galioto Salvatore fu Salvatore	"	"	3 anni 35 del 11 dic. 43
Cosentino Carmelo fu Giuseppe	Catania 12 gennaio 44	Casa di reclus. di Noto	3 anni dalla data dell'arresto.
La Spina Salvatore di Ignoto	"	Probabilmente alla casa di recl. di Noto	5 anni dalla data dell'arresto.
Cannavo Salvatore fu Alfio	"	"	2 anni dalla data dell'arresto
Cosentino Alfio fu Carmelo	"	"	da essere scarcerato immediatamente dalla data dell'arresto.
Privitera Angelo fu Salvatore	"	"	

./.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

Handwritten: 1979

AC/4003/1/L.

JKO/rm.
10 July 1945.

SUBJECT : Case of FERRARO Gaetano di Luigi.

TO : Commissioner (attn. Legal Officer).
AMC MARINE Zone.

1. The above case is returned for completion of the record.

2. The accused was charged with and pleaded to two offenses. A finding and sentence is entered as to the first charge only. In Article 20, "sentence" Consolidated Instructions, page 24, it is provided:

"The Court will impose and record a separate and appropriate sentence in respect of each offence of which the accused has been found guilty."

3. This rule has for its purpose two objects:

(a) On review, should one of the charges be quashed, the other charge may be affirmed without regard to the action taken on the first charge; and

(b) Proper statistics may be kept in respect to each charge on which the accused has been tried.

4. If, in the instant case, a sentence of 30 days was imposed on the first charge and it was desired to impose a minimum sentence on the second charge, the Court may sentence the accused on the second charge to be detained until the rising of the Court, to be served concurrently with the first charge. In this manner compliance is had with the rules. As this appears to have been the legal intention of the Court, the record should be made to reflect such action.

By command of Rear Admiral STONE:

Handwritten: JWS
W. L. BERRER,
Colonel,
Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1976
JL/rm.
6 July 1945.

AC/4083/1/L.

SUBJECT : Case of DE VITA Rocco di Domenico.

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

1. In the above case, the accused was charged with stealing and interfering with the communication of U.S. Mail.

2. Attention is invited to Article 12, para 8 (a) and particularly 8 (b) of Consolidated Instructions for Allied Military Courts.

By command of Rear Admiral STONE:

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

31

1975

JKW/rm.
6 July 1945.

The records in the above cases are returned for completion. The accused were charged and convicted of two offenses. The records do not disclose whether the sentences are concurrent or consecutive; see Consolidated Instructions, "sentence" page 54.

By command of Rear Admiral STONE:

W. L. BARRERS,
Colonel,
Chief Legal Advisor.

32

4082/1
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

Legal Sec

(1974)

Subject: Summary Court Records

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

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

Re: Anc/11/12/3/D 1

LEGAL OFFICE

Ancona

Date: 2 July 1945

1. The following Summary Court Records are forwarded herewith:

District

D 1 Ancona

No of cases(s)

929 - Scagnoli Adolfo
 948 - Appignanesi Rodolfo
 953 - Cardella Mario
 954 - Perucci Leonello
 955 - Piccini Giuseppe
 956 - Alesi Cesare
 957 - Di Filippo Emanuele
 958 - Trassati Carlo
 959 - Di Domehico Florindo
 961 - Martinelli Ottavio
 963 - Mariani Raimondo
 964 - Bombardi Giulio
 965 - Midola Salvatore
 " - Piazza Angelo
 " - Zeperino Salvatore
 966 - Capodagli Armando
 " - Pinci Gino
 " - Bolognini Duilio
 967 - Bontempi Guido
 968 - Carpinetti Delfino
 969 - Bombardi Vincenzo
 970 - Tenenti Eldo
 971 - Venturi Delindo
 " - Marinelli Armideo
 972 - Bianca Vincenzo
 973 - Cipriani Domenico
 " - Di Bonaventura Alessio
 974 - Traferri Palmiero
 975 - Della Penna Vincenzo
 976 - Rossetti Rolando
 977 - Rossetti Neliske
 978 - Maussignon Emma

31

+3/

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Summary Court Records

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

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

LEGAL OFFICE

Ref: Ano/11/12/3/D1

Date: 2 July 1945

Ancona

District

D1 Ancona

No of cases(s)

982 - Carducci Edoardo
983 - Belelli Mirco
985 - Lanternari Fernando
986 - Fortunati Fernando
" - Fortunati Gilberto
987 - Cappanari Antonio
988 - Veronesi Giovanni
989 - Maurizi Elio
990 - Di Pasquale Corinto
994 - Perucci Marcello
995 - Piermattei Arnaldo
996 - Galeassi Giuseppe
998 - Santoro Rocco
999 - Sartini Renato
1000- Salomoni Bruno
1001- Ferri Antonio
1002- Ercoli Mario

A.R. Troxell
A.R. TROXELL

Lt. Col.

Liaison L.O.

Umbria=Marche

Ancona Commune

4083/1

1973

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-5040

6 July 1945

SUBJECT: PANTALEO Vittorio di Francesco.

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

1. Attached hereto is application filed
in the case of the above subject.

2. After having carefully considered the
facts in this case and the reasons which prompt-
ed the application herein, I urge favorable con-
sideration of same.

file

Frank J. Pennyquick Lt. Col.
J. F. C. PENNYQUICK,
Colonel,
Commissioner.

CCB/PV

660

2 Comm with the above²⁰

Frank J. Pennyquick, May
S. L. O.

X7

3 JUL 1945

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

1972

L-5040

7 July 1945

SUBJECT: ESPOSITO Luigi di Giuseppe.

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

1. Attached hereto is application for review in the case of the above subject.
2. Form 8 in this case has been forwarded to your HQ.

For the Commissioner:

Frank L. Vecchiola
FRANK L. VECCHIOLA, *ly 663*
Major, J.A.G.D.,
Senior Legal Officer.

CCB/pv

LEGAL SUB COMMISSION	
ETD	
DCLO	
Chief Counsel	
CJO	
Person Section	
CLMS	
8 JUL 1945	

28

75

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

6th July 1945

SUBJECT: Case of NAPOLITANO Nicola di Enrico

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

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

For the Local Commissioner:

LEGAL SUB COMMISSION	
CLO	/
DCLO	/
Chief Counsel	/
CIO	/
1st Lt. J. J. J.	/
7 JUL 1945	/

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

27

1970

HEADQUARTERS
AKG -- NAPLES COMMUNE
LEGAL DIVISION
ATO 394

6th July 1945

SUBJECT: Case of: JALONGA Michelefu Giosuele, and BELDISTINTO
Raffaele fu Aristide.
TO : Chief Legal Officer, Legal Sub-Commission,
A.C., Rome.

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

For the Local Commissioner:

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

LEGAL DIVISION	
CEO	
DCIO	
Chief Counsel	
CL	
Legal Officer	
CLERK	
?	

26

43

1969

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

6th July 1945

SUBJECT: Case of CORDOVA Luigi di Antonio

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

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

For the Local Commissioner:

LEGAL SUB-COMMISSION	
CHIEF	
DEPUTY	
LEGAL COUNSEL	
CLERK	
RECORDS	
STENOGRAPHER	

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

25

1968

HEADQUARTERS
APG - NAPLES COMMUNE
LEGAL DIVISION
APG 394

6th July 1945

SUBJECT: Case of GALLO Francesco fu Raffaele

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

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

For the Local Commissioner:

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

24

LEGAL SUBCOMMISSION	
CLD	/
DDLO	
Chief Counsel	
CLD	/
CLD	
CLD	



27

1967

HEADQUARTERS

AMG - NAPLES CORRUPTION

LEGAL DIVISION

APO 394

6th July 1945

SUBJECT: Case of DELLE Grazie Stefano fu 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:

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

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(1966)

HEADQUARTERS
ANG -- NAPLES COMUNE
LEGAL DIVISION
APO 394

6th July 1945

SUBJECT: Case of COLELLA Eduardo di Giuseppe

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

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

For the Local Commissioner:

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

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23

(1965)

HEADQUARTERS
ANG - NAPLES COMUNE
LEGAL DIVISION
APO 394

6th July 1945

SUBJECT: Case of FOCAS Giorgio, CARITATO Tibaldo, and
Tomasos Costantino
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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1964

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

5 July 1945

SUBJECT: Case of SQUILLACE Michele et al.

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

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

For the Local Commissioner:

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

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Mark

7 JUL 1945

4083/1C

1963

HEADQUARTERS
 ANG - NAPLES COMMUNE
 LEGAL DIVISION
 APO 394

5 July 1945

SUBJECT: Case of TAGLIATELA Zaccaria 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.

19

LEG. DIVISION	
CEO	
DEMO	
CHIEF CLERK	
CJO	
LEGAL SECTION	
CLERKS	
7 JUL 1945	

4083/1

1962

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

5 July 1945

SUBJECT: Case of ROBI Matilde di Giuseppe

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

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

For the Local Commissioner:

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

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HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

~~1050~~
1961

4 July 1945

SUBJECT: Case of CORDONE Vincenzo 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.

17

4083/1
✓
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

1960

L-8104

2 July 1945

SUBJECT: Port Summary Court cases.

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

1. Enclosed herewith are cases tried by
the Summary Port Court during the month of May
1945.

For the Commissioner:

CCB/pv

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, *by 6612*
Major, J.A.G.D.,
Senior Legal Officer.

16

x7

(1959)

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

3 July 1945

SUBJECT: Case of DE VITA Rocco di 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.

15

X2

(1957)

HEADQUARTERS ALLIED COMMISSION
APO 324
1201 SUB-COMMISSION

JKB/rw.
2 July 1957

AD/403/1/L.

SUBJECT : Case of TORTURA 1100 di Giro.

TO : Zone Commander (attn. Zone Legal Officer),
HARLEM COMMISSION.

1. In the above case the accused was found guilty of the first charge. A sentence of ten days imprisonment was imposed. The record bears the notation that the sentence is "suspended - in jail since June 1, 1945."

2. As now evidenced, the record shows an outstanding suspended sentence of ten days imposed against the accused. It is open to question if such sentence was intended.

3. In Consolidated Instructions, "sentence", page 51, it is provided that the Court will impose and record a separate and appropriate sentence in respect of each offense of which the accused has been found guilty. In a given case, in compliance with the above rule, where an accused has been found guilty and it is determined that the time spent in jail awaiting trial has been ample punishment, after noting on the record the number of days spent in jail awaiting trial, the accused should be sentenced to be detained until the rising (or adjournment) of the Court. Thus the sentence stands foreclosed.

By command of Rear Admiral 1201:

JKB
J. B. BARRON,
Colonel,
Chief Legal Advisor.

11

5

file

(1955)

HEADQUARTERS ALLIED COMMISSION
APO 324
LEGAL SUB-COMMISSION

JKW/rjd

AG/4083/1/L

30 June 48

SUBJECT: Case of Panuto di Gennaro

TO : Zone Commissioner (for Zone Legal Officer)
Naples Commune

1. The record in the above case is returned for completion. Attention is drawn to page 53 "verdict" and page 54 "sentence" Consolidated Instructions, which require a separate verdict and sentence to each charge. Three of the charges are not dealt with in the record.

BT 8 July

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

13

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/rjn

1954

AC/4083/1/L

30 June 45

SUBJECT: Case of Tixon Salvatore,

TO : Zone Commissioner (for Zone Legal Officer)
Naples Commune

1. The record in the above case is returned for completion. Attention is drawn to page 53 "verdict" and page 54 "sentence" Consolidated Instructions, which require a separate verdict and sentence to each charge. Three of the charges are not dealt with in the record.

JMW
W. K. BEMRENS,
Colonel,
Chief Legal Advisor.

BF 8 July

45/

12

2-1-1953
file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1953

JC/ACB/1/L.

/RM.
29 June 1945.

SUBJECT : Case of GUIDO Luigi.

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

1. The record in the above case is returned for completion. On page 53 "Verdict" Consolidated Instructions it is provided that a separate verdict of guilty or not guilty will be recorded in respect of each charge on the charge sheet. See, also, "Sentence" page 54, Consolidated Instructions.

2. If a minimum sentence is desirable in any case, the accused may be sentenced "Until the rising of the Court".

3. Unquestionably, the records of these cases will be analyzed by scholars at some future time. As a record can only justify its keeping because it accurately reflects what it represents, it is felt that those whose work they represent will want them to be in keeping with the requirements fixed for our observance.

By command of Rear Admiral STONE:

7 June

AW
C.E. BEHRENS,
Colonel,
Chief Legal Advisor.

11

1952

HEADQUARTERS ALLIED COMMISSION
APO 394
LEONARD SUB-COMMISSION

10/4053/1/L

/ra.
29 June 1945.

SUBJECT : Case of CHINESE Diaplo to Kiffack.

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

1. The record in the above case is returned for completion. Attention is invited to "sentence" page 54, and paragraph 13, page XIX, Consolidated Instructions, which provide in substance that in passing sentence the Court must clearly state whether sentences are consecutive or concurrent.

By command of Rear Admiral STARK:

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

10

+3/ 6 July

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1951

AC/4083/1/L

/rm.
29 June 1945.

SUBJECT : Case of GUFFOLA Antonio 1542 (our No. 9562).
TO : Provincial Commissioner (attn. Senior Legal
Officer), MILLS Campine.

1. The record in the above case is returned for completion. Attention is invited to "sentence" page 54, and paragraph 13, page XIX, Consolidated Instructions, which provide in substance that in passing sentence the Court must clearly state whether sentences are consecutive or concurrent.

By command of Rear Admiral STONE:

[Signature]
W. L. BILKINS,
Colonel,
Chief Legal Advisor.

3

6 July

17

HEADQUARTERS ALLIED COMMISSION
ATO 394
LEGAL SUB-COMMISSION

1950
/im.
29 June 1945.

file
10/1/83/1/L.

MEMO

Guillermo V. Vinyo

TO : Senior Legal Officer, NAPLES Command.

In the attached case, it is assumed that the accused was found guilty of unlawful possession and not of "negligence". The record should accurately reflect such fact, though in the instant case some doubt exists thereon.

By command of Rear Admiral STONE:

Sgt. W. E. Behrman

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

BF- 6 July

+5

8

1949

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rta.
2 July 1945.

file
AS/4083/1/1.

SUBJECT : Case of PRESOTTO Mario, DELLA PORTA Antonio
and SCHIATTARELLI Oiro.

TO : Zone Commissioner (Att. Zone Legal Officer),
NAPLES Commune.

1. The records in the above cases are returned for additional information. The particulars set out two offenses; on which of these was accused tried and convicted?

2. In the SCHIATTARELLI case, the accused was sentenced to "the questura". We are unable to understand such sentence.

3. In all cases an order is entered "post confictus". There is no evidence in the record to determine the validity of the order of forfeiture of personal property.

By command of Rear Admiral STONE:

M. E. HENRIKS,
Colonel,
Chief Legal Advisor.

9 July

BF-

43

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

1948

AC/4083/1/L.

SUBJECT : EPAYONE Gennaro.

/rm.
2 July 1948.TO : Zone Commissioner (att. Zone Legal Officer),
MARLE Commune.

In the above case, the record indicated that the accused
pleaded not guilty, and evidence was offered in support of the charge.
The verdict in such case should be "Not guilty" and not "Case
dismissed".

By command of Rear Admiral STANLEY

X1 B12 9 July

W. L. BENNETT,
Colonel,
Chief Legal Advisor.

6

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ra.

2 July 1945.

A/4082/1/L.

SUBJECT : Case of BISOGNIO Gennaro fu Gennaro.

TO : Zone Commissioner (attn. one Legal officer)
NAPLES Command.

The above record is returned for completion. Attention
is invited to page 54, "Sentence" Consolidated Instructions. The
record fails to indicate if the sentence are concurrent or consecutive.

By command of Rear Admiral STONE:

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

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

1946
/rm.
2 July 1945.

10/4037/L.

SUBJECT : Case of CALO' Carmine
 C. O' Giuseppe
 PACUCCI Carmine

To : Tribunale Civile e Penale,
 S. Angelo del Lombardi

(AVUL IND PROVINCE)

1. Reference your letter Prot. N. 492/45 of 22 June 45 addressed to Legal Office, Naples, and forwarded to this for attention.

2. CALO' Carmine, C. O' Giuseppe and PACUCCI Carmine were charged with

(a) Viol. Procl. 2, Art 1, Sec. 15
the accused, 14 November 1943, at Brignano, incited the inhabitants of Brignano to insubordination against military authority.

(b) Viol. Procl. 2, Art 1, Sec 21
committed acts of pillage in the Municipality and Agricultural Assurance Office.

(c) Viol. Procl. 2, Art 2, Sec 34
took part in a public demonstration not authorized by the L.M.C.

and found guilty of charges (a) and (c) and not guilty of charge (b).

3. Each of the accused were sentenced to serve two years imprisonment and a fine of 10,000 lire; in default of fine each of the accused are to serve an additional 100 days imprisonment.

4. The sentences were affirmed on review.

SKW
T/H
S. A. BARRILE,
Colonel,
Chief Legal Advisor.

Copy to : Zone Legal Officer, Naples Com.
your L-4014 of 28 June 45
refers.

file

(1945)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/1083/1/L.

IL/12.
2 July 1945.

SUBJECT : HELL (or HELL) Franz el Franz.

TO : Zone Commissioner (attn. Zone Legal Officer)
Holland Commission.

May this be have the answer to its letter AC/1083/1/L
of 14 June 45.

By command of Rear Admiral STONE:

*B.F. 9 July -
+3*

V.H. P.W.
J.E. BURRICKS,
Colonel,
Chief Legal Advisor.

file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

(1944)

AD/4083/1/L.

/rm.
July 1945.

SUBJECT : MANI/SS, Giuseppe.

TO : MANCIASO Giuseppe
Vico della Capuana 45U.A. 3011

In reply to your citation of 18 June 45 this A.C. is not in possession of satisfactory evidence that any money was seized from you at the time of your arrest. If you will produce the receipts the matter will be investigated.

S. E. BRIDGES

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

B.F.
14 July

45

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

1943

JRK/rm.
3 July 1945.

AC/4083/1/L.

SUBJECT : FLORIO Gennaro fu Ernesto.

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

The above record is returned for completion. Two sentences were imposed but the record does not reveal whether these sentences are concurrent or consecutive. See "sentence" page 54, "Consolidated Instructions".

By command of Rear Admiral STONE:

PR - 11 JULY

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

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

1942

AC/4083/1/L.

JKW/rm.
3 July 1945.

SUBJECT : Case of MICCOLARO Vincenzo and NICOLI Mario.

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

The record in the above case is returned for correction. Three sentences are imposed but the record does not disclose if such sentences are concurrent or consecutive; see "sentence" page 54, consolidated instructions.

By command of Rear Admiral STONE:

BF - 11 July

JKW
J. K. WHELAN,
Colonel,
Chief Legal Advisor.

2

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

J./rm.

3 July 1945.

AC/2883/1/L.

SUBJECT : Proclamation No. 5.

TO : To whom it may concern.

Pursuant to the request of avv. Enrico TRITTA the following
is a copy of the Italian text of Article III of Proclamation No. 5
published 1 Sept. 1943, and signed

E.R. ARMANDI, General.
Generale Comandante
le Forze Alleate Governatore Militare.

Articolo IIITrasferimento dei Beni Immobili

Sezione 1. Divieto di trasferimento di Beni Immobili o di Fitti nel Territorio Occupato, per un periodo superiore ad un anno. Nessun trasferimento di terreni o di fabbricati, o di qualsiasi interesse ivi inerente, sia per vendite, donazione, ipoteche, incoste o per altri mezzi, e nessun fitto su tali terreni o fabbricati, o qualsiasi interesse ivi inerente, per un periodo superiore ad un anno, sarà effettuato d'ora innanzi senza il benestare scritto del Capo degli Affari Civili, o di un ufficiale da lui incaricato.

Sezione 2. I trasferimenti o fitti senza il suddetto benestare saranno annullati. Ogni trasferimento o fitto, o contratto in loro vece, effettuato d'ora innanzi, senza il benestare scritto, sarà annullato.

Sezione 3. Termine del divieto. Il Capo degli Affari Civili, o altro ufficiale da lui incaricato, può, a mezzo di un ordine generale o specifico, sospendere, modificare od abolire le restrizioni contenute in questo articolo per qualsiasi ragione o per qualsiasi categoria di operazioni, in qualunque parte del territorio."

W. P. W.

E.R. ARMANDI,
Colonel,
Chief Legal Advisor.

